



# EASO Country of Origin Information Report

## Nigeria Country Focus



June 2017





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Denmark, Danish Immigration Service, Section Country of Origin Information;

Portugal, Portuguese Immigration and Borders Service, Asylum and Refugees Department;

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# Disclaimer

This report was written according to the EASO COI Report Methodology (2012) <sup>(1)</sup>. It is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

'Refugee', 'risk' and similar terminology are used as generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised on 8 May 2017. Any event taking place after this date is not included in this report.

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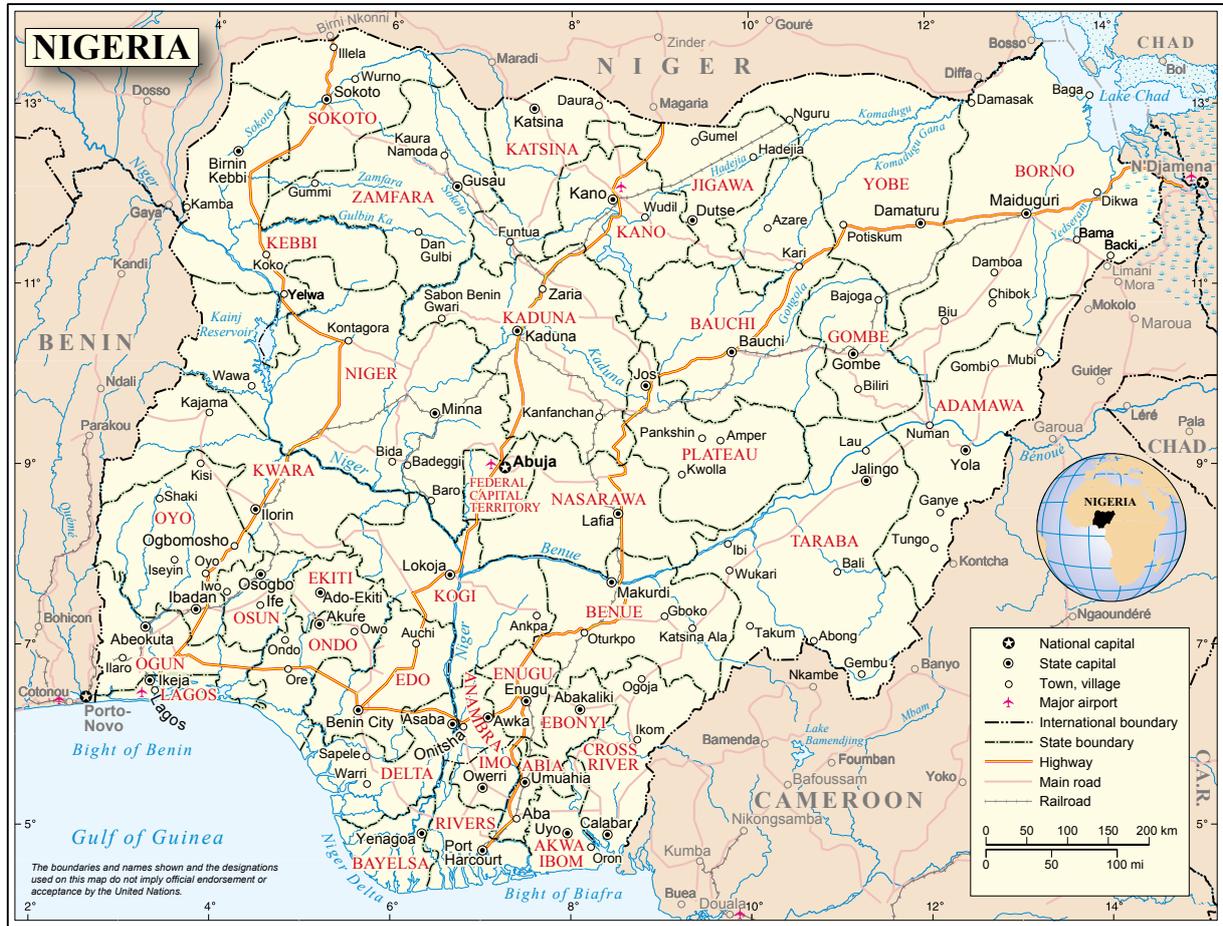
<sup>(1)</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/coi-methodology-and-guides>.

## Glossary and Abbreviations

CHELD	Centre for Health, Ethics, Law and Development
COI	Country of Origin Information
DSS	Department of State Services (also called SSS)
EFCC	Economic and Financial Crimes Commission
FIDA	International Federation of Women Layers
FCT	Federal Capital Territory, i.e. Abuja
FGM/C	Female Genital Mutilation/Cutting
FRSC	Federal Road Safety Commission
GBV	Gender Based Violence
GTI	Global Terrorism Index
HRW	Human Rights Watch
ICG	International Crisis Group
IMN	Islamic Movement in Nigeria
IPOB	Indigenous People of Biafra
JTF	Joint Task Force
LEDAP	Legal Defence Assistance Project
LGA	Local Government Area
MASSOB	Movement for the Actualization of the Sovereign State of Biafra
MEND	Movement for the Emancipation of the Niger Delta
MOPOL	Mobile Police: a paramilitary police force
NAPTIP	National Agency for the Prohibition of Trafficking in Persons and other Related Matters
NCFRMI	National Commission for Refugees and Internally displaced Persons
NCS	Nigeria Custom Service
NDA	Niger Delta Avengers: a South South militant group
NDHS	Nigeria Demography and Health Survey
NDLEA	National Drug Law Enforcement Agency
NDPVF	Niger Delta People's Volunteer Force
NDSF	Niger Delta Strike Force
NGN	Nigerian Naira
NHRC	National Human Rights Commission
NIS	Nigeria Immigration Service
NOPRIN	Network on Police Reform in Nigeria
NPE	Nigerian Pidgin English
NPS	Nigeria Prisons Service
NSCDC	Nigerian Security and Civil Defence Corps
OPC	O'odua Peoples Congress
PAP	Presidential Amnesty Programme

PCC	Public Complaints Commission
PDVL	Protection Against Domestic Violence Law
SARS	Special Anti-Robbery Squad
SSMPA	Same Sex Marriage (Prohibition) Act
SSS	State Security Service, also called DSS
TIERs	The Initiative for Equal Rights
VAPP	Violence against Persons Prohibition Act

# Map



Map No. 4228 Rev. 1 UNITED NATIONS  
August 2014

Department of Field Support  
Cartographic Section

Map 1: © UNITED NATIONS (²).

(²) UN, Map No 4228, August 2014.

# Introduction

This report was written in the framework of the EASO Operating Plan to Italy, Measure ITA 5: Professional development activities and study visits <sup>(3)</sup>. Two COI specialists from Norway and The Netherlands were deployed to the EASO Asylum Support Team, to support the Italian COI unit in drafting a report on selected topics in Nigeria. The co-drafters of this report are mentioned in the [Acknowledgments](#) section.

## Methodology

- **Defining the terms of reference**

In a ‘Country Focus’ report, EASO aims to provide information focusing on ‘selected topics’ of particular relevance for international protection status determination (Refugee Status and Subsidiary Protection) for Nigerian applicants. It is not meant to be a general description of the human rights situation in the country, nor a comprehensive overview of all topics at stake in international protection status determination.

The terms of reference (ToR) were based on a list of information needs provided by Italian asylum authorities, a systematic review of queries from Italian territorial commissions and courts processing applications for international protection from Nigerian applicants in 2016 and early 2017, as well as input from the EASO network of COI researchers on West-Africa. ToR were finalised during a meeting with the drafters and can be found in [Annex II](#) to this report.

The above-mentioned input suggests that a majority of Nigerian applicants for international protection originate from the southern part of the country, and a large part of them from Edo state. Edo is a relatively small state representing a similarly small fraction of the Nigerian population <sup>(4)</sup>. In her thesis on women from Edo migrating to Europe to work in prostitution, researcher Sine Plambech points out that the development of Benin City as a hub for migration to Europe is probably an important reason why people from Edo are so numerous among migrants to Europe – they have close access to a whole migration facilitation infrastructure. In the case of women, this includes a possibility to migrate without financing the trip to Europe themselves, providing they are willing to work in prostitution in Europe for years to repay the expenses paid by their ‘sponsors’ <sup>(5)</sup>.

Therefore, information related to the most relevant geographical parts of Nigeria, the south and in particular Edo State, is given particular attention in this country focus report.

- **Collecting information**

The information has largely been taken from open sources – international and Nigeria NGOs, think tanks, media and academic research. It has 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.

- **Quality control**

In order to ensure that the authors respected the EASO COI Report Methodology, a quality review was carried out by COI specialists from the countries listed as reviewers in the [Acknowledgments](#), and by EASO. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

<sup>(3)</sup> EASO, EASO Operating Plan to Italy, 22 December 2016.

<sup>(4)</sup> In the 2006 population survey, the population of Edo was 3 233 366, and the total population of Nigeria 140 431 790. The National Population Commission Nigeria estimated the total population to be 182 million by the end of 2016, a 30 % increase since 2006. Figures taken from NPC (National Population Commission Nigeria), State Population, n.d.; NPC, Nigeria’s Population Now 182 Million — NPC, n.d.

<sup>(5)</sup> Plambech, S., Points of Departure, 2014, pp. 38–39, 194–197. Although Plambech’s focus is on female migrants, the ‘facilitation economy’ sells know-how and practical services, i.e. access to human smugglers, to male migrants as well.

### ***Structure of the report***

The first chapter of this report provides background information about the legal and administrative system, demography and political situation in Nigeria. The second chapter presents the security situation in the six regions of the country. The third chapter covers the judiciary, sources of Nigerian legislation and security forces. Chapter 4 is devoted to gender-related issues, Chapter 5 to the situation of LGBT persons and the last two chapters focus on violence and conflict linked to religion and ‘traditional’ cultural practices.

# 1. Background information

Nigeria is a Federal Presidential Republic. It is divided into 36 states, and Abuja, which has the status of Federal Capital Territory (FCT). The 36 states and the FCT are grouped into six geopolitical zones:

- North Central (7 states): Niger, Kogi, Benue, Plateau, Nassarawa, Kwara and FCT
- North East (6 states): Bauchi, Borno, Taraba, Adamawa, Gombe and Yobe
- North West (7 states): Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano and Jigawa
- South East (5 states): Enugu, Imo, Ebonyi, Abia and Anambra
- South South (6 states): Bayelsa, Akwa Ibom, Edo, Rivers, Cross River and Delta
- South West (6 states): Oyo, Ekiti, Osun, Ondo, Lagos and Ogun <sup>(6)</sup>

## 1.1. Legal system

Nigeria became independent from the United Kingdom on 1 October 1960. The country has had several constitutions; the current one was adopted in 1999, and amended several times. The country has an elected president and a bicameral legislature. It operates a presidential system of government with three distinct but complementary branches: the executive, the legislative and the judiciary, each intended to act as a check on the other two <sup>(7)</sup>.

### 1.1.1. Executive branch

The chief of state/head of government is President Maj. Gen. (ret.) Muhammadu Buhari; Vice President Oluyemi ‘Yemi’ Osinbajo (both since 29 May 2015). The cabinet is a federal executive council appointed by the president <sup>(8)</sup>.

### 1.1.2. Legislative branch

The bicameral National Assembly consists of the Senate (109 seats – 3 each for the 36 states, and 1 for Abuja) and the House of Representatives (360 seats). Members are directly elected in single-seat constituencies by simple majority vote to serve 4-year terms <sup>(9)</sup>.

### 1.1.3. Judicial branch

The legal system of the country is a mixed system based on English common law, Islamic law (in 12 northern states), and customary law. Each state has its own law-making organ (the House of Assembly) and legal system <sup>(10)</sup>.

Highest court(s): Supreme Court (consists of the chief justice and 15 justices).

Subordinate courts: Court of Appeal; Federal High Court; High Court of the Federal Capital Territory; Sharia Court of Appeal of the Federal Capital Territory; Customary Court of Appeal of the Federal Capital Territory. The state court system is similar in structure to the federal system <sup>(11)</sup>. See further [3.1 The Judiciary](#).

### 1.1.4. Citizenship

According to the Constitution, Chapter III, citizenship can be acquired in different ways, namely by birth, registration and naturalisation:

**‘By birth:** one person born in Nigeria is granted citizenship of Nigeria provided that either parents or any of whose grandparents belonged to an indigenous community in Nigeria before the date of independence; or provided that either of whose parents or any of whose grandparents is a citizen of Nigeria after the date of independence.

<sup>(6)</sup> CIA, The World Factbook – Nigeria, last updated 12 January 2017.

<sup>(7)</sup> CIA, The World Factbook – Nigeria, last updated 12 January 2017.

<sup>(8)</sup> CIA, The World Factbook – Nigeria, last updated 12 January 2017.

<sup>(9)</sup> CIA, The World Factbook – Nigeria, last updated 12 January 2017.

<sup>(10)</sup> Law Nigeria, Nigeria: Constitutional History and Legal Complex, n.d.; Yemisi, D., et al., UPDATE: Guide to Nigerian Legal Information, November/December 2015.

<sup>(11)</sup> CIA, The World Factbook – Nigeria, last updated 12 January 2017.

**By registration:** any woman who is or has been married to a citizen of Nigeria or any person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria may be registered as a citizen of Nigeria if the President is satisfied with his good character, if he/she has shown a clear intention of his desire to be domiciled in Nigeria, if he has taken the Oath of Allegiance prescribed in the Seventh Schedule to the Constitution.

**By naturalization:** a person shall be qualified to apply for the grant of naturalization provided that he satisfies the President with a number of specified requirements' <sup>(12)</sup>.

## 1.2. The north/south divide

### 1.2.1. State's armed forces

Nigeria is a large and complex country, with much internal variation, but the main divide that is brought up by Nigerians and foreign commentators alike, is the divide between the country's south and north. This divide is based on historical, environmental, economic, cultural, linguistic, religious and political differences between these two parts. Nigeria did not exist as a unified territory before colonial times, and was even administratively split between a northern and a southern region for a period under British rule. These differences have continued, despite Nigeria existing as one country for more than a century, and despite widespread internal migration between the regions <sup>(13)</sup>.

According to a 2011 op-ed article by John Campbell, the former American ambassador to Nigeria, political power sharing between northern and southern Nigeria is sensitive due to socio-economic imbalances, as the south is wealthier than the north due to extensive oil reserves in the Niger Delta and well-developed urban commercial wealth in Lagos. In southern Nigeria, there are two main ethnic groups (Yoruba and Ibo), with a majority population who are Christians, and a significant Muslim population in Yorubaland. Local conflicts in the south rarely have a religious dimension, and are usually based on ethnic differences or resource competition, especially in the Niger Delta. Northern Nigeria has a larger population, a smaller percentage of whom are educated in comparison to the south. The economy of the north is in decline, and the region has among the weakest health and economic indicators globally <sup>(14)</sup>.

## 1.3. Economy

The Nigerian economy, one of Africa's largest, is dominated by the oil industry, which is the government's key source of revenue. Although the economy has diversified in recent years, this has not translated into a decline in poverty rates, with 62 % of Nigerians living in extreme poverty. Due to falling oil prices in 2015, oil and non-oil revenues declined and GDP fell 3 % that year <sup>(15)</sup>.

According to the Food and Agriculture Organization (FAO), Nigeria has approximately 71.2 million hectares of available agricultural land, about half of which is currently being utilised. Prior to independence, Nigeria had a significant agricultural sector, however that has since declined and the country has moved toward heavy dependence on imports for food <sup>(16)</sup>.

## 1.4. Population and ethnic groups

In 2016, the National Population Commission estimates that the population is around 182 million, calculated by using 2006 data and an estimated annual growth rate of 3.5 % <sup>(17)</sup>. By 2050, it may have reached 392 million, making it the world's fourth most populous country <sup>(18)</sup>.

The major urban areas are <sup>(19)</sup>:

<sup>(12)</sup> Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria, 1999. For more information on Nigerian citizenship law in a comparative perspective, cf. Manby, B., *Citizenship Law in Africa – A Comparative Study*, 2016.

<sup>(13)</sup> Campbell, J., *Why Nigeria's North South Distinction Is Important*, 7 February 2011. For a quick overview of Nigeria's history, see BBC, *Nigeria profile – Timeline*, 17 January 2017.

<sup>(14)</sup> Campbell, J., *Why Nigeria's North South Distinction Is Important*, 7 February 2011.

<sup>(15)</sup> CIA, *The World Factbook: Nigeria*, last updated 12 January 2017.

<sup>(16)</sup> Aregheore, E.M., *Country Pasture/Forage Resource Profiles: Nigeria*, January 2009.

<sup>(17)</sup> NPC, *Nigeria's Population Now 182 Million* — NPC, n.d.; Vanguard, *Nigeria's population now 182 million* — NPC, 10 November 2016.

<sup>(18)</sup> CIA, *The World Factbook: Nigeria*, last updated 17 January 2017.

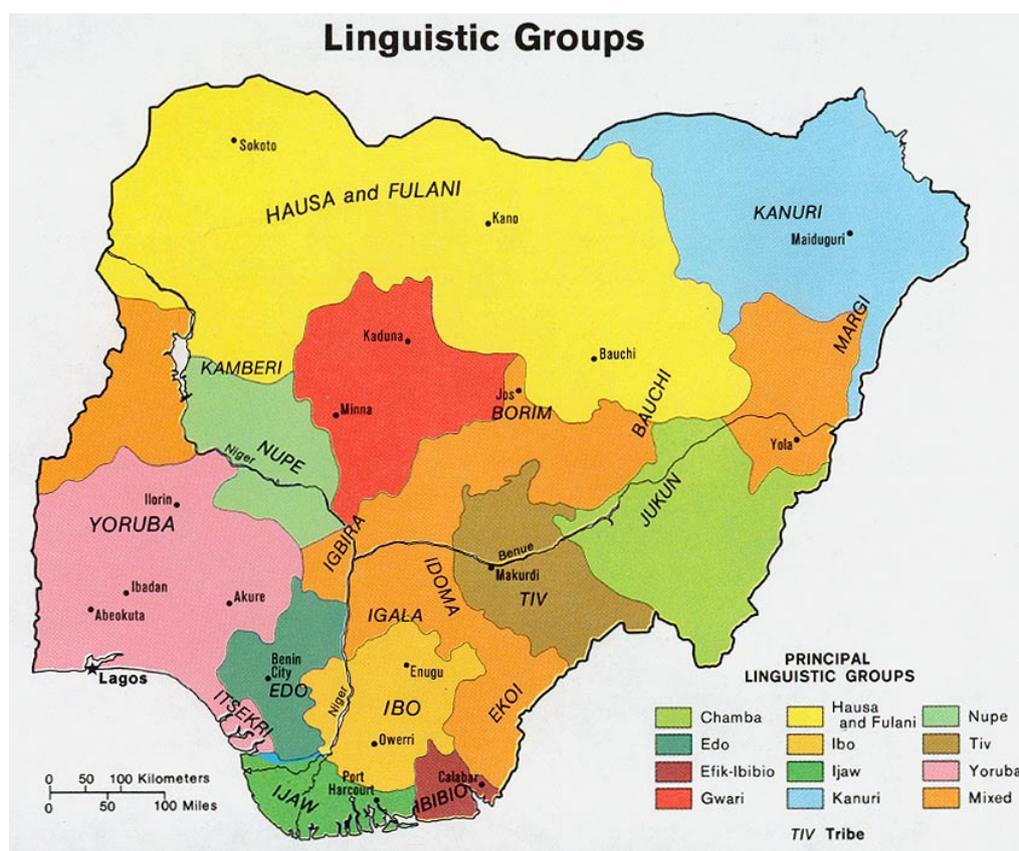
<sup>(19)</sup> Population estimates as of 2015, probably based on projections after the 2006 census, cf. CIA, *The World Factbook: Nigeria*, last updated 12 January 2017.

- Lagos 13.12 million
- Kano 3.59 million
- Ibadan 3.16 million
- Abuja (capital) 2.44 million
- Port Harcourt 2.34 million
- Benin City 1.5 million

Nigeria has between 250 and 500 ethnic groups (depending on the definition of ‘ethnic group’; the largest are the Yoruba, the Igbo and the Hausa-Fulani, which in total make up some 70 % of the country’s population <sup>(20)</sup>). The Yoruba live predominantly (but not exclusively) in the South West, the Igbo in the South East and the Hausa-Fulani in the North West. Both the South South and North Central have populations spread over a large number of smaller ethnic groups. The larger of these are the Ijaw, Itsekiri and Edo-Bini in the South South, and the Tiv in the North Central. The North East is inhabited by the Kanuri, but also has a substantial Hausa-Fulani population, which is also the case in the North Central (see also linguistic map on the next page) <sup>(21)</sup>.

### 1.4.1. Language situation

Most ethnic groups traditionally spoke their own language, or distinct dialects of a language. Names of ethnic groups often overlap with the names of the languages the groups speak. In the large languages like Yoruba, Igbo and Hausa, there is considerable dialectal variation, as they are spoken across large territories. Both Yoruba and Hausa are also important languages in neighbouring countries: Yoruba in Benin and Togo, and Hausa in Niger, Burkina Faso and Ghana <sup>(22)</sup>.



Map 2: Map Nigeria - Ethnolinguistic groups - from Map No. 504014 1979, Courtesy of the University of Texas Libraries, The University of Texas at Austin <sup>(23)</sup>.

<sup>(20)</sup> CIA, The World Factbook: Nigeria, last updated 12 January 2017.

<sup>(21)</sup> Kaplan, S., ‘Nigeria’s Potential for Sectarian Conflict’, *Fragile States*, 29 January 2012.

<sup>(22)</sup> See Ethnologue, *Languages of the world*, Nigeria, n.d.

<sup>(23)</sup> University of Texas Libraries, Nigeria - Ethnolinguistic groups, from Map No. 504014 1979, n.d.

Nigeria is a multilingual country, and although the languages shown in the map to a large extent dominate the differently coloured areas, other languages are also spoken there – both among migrant communities and among the indigenous population, both as lingua franca. According to scholars Simpson and Oyètádé, in a study of Nigerian languages, Nigeria has many languages spread across the country, with populations and speakers varying considerably. There are three major ethno-linguistic groups – Hausa-Fulani, Yoruba and Igbo - which make up about 67% of the population, each having more than 20 million speakers. There are 10 other languages with 1-5 million speakers, and 60 languages with 100 000 to 1 million speakers, while several hundred other languages are ‘linguistically endangered’<sup>(24)</sup>.

The most populated areas of Nigeria are those where the three major languages are spoken. The North West, North Central, South West and South East are dominated by resp. Hausa, Yoruba, and Igbo populations. In the southern two thirds of Nigeria, mainly Yoruba and Igbo are spoken, while in the north, there is also a range of other Afro-Asiatic languages, while smaller languages like Kanuri and Nilo-Saharan languages are also present in small numbers. In addition to Hausa, Yoruba, and Igbo, the language called Nigerian Pidgin English (NPE) is known as the ‘second language lingua franca’ by more than a third of the population, in particular in the south. There is no recognised standard for NPE, and it has regional variations, such as in Port-Harcourt and Warri-Sapele-Benin. English is used for most governmental administrative functions, education, business, and mass media<sup>(25)</sup>. In some populations, especially among the young, there is a shift towards NPE (in the south) and Hausa (in the north)<sup>(26)</sup>.

## 1.5. Political development

Following Nigerian independence in the 1960s, military rule was established until 1999, when a peaceful transition to institutionalised democracy occurred with the 1999 Constitution. Elections in 2003 and 2007 were marred by irregularities and violence; however, the 2007 transfer of power was the first successful civilian government transition, and the subsequent 2011 elections were largely seen as credible. The 2015 elections were considered the best organised ones since Nigeria’s return to civilian government. An umbrella opposition party, the All Progressives Congress, defeated the People’s Democratic Party which had governed the country since 1999<sup>(27)</sup>.

### 1.5.1. Current political situation January 2016–February 2017<sup>(28)</sup>

The current political situation in Nigeria is dominated by the very difficult situation in the North East, with the ongoing armed conflict between Boko Haram and Nigerian security forces (allied with the security forces in neighbouring countries also touched by this conflict). Apart from this devastating challenge to national security, the Nigerian authorities faced several other challenges through 2016 and into 2017 at regional and national levels:

Regional security issues of concern (for more details see 2. Security situation):

- Tendencies to renewed unrest in the Niger Delta with new active militant groups, after relative calm since 2009;
- Conflicts between nomads and sedentary farmers in North Central;
- Continued unrest in the South East linked to Igbo separatist groups, especially IPOB (Indigenous People of Biafra).
- National issues of concern:
  - Leadership conflict between the larger political parties All Progressives Congress (APC) and People’s Democratic Party (PDP);
  - The zoning principle: political representation and distributions of positions of power<sup>(29)</sup>.
  - Continued low oil prices, meaning limited financial resources for the state;
  - Expanding gap between the official and unofficial exchange rates of the Naira (NGN) to the US Dollar;
  - Widespread lack of petrol and kerosene, especially in the spring of 2016;
  - Growing pessimism on President Buhari’s abilities to tackle Boko Haram, corruption and other problems, after the high expectations after he took power in 2015; additional concern during his long absence abroad due to health problems<sup>(30)</sup>.

<sup>(24)</sup> Simpson, A. & Oyètádé, B., Nigeria: Ethno-linguistic Competition in the Giant of Africa, 2008, pp. 172–193.

<sup>(25)</sup> Simpson, A. & Oyètádé, B., Nigeria: Ethno-linguistic Competition in the Giant of Africa, 2008, pp. 172–193.

<sup>(26)</sup> Ihemere, K.U., An Integrated Approach to the Study of Language Attitudes and Change in Nigeria, 2006.

<sup>(27)</sup> CIA, The World Factbook: Nigeria, last updated 12 January 2017.

<sup>(28)</sup> Based on ICG, CrisisWatch – Nigeria – in the period January 2016–February 2017, n.d.

<sup>(29)</sup> For more on the zoning issue, see Leadership, Political Appointments in Nigeria, 24 May 2015.

<sup>(30)</sup> ICG, CrisisWatch – Nigeria – January 2016–February 2017, n.d.; BBC, Nigeria profile – Timeline, 17 January 2017.

## 1.6. General human rights situation

### 1.6.1. Boko Haram

The government of Nigeria has been waging military operations against the extremist group Boko Haram since 2009, and the group has engaged in widespread human rights abuses across north-eastern Nigeria <sup>(31)</sup>. The UN states that Boko Haram's gross human rights violations resulting in civilian casualties constitute breaches of international humanitarian law <sup>(32)</sup>.

According to the US Department of State (US DoS), human rights abuses committed by Boko Haram, which include shootings, attacks, bombings, suicide attacks on government and civilian targets, remain the most serious human rights violations in Nigeria in 2016. Boko Haram attacks have caused large-scale deaths and injuries and mass displacement, with 191 000 Nigerians fleeing to neighbouring countries <sup>(33)</sup>. As many as 2.5 million Nigerians have been internally displaced due to Boko Haram violence; these IDPs lack adequate humanitarian support, and displaced women and girls are vulnerable to abuses from security forces, and vigilantes. Human Rights Watch reports that military operations against Boko Haram intensified in 2016, with most areas controlled by the group being recovered by security forces, noting that there was also a decline in civilian deaths from 3 500 in 2015 to 550 in 2016 <sup>(34)</sup>.

As reported by the United Nations (UN), Boko Haram has intentionally killed civilians using military weaponry, IEDs, and suicide attacks; while also specifically targeting and killing those who refused to adopt Boko Haram's ideology, including law enforcement officers, teachers, health workers, members of civilian defence groups, and those trying to escape during attacks <sup>(35)</sup>. Boko Haram engaged in forced recruitment, and recruitment of child soldiers <sup>(36)</sup>. The group also engaged in abductions, and subjected female abductees to rape, abuses, and forced marriage <sup>(37)</sup>. Women and girls have been subjected to widespread sexual violence and sexual slavery by Boko Haram members <sup>(38)</sup>.

According to US DoS, the government investigated and detained Boko Haram members, frequently without charge, but rarely prosecuted them. In response to Boko Haram attacks, the security services engaged in 'extrajudicial killings (...) torture, rape, arbitrary detention, mistreatment of detainees, looting, and destruction of property' <sup>(39)</sup>. For instance, as reported by Amnesty International, in May 2016, 737 men were detained as Boko Haram suspects and transferred to a prison in Borno state and charged for being 'incorrigible vagabonds' <sup>(40)</sup>.

### 1.6.2. Vigilantism

The UN explains that the inability of the government security forces to protect civilians from Boko Haram has caused the emergence of local vigilante self-defence groups <sup>(41)</sup>. Sources report that vigilante groups known as Civilian Joint Task Forces (CJTF) reportedly also aligned with and supported the security forces against Boko Haram, and are also accused of recruiting and using child soldiers <sup>(42)</sup>.

<sup>(31)</sup> HRW, World Report 2017 - Nigeria, 12 January 2017; UN HRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 1.

<sup>(32)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 1.

<sup>(33)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(34)</sup> HRW, World Report 2017 - Nigeria, 12 January 2017.

<sup>(35)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 21, 22.

<sup>(36)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017; HRW, World Report 2017 - Nigeria, 12 January 2017.

<sup>(37)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par.29; US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(38)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 38-43.

<sup>(39)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(40)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(41)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 64.

<sup>(42)</sup> UNHRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 65-69; US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

### 1.6.3. Security Forces

According to human rights organisations, the Nigeria Police Force, military, and security forces engage in alleged arbitrary arrests, detention, torture, forced disappearances, and extrajudicial killings <sup>(43)</sup>. According to the US DoS, few steps were taken to investigate cases of abuses and violations by the government and security forces and ‘impunity remained widespread’ <sup>(44)</sup>. For example, Amnesty International (AI) reports that the military allegedly executed 640 detainees at a detention centre in 2014 following a Boko Haram attack, however, the senior officials in command have not been investigated <sup>(45)</sup>. In 2015, AI interviewed 412 victims and witnesses, and produced a research report estimating that more than 1 200 people had been extrajudicially executed by the military during the course of Boko Haram operations, and approximately 7 000 people had died in detention <sup>(46)</sup>. The police and military reportedly continued to torture and mistreat detainees to obtain confessions, according to AI <sup>(47)</sup>.

### 1.6.4. Societal and Communal Violence

Additional human rights problems include ethnic and religious violence and discrimination on the basis of ethnicity, regional origin, or religion <sup>(48)</sup>. In the Niger Delta region in 2016, the armed group called Niger Delta Avengers (NDA) attacked and blew up oil pipelines, and there was a significant increase in the military presence in the region, according to AI <sup>(49)</sup>.

In southern Nigeria, there has been a resurgence of independence supporters in the region of Biafra, which have degenerated into violence in recent years, led mainly by the ‘separatist’ organisation, the Indigenous People of Biafra (IPOB) <sup>(50)</sup>. In 2016, 100 supporters of IPOB were forcibly arrested and 17 were killed by police during demonstrations that AI described as ‘peaceful’ <sup>(51)</sup>.

Clashes between groups of opposing herdsman and farming communities led to numerous deaths across the country, including one incident in which 45 people were killed <sup>(52)</sup>. Revenge attacks in February 2016 affected 11 different communities, leaving ‘scores’ dead <sup>(53)</sup>. For more information on conflicts between nomads and herders, see [2.9 Conflicts between nomads and farmers](#).

### 1.6.5. Misconduct, Corruption and Justice

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 <sup>(54)</sup>. There was reportedly a lack of effective mechanisms to deal with, investigate, and punish abuses and corruption by security forces, according to US DoS <sup>(55)</sup>. Transparency International conducted a survey of corruption in Africa in 2015 that found that 43 % of public service users in Nigeria who were polled had to pay a bribe in the previous 12 months, with bribes equally paid across sectors of education, health, voting/ID, utilities,

<sup>(43)</sup> HRW, World Report 2017 - Nigeria, 12 January 2017; AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(44)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(45)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(46)</sup> AI, Stars on their shoulder, blood on their hands, 3 June 2015, p. 4.

<sup>(47)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(48)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(49)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017. For detailed information on the areas of operation, objectives, activities and state response to NDA, cf: IRB, Nigeria: Information on the Niger Delta Avengers (NDA)(2015-August 2016), 15 August 2016.

<sup>(50)</sup> ICG/ Nnamdi Obasi, ‘Nigeria’s Biafran Separatist Upsurge,’ 4 December 2015. For detailed information on the IPOB organisation and treatment of members, see IRB, Nigeria: The Indigenous People of Biafra (IPOB), (2014–October 2016), NGA105658.E, 10 November 2016.

<sup>(51)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(52)</sup> AI, Annual Report 2016/2017 - Nigeria, 21 February 2017.

<sup>(53)</sup> HRW, World Report 2017 - Nigeria, 12 January 2017.

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

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

police and courts <sup>(56)</sup>. The US DoS reported that judiciary weaknesses caused problems with lengthy pre-trial detention which sometimes went on for years, poor detention conditions, and denial of fair trial, and executive influence on the judiciary meant there was little independent oversight <sup>(57)</sup>.

For more specific human rights issues related to gender, see [4. Gender-related issues](#).

For more specific human rights issues related to sexual minorities, see [5. Situation of Lesbian, Gay, Bisexual, Transgender \(LGBT\) persons](#).

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<sup>(56)</sup> TI, People and Corruption: Africa Survey 2015, 1 December 2015, p. 14.

<sup>(57)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Nigeria, 3 March 2017.

## 2. Security situation

### 2.1. General indicators of security

The general security situation in Nigeria is of very serious concern, according to US DoS<sup>(58)</sup>. In the Global Terrorism Index (GTI) 2016 Nigeria ranked 3<sup>rd</sup> and the country was one of the five countries responsible for 72 % of all deaths from terrorism in 2015<sup>(59)</sup>. However, Nigeria recorded a drop of 34 % in deaths from terrorism in comparison with 2014, due to sustained military action by the federal government and neighbouring countries against Boko Haram. In 2015 Boko Haram killed 4 095 people in terrorist attacks, while in 2014 6 136 deaths were recorded<sup>(60)</sup>.

The country also saw a 50 % reduction in deaths by Fulani militants, semi-nomadic, ethnic-based pastoralists engaged in conflict with farming communities, mainly in the Middle Belt<sup>(61)</sup>. The number of deaths caused by these groups decreased by 630 from the previous year. The GTI further recorded that four out of five deaths from Nigeria are civilians, which is one of the highest rates in the world; by contrast, civilians are targeted in half of all attacks in Iraq and Afghanistan. The majority of deaths in Nigeria were caused by armed assaults with firearms and knives<sup>(62)</sup>.

On the Global Peace Index 2016 Nigeria ranked 149<sup>th</sup> out of 163 countries. Nigeria scored slightly better than the previous year due to the fact that the country experienced its first peaceful democratic transition following the presidential election in March 2015. Nigeria also recorded a significant drop in the likelihood of violent demonstrations<sup>(63)</sup>.

Contrary to the Global Peace Index, Nigeria's ranking in the Fragile States Index 2016 has gone up, 13<sup>th</sup> out of 178 countries, as the economy is deeply impacted by falling oil prices and the north of the country is still being terrorised by Boko Haram insurgency<sup>(64)</sup>.

Another important indicator is the scale of corruption, which undermines the security situation in the country not only directly, but also indirectly. As mentioned before (1.6.5 Misconduct, Corruption and Justice), Nigeria is one of the countries where bribery is reported as rampant across all six key public services. Of those Nigerian respondents who had contact with any of the aforementioned services, 43 % paid a bribe in the last 12 months. Only Liberia and Cameroon scored higher, at 69 % and 48 %<sup>(65)</sup> respectively.

Apart from the Boko Haram crisis, road accidents are currently by far the main cause of violent death in Nigeria. Nigeria is ranked 2<sup>nd</sup> highest in the rate of road accidents among 193 countries. Lagos recorded the highest number of fatalities and the Federal Capital Territory (FCT) has the highest relative number of deaths per 100 000 population<sup>(66)</sup>.

Although it is almost impossible to qualify the type of violence for each region in Nigeria, some patterns can be recognised. Northern Nigeria is characterised by religious violence and extremist attacks, while in the South South zone militancy is common as well as extremist attacks. In the South East, cultism ferocity and robbery attacks are common forms of violence, while in the South West, political violence and thuggery are rampant. Other forms of violence such as gender-based violence (rape, abuse, intimidation), and ethnic clashes occur across all regions of Nigeria<sup>(67)</sup>. In this chapter the security situation of each zone will be described.

<sup>(58)</sup> US DoS, Country Reports on Human Rights Practices 2016 – Nigeria, 3 March 2017.

<sup>(59)</sup> The others are Afghanistan, Iraq, Pakistan and Syria

<sup>(60)</sup> IEP, Global Terrorism Index 2016, 17 November 2016, pp. 9, 27. For a visualisation of the conflict level in different Nigerian states, cf. ACLED, Nigeria, year 2016: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 9 February 2017.

<sup>(61)</sup> GTI ranked the Fulani Militants in 2015 as the 4<sup>th</sup> deadly militant group in the world, but not anymore in 2016: IEP, Global Terrorism Index report 2015, November 2015; for more information on these militants, cf. Burton, G., Background project: The Fulani Herdsmen, November 2016.

<sup>(62)</sup> IEP, Global Terrorism Index 2016, 17 November 2016, p. 27.

<sup>(63)</sup> IEP, Global Peace Index 2016, 8 June 2016, pp. 11, 15, 24.

<sup>(64)</sup> FFP, Fragile state Index 2016, 27 June 2016, pp. 16, 21.

<sup>(65)</sup> TI, People and Corruption: Africa Survey 2015, 1 December 2015, pp. 14, 18.

<sup>(66)</sup> Ukoji, V.N., Trends and patterns of fatal road accidents in Nigeria, (2006-2014), 28 November 2014, pp. 1, 4.

<sup>(67)</sup> Rotimi, O., Violence In Nigeria: Causes, Effects And Solutions, 26 April 2016.

## 2.2. North Central (Niger, Kogi, Benue, Plateau, Nassarawa, Kwara, FCT)

According to Action on Armed Violence (AOAV), an ngo carrying out ‘research and advocacy in order to reduce the incidence and impact of global armed violence’, the North Central zone, sometimes also referred to as the Middle Belt <sup>(68)</sup>, is characterised by ‘extreme volatility: relatively low-levels of conflict are interspersed with sudden spikes, usually occurring around critical junctures such as elections’ <sup>(69)</sup>.

In particular, Plateau state, with its capital Jos, has faced a lot of violence since the turn of the millennium. During the so-called Jos crisis the state capital saw huge outbreaks of inter-communal violence in 2001, 2004, 2008 and 2010, whereby thousands of people were killed and internally displaced <sup>(70)</sup>.

Although the conflict in Plateau state is often reduced to religious violence between Christians and Muslims, issues of regional identities, ethnicity ‘indigeneity’ and ‘settlement’, access to land and livelihoods are drivers of the armed violence <sup>(71)</sup>. An ICG report shows that the core of the dispute is the rights of the indigene Berom/Anaguta/Afizire (BAA) group and the rival claims of the Hausa/Fulani settlers to land, power and resources. The ‘indigene principle’ is enshrined in the federal constitution and protects the ethnic minorities from being submerged by the larger Hausa-Fulani, Igbo and Yoruba groups while preserving their cultural and political identity and traditional institutions of violence <sup>(72)</sup>.

In other parts of the North Central region eruptions of armed violence also occur, but these eruptions do not always take place along religious, indigene/non-indigene and pastoralist/farmer lines. For instance, in Benue state ‘there has also been communal violence between the Tiv and Agatu farmers, while in Nasarawa state, the conflict map has been completely different with violence escalating dramatically in 2012 and 2013 between the ethnically Eggon farmers and number of different communities, including the Alago, the Fulani and the Koro’ <sup>(73)</sup>. In the latter state the so-called Ombatse <sup>(74)</sup> have clashed with both indigenes and non-indigenes, Christians and Muslims, as well as farmers and pastoralists <sup>(75)</sup>.

The Federal Capital Territory (FCT), with the country’s political capital Abuja, witnesses a high rate of political expression, some of which can turn violent <sup>(76)</sup>. For example, in February 2017 student protesters vandalised the head office of South African mobile phone giant MTN in Abuja in retaliation for anti-Nigerian violence in South Africa <sup>(77)</sup>. Nevertheless, FCT experienced low levels of armed violence overall in comparison with other states in the region <sup>(78)</sup>.

## 2.3. North East (Bauchi, Borno, Taraba, Adamawa, Gombe, Yobe)

In 2016 the UNDP, in its report Human Security and Human Development, described the North West and the North East geopolitical zones as the worst in Nigeria with regards to human security <sup>(79)</sup>. The security situation in the North East is mainly affected by the Islamic terrorist group Boko Haram, especially in the states Borno, Yobe and Adamawa.

Although Boko Haram was originally a mainly non-violent religious sect since its founding in 2002, the year 2009 was a turning point. In July of that year the leader of the sect, Mohamed Yusuf, was extrajudicially executed by the police. Under the regime of a more radical leader, Abubakar Shekau, the group began to carry out more violent

<sup>(68)</sup> The region between the North and the South is also called the ‘Middle Belt’. However, in this report the North-Central and the Middle Belt are considered as two different geographical entities. Depending on the source the number of states which are part of the Middle Belt can differ. Emmanuel and Tari, ‘The Myth and Reality of Middle Belt Geo-Politics in Nigeria: A Discourse’, describe the ‘Middle Belt’ as the geographical belt of the South of Northern Nigeria and the North of Southern Nigeria. Besides the seven states of the North-Central, Adamawa, Taraba and the southern parts of Kaduna and Bauchi are also part of the ‘Middle Belt’ (see [Map](#)).

<sup>(69)</sup> AOAV, *The Violent Road*, 12 December 2013, p. 29.

<sup>(70)</sup> ICG, *Curbing Violence in Nigeria (I): The Jos Crisis*, 17 December 2012, pp. 9–15.

<sup>(71)</sup> AOAV, *The Violent Road*, 12 December 2013, p. 38.

<sup>(72)</sup> ICG, *Curbing Violence in Nigeria (I): The Jos Crisis*, 17 December 2012, p. i.

<sup>(73)</sup> Taft, P., Haken, N., *Violence in Nigeria: Patterns and Trends*, 2015, p. 63.

<sup>(74)</sup> The Ombatse is an Eggon ethnic militia which was initially formed as a political movement, but after the outbreak of communal conflict in 2012, it was transformed into an ethnic militia. Ombatse has now become a non-state collective actor; see for more information on the Ombatse, Ayuba, J.M., *Ombatse: An Invention of Tradition and Understanding Communal Conflicts in Nasarawa State, Nigeria*, 2014.

<sup>(75)</sup> Taft, P., Haken, N., *Violence in Nigeria: Patterns and Trends*, 2015, p. 68.

<sup>(76)</sup> AOAV, *The Violent Road*, 12 December 2013, p. 26.

<sup>(77)</sup> Reuters, *Nigerian student protesters demand South Africans leave the country*, 23 February 2017.

<sup>(78)</sup> AOAV, *The Violent Road*, 12 December 2013, p. 26.

<sup>(79)</sup> UNDP-Nigeria, *Unchecked human security parameters pose serious threats to human development in Nigeria*, 13 May 2016.

attacks, including targeted killings and suicide bombings<sup>(80)</sup>. In 2015 the Global Terrorism Index ranked Boko Haram as the world's deadliest terrorist group in 2014. In that year Boko Haram's attacks were responsible for 6 644 deaths as opposed to the 6 073 deaths attributed to the Islamic State of Iraq and Syria<sup>(81)</sup>.

At the time of writing, according to United Nations Office for the Coordination of Humanitarian Affairs (OCHA), more than 20 000 people have been killed and 1.8 million people have been internally displaced by Boko Haram's terrorist activities. Although the security forces are recapturing territory from Boko Haram, the security situation in the North East is expected to remain fragile<sup>(82)</sup>. The general situation further deteriorates by the insecure food situation in the region. In the six states of North-East Nigeria, 14 million people are in need of humanitarian assistance, especially in Borno, Yobe and Adamawa where 8.5 million people are in need of urgent life-saving assistance<sup>(83)</sup>.

Although Bauchi state was at the epicentre of the so-called Boko Haram Uprising in July 2009 when members of the group attacked a police station, the number of violent attacks has reportedly decreased since then<sup>(84)</sup>.

## 2.4. North West (Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano, Jigawa)

The North West region shows lower levels of violence than neighbouring states in the North East, although there have also been violent attacks by Boko Haram in Kano and Kaduna since 2012. The armed violence in the latter state has taken several forms. Like in the North Central zone, the 'indigene' and 'settler' issue (see 2.8 Conflicts between 'indigenes' and 'settlers') has resulted in violence focusing on land issues and access to economic and political resources<sup>(85)</sup>. Southern Kaduna has been especially affected and has become 'the epicentre of deadly violence', according to an analysis by intelligence firm SBM Intel. Prior to 2016, most of the violent incidents were either single incidents or closely related incidents occurring within a short space of time and with localised or religiously motivated factors. The recent violence has occurred in several separate incidents over a period of time much longer than any other in the history of southern Kaduna and, according to SBM Intel 'is clearly a retribution over lost cattle and for grazing land by the Fulani'. According to the Executive Governor of Kaduna state, Nasir Elrufai, many of the perpetrators are not locals, but Fulani herdsmen who could be tracked down to other West African countries. His claim was repeated by the Northern Governors Forum in January 2017<sup>(86)</sup>.

Kaduna also encounters armed violence, which is more political and religiously motivated. In the post-elections violence following the April 2011 presidential voting, more than 800 people were killed. Although rioting took place in all 12 northern states, most victims were recorded in Kaduna state. According to Human Right Watch, 500 people were killed in predominately Christian towns and villages of southern Kaduna, including in the cities of Zonkwa, Matsirga and Kafanchan, and at least 180 people were killed in the cities of Kaduna and Zaria and their surrounding suburbs<sup>(87)</sup>.

In December 2015 Zaria also became the battlefield of the killing of more than 350 men, women and children, supporters of the Islamic Movement in Nigeria (IMN), a Shia Muslim minority group in predominately Sunni northern Nigeria<sup>(88)</sup>.

According to a report by AI, on the afternoon of 12 December 2015 soldiers opened fire on protesters blocking a road and over the following two days more than 350 protesters and supporters of IMN were killed<sup>(89)</sup>. Although the incident in Zaria cannot be exclusively attributed to sectarianism, tensions between the IMN community and Sunni have increased in recent years<sup>(90)</sup>.

South East (Enugu, Imo, Ebonyi, Abia, Anambra)

<sup>(80)</sup> Afeno, S.O., Killings by the security forces in Nigeria: Mapping and trend analysis (2006-2014), 2014, p. 22.

<sup>(81)</sup> IEP, Global Terrorism Index 2015, November 2015, p. 4.

<sup>(82)</sup> OCHA-Nigeria, About the crisis, n.d.

<sup>(83)</sup> OCHA, Humanitarian Response Plan January-December 2017, 5 December 2016.

<sup>(84)</sup> Taft, P., Haken, N., Violence in Nigeria: Patterns and Trends, 2015, p. 53.

<sup>(85)</sup> AOV, The Violent Road, 12 December 2013, p. 57.

<sup>(86)</sup> SBM Intelligence, A critical look at the Southern Kaduna crisis, 7 February 2017, pp. 2-3.

<sup>(87)</sup> HRW, Nigeria: Post-Election Violence Killed 800, 16 May 2011.

<sup>(88)</sup> US DoS, International Religious Freedom Report for 2015 – Nigeria, 10 August 2016.

<sup>(89)</sup> AI, Nigeria: Unearthing the truth, 22 April 2016, pp. 4-7.

<sup>(90)</sup> Ngwodo, C., 'Nigeria: Country's Next Insurrection?', Premium Times, 17 December 2015.

Sokoto state has witnessed sectarian armed violence between Shia and Sunni communities, whereby gangs of youth were blocking entry to mosques, engaging in rioting, looting and destruction of properties <sup>(91)</sup>.

Although Kano state has historically been quite peaceful and less volatile than neighbouring states, there have been violent incidents as well. The state has encountered several attacks by Boko Haram, but is also housing the radical jihadist insurgent group Jama'atu Ansar ul-Musulmina fi Baladi s-Sudan (JAMBS or Ansaru). This is a splinter group of Boko Haram founded in 2012 in reaction to their brute violence under Shekau's leadership <sup>(92)</sup>. In 2016 Ansaru was still carrying out attacks, according to Global Security <sup>(93)</sup>.

## 2.5. South East (Enugu, Imo, Ebonyi, Abia, Anambra)

As already mentioned in the introduction of this chapter, cultism ferocity and robbery attacks are common forms of violence in this region. For example, the university-based confraternity cults (see 7.2.2 [Campus cults](#)) that are much reported at Ebonyi State University in Abakaliki are responsible for violence such as gun battles, kidnappings, and murder, in Ebonyi state <sup>(94)</sup>.

Ebonyi state was also home to inter-communal violence between Ezillo and Ezza communities <sup>(95)</sup>, mainly due to land disputes <sup>(96)</sup>. However, unemployment and underemployment are the most important drivers of armed violence in this state, according to AOA V <sup>(97)</sup>.

In Anambra state, armed violence dates back to the Nigerian civil war <sup>(98)</sup> and in the following decades the state witnessed inter- and intra-communal conflicts. Several groups are still striving for a separate country of South East Nigeria. One of them is the Movement for the Actualization of the Sovereign State of Biafra (MASSOB). Although the movement itself says it wants to reach its goal in a peaceful way <sup>(99)</sup>, the federal government accuses MASSOB of violence. In May 2013, former President Goodluck Johnson branded MASSOB, together with Boko Haram and O'odua Peoples Congress (OPC), one of the three extremists groups threatening the security of Nigeria <sup>(100)</sup>.

Another group is the Indigenous People of Biafra (IPOB), led by political activist and Radio Biafra Director Nnamdi Kanu who has been detained by the Nigerian government since 14 October 2015 <sup>(101)</sup>. IPOB is also seeking the creation of a Biafran state. Since August 2015 there has been a series of protests, marches and gatherings by members and supporters of IPOB. According to an investigation published by AI in November 2016 'at least 150 peaceful activists' had been killed by Nigerian security forces between August 2015 and 2016. According to AI, 'By far the largest number of activists were killed on Biafra Remembrance Day on 30 May 2016 when an estimated 1,000 IPOB members and supporters gathered for a rally in Onitsha, Anambra State', adding that at least 60 were extrajudicially killed on that occasion <sup>(102)</sup>. IPOB and MASSOB themselves claimed that they lost not 150 but 2 000 people, while 750 people were missing. Another 567 people were undergoing treatment in different hospitals <sup>(103)</sup>.

<sup>(91)</sup> AOA V, *The Violent Road*, 12 December 2013, p. 71.

<sup>(92)</sup> Taft, P., Haken, N., *Violence in Nigeria: Patterns and Trends*, 2015, p. 53.

<sup>(93)</sup> Global Security, *Ansaru*, n.d..

<sup>(94)</sup> AOA V, *The Violent Road*, 12 December 2013, p. 93.

<sup>(95)</sup> For more info on the Ezillo-Ezza conflict cf. Onwe, S.O., Nwogbaga, D.E and Nwakamma, M.C. 'Effects of Social Conflicts on the Sustainable Development of Ebonyi State (2008-2014)', 2015.

<sup>(96)</sup> Taft, P., Haken, N., *Violence in Nigeria: Patterns and Trends*, 2015, p. 126.

<sup>(97)</sup> AOA V, *The Violent Road*, 12 December 2013, p. 93.

<sup>(98)</sup> The Nigerian Civil War, also known as the Biafran War, 6 July 1967 – 13 January 1970, was a political conflict caused by the attempted secession of the South East and part of the South South, led by the Igbo, and declared independence as Biafra. During this war five million people nationwide, largely women and children lost their lives.

<sup>(99)</sup> Vanguard, *Biafra: MASSOB pledges peaceful anniversary celebration*, 12 September 2016.

<sup>(100)</sup> Nigeria World News, *FG May Clamp Down On MASSOB, OPC*, May 2013.

<sup>(101)</sup> On 5 May 2017 he was released on bail. BBC, *Biafran leader Nnamdi Kanu: The man behind Nigeria's separatists*, 5 May 2017.

<sup>(102)</sup> AI, *Nigeria: 'Bullets were raining everywhere'*, 24 November 2016, p. 6.

<sup>(103)</sup> Today, *Biafra: We lost 2 000 members, not 150 – MASSOB, IPOB*, Today, 26 November 2016.

## 2.6. South South (Bayelsa, Akwa Ibom, Edo, Rivers, Cross River, Delta)

The security situation in this region is mainly dominated by the conflict in the oil-producing Niger Delta (Bayelsa, Delta and Rivers states) <sup>(104)</sup>, where the local population hardly benefit from the revenues of the oil industry. Since the 1990s numerous armed groups, many of them with close links to university campus cults, were involved in crimes like kidnapping and oil bunkering <sup>(105)</sup>, and created a lot of unrest in the region. It is not exactly known how many groups were involved, but a study conducted in 2007 counted 48 recognisable groups in Delta state only <sup>(106)</sup>.

One of the main groups was the Movement for the Emancipation of the Niger Delta (MEND). Although MEND is sometimes identified as an Ijaw militia <sup>(107)</sup>, it also includes non-Ijaw groups and for that reason the group is considered by analysts as an umbrella organisation. Other well-known groups were the Niger Delta People's Volunteer Force (NDPVF) and the Niger Delta Strike Force (NDSF) <sup>(108)</sup>.

In order to create stability in the region, the federal government already in 2003 sent a security force, the so-called Joint Task Force (JTF), led by the army but also including navy officers and the paramilitary mobile police (MOPOL) <sup>(109)</sup>.

However, JTF members reportedly soon engaged themselves in the lucrative business of oil bunkering and in obtaining lucrative security contracts of oil companies (see also 3.2.2 Police). As a result, violence and insecurity rather increased than decreased <sup>(110)</sup>.

A breakthrough came in 2009 when the Federal Government initiated the Presidential Amnesty Programme (PAP). The programme granted unconditional amnesty as well as financial compensation to militants who surrender their arms <sup>(111)</sup>. Although the programme was quite successful <sup>(112)</sup>, violence erupted again in early 2016. A new group called the Niger Delta Avengers (NDA), who distanced themselves from MEND, 'claimed that MEND commanders had never cared about the Niger Delta and grown rich from amnesty payments without distributing the money to foot soldiers of the rebellion' <sup>(113)</sup>.

Besides the oil-related violence, there is also other armed violence in the region. For example, in Edo state political figures reportedly give weapons to youth to engage in political violence <sup>(114)</sup>. These weapons were not collected after the elections and were used in criminal activities like kidnapping, murder and armed robbery, the killing of police officers and political assassinations <sup>(115)</sup>. However, in a survey on violence in Nigeria, Edo ranks eighth of the Niger Delta states, meaning that most other parts of this zone are in a worse situation than Edo state <sup>(116)</sup>.

## 2.7. South West (Oyo, Ekiti, Osun, Ondo, Lagos, Ogun)

In 2016 the UNDP, in its report *Human Security and Human Development*, identified the South West as the most secure geopolitical zone <sup>(117)</sup>. In particular, the states of Ekiti, Ogun, Osun and Oyo were mentioned as relatively peaceful in the 2009-2013 time frame <sup>(118)</sup>.

<sup>(104)</sup> The term 'Niger Delta' generally refers to the South South but is sometimes also used to include Imo, Abia, and Ondo States as they are also oil producers. The core Niger Delta consists of Rivers, Bayelsa, and Delta States.

<sup>(105)</sup> Oil bunkering is the process of hacking into pipelines, then refining it or selling it on a parallel market.

<sup>(106)</sup> Asuni, J.B., *Understanding the Armed Groups in the Niger Delta*, September 2009, p. 3.

<sup>(107)</sup> For more info on Ijaw militia cf. Hunsaker-Clarck, 'Militia Formation in the Niger Delta, 2009, pp. 115-122.

<sup>(108)</sup> Hazen, J. M., & Horner, J, *Small arms, armed violence, and insecurity in Nigeria, 2007*, pp. 123, 127, 130.

<sup>(109)</sup> Hazen, J. M., & Horner, J, *Small arms, armed violence, and insecurity in Nigeria, 2007*, p. 28.

<sup>(110)</sup> Ifri, *The Politics of Amnesty in the Delta Niger*, December 2010, pp. 6, 12.

<sup>(111)</sup> AOA, *The Violent Road*, 12 December 2013, p. 75.

<sup>(112)</sup> Egbeme, E. *Curbing Militancy in Nigeria Understanding the Presidential Amnesty Programme*, 26 January 2015, p. 1.

<sup>(113)</sup> Moody, J., 'The Niger Delta: Will Restarting Amnesty Payments Ease the Conflict?', 14 October 2016.

<sup>(114)</sup> This type of violence is not specific to Edo State, but a common pattern of Nigerian politics, according to Cohen et al., 'Structuration régionale et déterminants ethno-religieux de la violence politique au Nigeria', 2016, pp. 45; Smith, D.J., *A Culture of Corruption*, 2007, pp. 121-125; Pérouse de Montclos, M.A. *Boko Haram: Islamism, politics, security and the state in Nigeria*, 2014, pp. 148-150.

<sup>(115)</sup> AOA, *The Violent Road*, 12 December 2013, p. 77.

<sup>(116)</sup> Taft, P. & Haken, N., *Violence in Nigeria – Patterns and Trends*, Springer, 2015.

<sup>(117)</sup> UNDP-Nigeria, *Unchecked human security parameters pose serious threats to human development in Nigeria*, 13 May 2016.

<sup>(118)</sup> Taft, P., Haken, N., *Violence in Nigeria: Patterns and Trends*, 2015, p. 106.

The region is home to two of Nigeria's largest three cities: Ibadan and Lagos. The latter is not only a national and continental economic hub, but also the former capital of Nigeria, and one of the world's largest cities. The city also sees a high level of political demonstrations, some of which turned violent. For example, in January 2012 riots broke out when the federal government decided to cut a fuel subsidy <sup>(119)</sup>.

Besides the politically motivated violence, AOAV lists also other forms of armed violence in the South West region. Most of this violence, like robbery, organised crime, and disproportionate use of force by state authorities, is concentrated in Lagos state. The main actors who are involved in the armed violence are ethnic militias, youths, criminal gangs, the state security apparatus itself and the so-called Area Boys <sup>(120)</sup>. The latter group is held responsible for many crimes in Lagos and in virtually all of the states in the region <sup>(121)</sup>. Although not all youths are 'Area Boys', nevertheless 'the UN estimates that there are 25 million economically, socially deprived youths in Nigeria. The inequalities and difficulties faced by these youths contribute heavily to the incidence of violence in Lagos' <sup>(122)</sup>.

Another actor is the ethnic militia O'odua Peoples Congress (OPC) which was formed in 1994. OPC was historically aimed at working towards the unity, progress and autonomy of all descendants of Oduduwa (former king of Ile Ife, Yoruba land), but as time went by, OPC changed its major objectives from seeking self-determination for Yoruba people to crime-fighting activities and settlement of personal disputes <sup>(123)</sup>.

Like in the other regions the South West also encountered violence between so-called cult groups such as the Eibe, Aye, Lord, Black Axe, and KK confraternities <sup>(124)</sup> (see 7.2.2 Campus Cults).

Whereas Lagos is the most affected state in the region when it comes to armed violence, Ogun state is the safest state in the whole of Nigeria, according to AOAV <sup>(125)</sup>. A survey conducted by the CLEEN Foundation in 2013 shows that only 5 % of respondents were victims of crime. However, 94 % of respondents claimed that they feared the impact of crime in their lives <sup>(126)</sup>. Osun state is characterised by political violence, mainly around elections, caused by political opponents who threatened and intimidated the electorate, destroying lives and property <sup>(127)</sup>.

## 2.8. Conflicts between 'indigenes' and 'settlers'

There is considerable migration between different parts of Nigeria and as a result, most Nigerian towns and all large cities have quite large migrant communities from other parts of the country <sup>(128)</sup>. These migrant groups sometimes practise other religious beliefs than the majority of the 'indigenous' population. Thus, we find large communities of southerners who are mostly Christians in northern cities, and of mostly Muslim northerners in southern cities <sup>(129)</sup>.

The relationship between these 'settlers' and 'indigenes' can be tense. Religious dividing lines tend to follow divides between different ethnic groups, and between 'indigenes' on one side and internal migrant 'settlers' on the other, but the underlying issue is often the question of access to political power on a local level. ICG explains that the principle of indigeneity (local origin) means that some groups control power and resources within states or local government areas (LGAs), while those who have migrated are excluded, leading to grievances, competition, and often violence. The principle of indigeneity came into force in the 1960s to protect ethnic minorities from the dominance of Hausa-Fulani, Igbo and Yoruba groups, in order to preserve traditional political identities <sup>(130)</sup>. ICG explains that religion is a secondary, reinforcing factor that has become increasingly important since democratisation in 1999. Ethnic, religious, and regional fault lines have since become exacerbated by rampant ethnic mobilisation and violence

<sup>(119)</sup> AOAV, The Violent Road, 12 December 2013, p. 99.

<sup>(120)</sup> AOAV, The Violent Road, 12 December 2013, p. 103.

<sup>(121)</sup> Momoh, A., 'Youth Culture and Area Boys in Lagos', 2000.

<sup>(122)</sup> AOAV, The Violent Road, 12 December 2013, p. 103.

<sup>(123)</sup> Shittu, A.K., 'Conceptual Examination of Militia Movements and Challenges to Socio-Economic Development in Nigeria', November - December 2013, p. 32.

<sup>(124)</sup> Taft, P., Haken, N., Violence in Nigeria: Patterns and Trends, 2015, p. 106.

<sup>(125)</sup> AOAV, The Violent Road, 12 December 2013, p. 107.

<sup>(126)</sup> CLEEN Foundation, National Crime Victimization and Safety Survey, 2013, pp. 2-3.

<sup>(127)</sup> AOAV, The Violent Road, 12 December 2013, p. 109.

<sup>(128)</sup> IOM, Migration in Nigeria – A Country Profile 2014, 2016, p. 3.

<sup>(129)</sup> ICG, Curbing Violence in Nigeria (I): The Jos Crisis, 17 December 2012, p. i.

<sup>(130)</sup> ICG, Curbing Violence in Nigeria (I): The Jos Crisis, 17 December 2012, pp. 1, 3-5.

surrounding the politically competitive environment, whilst corruption, deregulation and poor governance worsened the socio-economic and political context. According to ICG, ‘the notion of national citizenship appears to have been abrogated by both ethnicity and ancestry’<sup>(131)</sup>.

Whereas there is potential for such conflicts anywhere in Nigeria where there are fairly large migrant populations, they mainly tend to deteriorate into open violence in northern cities and the Middle Belt, and much more rarely so in the south of Nigeria. In southern Nigeria, the pattern is that local (‘indigenous’) mobs attack northern migrants in retaliation for attacks on southerners in riots in the Middle Belt or the north. Thus, in the south, this tension tends to turn violent only after riots have broken out further north in the country<sup>(132)</sup>. However, there are also cases where such tension erupts in the south in the context of retaliation at the local level<sup>(133)</sup>.

## 2.9. Conflicts between nomads and farmers

Another type of conflict is that between sedentary farmers and herdsmen over access to land used both for farming and grazing livestock. Such conflicts are endemic throughout the whole savannah belt stretching across Africa from the Atlantic coast to Sudan, and Nigeria is no exception. However, in Nigeria the herdsmen tend to be Muslim and the sedentary farmers Christian, which leads to some presenting their conflicts as being religious, when they generally concern very practical matters<sup>(134)</sup>.

For more information on conflicts perceived as religious, see [6.5.2 Religious conflict](#).

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<sup>(131)</sup> ICG, *Curbing Violence in Nigeria (I): The Jos Crisis*, 17 December 2012, p. i.

<sup>(132)</sup> cf. *The Christian Science Monitor*, *Christians Retaliate after Three More Churches Bombed in Nigeria*, 17 June 2012.

<sup>(133)</sup> For example in Onitsha in February 2012, when Northerners were targets of violence following a Hausa policeman killing a local bus driver, cf. *Premium Times*, *Onitsha in Turmoil as Igbo attack Hausa*, 9 February 2012.

<sup>(134)</sup> For a systematic presentation of the reasons behind such conflicts in the period 2006–2014, see Olayoku, P.A., *Trends and patterns of cattle grazing and rural violence in Nigeria (2006-2014)*, 2016, pp. 61–76.

## 3. State, law and order

### 3.1. The Judiciary

The judicial framework in Nigeria is based on a combination of statutory (legislative), British common Law, customary law and sharia law. Whereas Nigeria's federal and state courts apply statutory and British Common Law <sup>(135)</sup>, the Constitution provides that states may establish courts based on sharia or customary (traditional) law. While sharia courts are only instituted in the 12 northern states <sup>(136)</sup> and the FTC, customary courts are found in most of the 36 states <sup>(137)</sup>.

Although the constitution specially recognises sharia courts for 'civil proceedings', these courts do not have the authority to enforce participation by non-Muslims <sup>(138)</sup>. Nevertheless, some non-Muslims occasionally choose to have their cases heard in sharia courts due to their speed and low costs <sup>(139)</sup>.

Customary courts and sharia courts are sometimes referred to as 'institutionalized or formalized indigenous courts' due to the fact that these courts already existed prior to the colonial time and are embedded in Nigeria's present law system. In addition, there are so-called informal indigenous courts. These courts were set up informally at family, clan or village levels in order to handle affairs of communal governance in a pragmatic way. The main objective of those courts is to find compromise solutions and reconcile the disputing parties when it comes to civil matters like land disputes, marital disagreements which may lead to divorce, simple customary contracts and torts and, occasionally, simple criminal misdemeanours <sup>(140)</sup>.

Military personnel are subject to the Armed Forces Act regarding both civil and criminal matters and are tried by military courts. However, their judgements could be appealed to civilian courts <sup>(141)</sup>. According to Section 42 of the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years imprisonment. On the other hand, according to Section 52 the maximum penalty for mutiny is 'suffer to death' <sup>(142)</sup>. In December 2014 54 soldiers were found guilty of mutiny and sentenced to death for refusing fighting Boko Haram militants <sup>(143)</sup>. So far, these sentences have not been executed yet <sup>(144)</sup>.

According to US DoS, the judiciary in Nigeria was affected by understaffing, underfunding, inefficiency, political interference, bribery, lacking equipment and training. As a result the judiciary could not function adequately <sup>(145)</sup>. Freedom House drew similar conclusions in its report for 2016 <sup>(146)</sup>.

In October 2016 Sahara Reporters obtained a full list of Nigeria's top judges under investigation by security agencies across the country, including two Supreme Court justices directly linked with alleged electoral judgment fraud in Rivers and Akwa Ibom states <sup>(147)</sup>. Furthermore, in 2016 the judiciary's financial proposal of NGN 143 billion was cut by more than 50 % by the National Assembly to NGN 70 billion, which was seen as one of the causes of the poor performance of the judiciary in that year <sup>(148)</sup>.

<sup>(135)</sup> Nigeria High Commission London, Government & Politics, n.d.

<sup>(136)</sup> These are Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe.

<sup>(137)</sup> US DoS, Country Reports on Human Rights Practices for 2016 - Nigeria, 3 March 2017.

<sup>(138)</sup> US DoS, Country Reports on Human Rights Practices for 2016 - Nigeria, 3 March 2017.

<sup>(139)</sup> US DoS, International Religious Freedom Report for 2011 – Nigeria, 30 July 2012.

<sup>(140)</sup> Akunle T.K., Nigerian indigenous courts and their dispute resolving mechanisms in global perspective, n.d., pp. 1-2.

<sup>(141)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(142)</sup> Federal Republic of Nigeria, Armed Forces Act, 6 July 1994.

<sup>(143)</sup> BBC, Nigerian soldiers given death penalty for mutiny, 17 December 2014.

<sup>(144)</sup> Daily Post, Boko Haram: Why Buhari should pardon 54 soldiers – MURIC, 7 June 2016.

<sup>(145)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(146)</sup> Freedom House, Freedom in the World 2015 – Nigeria, 2016.

<sup>(147)</sup> Sahara Reporters, Names Of Nigerian Judges Under Investigation Revealed, 16 October 2016.

<sup>(148)</sup> Osasona, T., Nigeria's criminal justice system in 2017, 2 January 2017.

## 3.2. Security forces and state protection

### 3.2.1. Armed forces

Figures about the number of Nigerian army troops differ according to sources. According to the website DefenceWeb the total force strength of the Nigerian Armed Forces was 210 000 (army 100 000, air force 13 000, navy 15 000 and paramilitary 82 000) as of October 2013 <sup>(149)</sup>, whereas The World Bank Group assessed the total armed forces personnel in 2014 at 162 000 <sup>(150)</sup>. According to an index by Global Firepower (GFP) in 2016, Nigeria was ranked as the 4<sup>th</sup> country with the most powerful military in Africa <sup>(151)</sup>.

Nigeria has no conscription. The minimum age for voluntary military service is 18 years <sup>(152)</sup>.

The spending on defence has been growing rapidly over the last several years due to the numerous security challenges the country is facing, like the Boko Haram insurgency, piracy in the Gulf of Guinea and oil-related crime in the Niger Delta <sup>(153)</sup>. Nevertheless in February 2017 the Chief of Army Staff announced (another) recruitment of 12 000 men to boost its operations across the country after the approval of the army's 2017 budget proposal of NGN 152.8 billion (approximately 400 million euro) <sup>(154)</sup>.

The Nigerian army has been repeatedly accused of human rights violations. In 2015 AI reported that Nigerian military forces have extrajudicially executed more than 1 200 people in their fight against Boko Haram in the North East. They also reportedly arbitrarily arrested at least 20 000 people, mostly young men and boys, and 7 000 people died in military detention <sup>(155)</sup>.

As already mentioned in 2.3 North East, AI reported that the Nigerian army was in 2015 involved in the unlawfully killing of more than 350 men, women and children supporters of the Islamic Movement in Nigeria (IMN), a Shia Muslim minority group <sup>(156)</sup>. The US DoS reported in its 2016 human rights report that the government of Kaduna state had appointed a judicial commission of inquiry to investigate these killings and that the federal government would wait for the results before taking action. However, in many other cases the federal government did not investigate or prosecute most of the major outstanding allegations of human rights violations at all <sup>(157)</sup>.

In March 2017, the Nigerian army announced that it would set up a seven-member Special Board of Inquiry to investigate alleged cases of human rights violence committed by the army during their on-going counter-terrorism operations across the country <sup>(158)</sup>. On the other hand, at the same time there was also criticism, for example by the National Human Rights Commission (NHRC), on a recent report published by AI which alleged human rights abuses by Nigerian security agencies against arrested Boko Haram suspects <sup>(159)</sup>. According to the NHRC, the report was not supported with facts that reflected the situation in the area and was issued without referring to findings from those on the ground <sup>(160)</sup>.

### 3.2.2. Police

According to Interpol, the strength of the federal police force is more than 350 000 men and women covering all 36 Nigerian states and the federal territory <sup>(161)</sup>. The organisation is divided in seven departments and split up in 12 geographical zonal commands. The Inspector General of police is directly appointed by the president <sup>(162)</sup>.

<sup>(149)</sup> Martin, G., Kruger, A., Nigerian Armed Forces, DefenceWeb, 7 October 2013.

<sup>(150)</sup> World Bank, Armed forces personnel, total, n.d.

<sup>(151)</sup> Leadership, Africa: Nigeria Ranked 4th in List of Top 30 Most Powerful Militaries in Africa, 23 May 2016.

<sup>(152)</sup> Global Security, Nigerian Army - Personnel, n.d.

<sup>(153)</sup> Martin, G., Kruger, A., Nigerian Armed Forces, DefenceWeb, 7 October 2013.

<sup>(154)</sup> Adigwe, C., Nigerian Army Recruitment 2017: 12 000 Officers To Be Engaged, 15 February 2017.

<sup>(155)</sup> AI, Stars on their shoulders. Blood on their hands, 3 June 2015, p. 4.

<sup>(156)</sup> AI, Nigeria – 'Unearthing the truth', 22 April 2016, p. 4.

<sup>(157)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(158)</sup> Premium Times, Amnesty International Report: Nigerian Army sets up committee to investigate rights violations, 8 March 2017.

<sup>(159)</sup> Premium Times, Nigeria: Protesters Want Amnesty International to Leave Nigeria, 20 March 2017.

<sup>(160)</sup> Vanguard, NHRC criticises Amnesty report on human rights abuses in North East, 10 March 2017; AI, Annual report 2016/17 – Nigeria, 22 February 2017.

<sup>(161)</sup> Interpol, The Nigeria Police Force, n.d.

<sup>(162)</sup> Nigeria Police Force, The Structure of the Nigeria Police Force, n.d.

Within the police force are some specialised units such as the Border Patrol, Bombs Disposal Squad, Ports Authority Police, and the Special Anti-Robbery Squad (SARS). One particular unit, known as Nigerian Mobile Force (MOPOL), was established as a paramilitary strike or anti-riot unit to counter incidents of civil disturbance <sup>(163)</sup>.

The Nigerian Police force has been criticised for corruption and human rights abuses by researchers and organisations over the years. In a recent study the relationship between the police and the public in Nigeria was called ‘perhaps the most troublesome in sub-Saharan Africa’ <sup>(164)</sup>. Another source notes that the Nigerian Police Force is widely perceived by the public as the most corrupt violent institution in Nigeria <sup>(165)</sup>.

In 2010 Human Rights Watch (HRW) concluded that the police was not only extorting money of ordinary civilians, but also that criminal suspects with money could simply bribe the police to find their way out. HRW also reported that at least 100 000 police officers were hired as personal guards by the wealthy, at the expense of the majority <sup>(166)</sup>. MOPOL were reportedly used for duties that were irrelevant to their training and merely hired as escorts to VIPs <sup>(167)</sup>. In particular, oil companies like Shell, ExxonMobile and Chevron relied heavily on the MOPOL to secure their (private) operations <sup>(168)</sup>. On 26 June 2016, the Acting Inspector General of Police (IGP) in Nigeria announced to ‘withdraw the services of mobile police officers attached to individuals as security aides’. He said ‘the police mobile force was the striking arm of the police and should not be used as a security aide for individuals’ <sup>(169)</sup>.

In 2016 AI published a report called Nigeria: You have signed your death warrant which investigated the way SARS was operating. In their report they concluded that ‘A Nigerian police unit set up to combat violent crime has instead been systematically torturing detainees in its custody as a means of extracting confessions and lucrative bribes’ <sup>(170)</sup>. In response to this report the Inspector General of Police reportedly admonished SARS commanders and announced broad reforms to correct SARS units <sup>(171)</sup>.

### 3.2.3. Other security forces and key security agencies

In addition to the police there are other law enforcement agencies in Nigeria like the State Security Service (SSS), also known as the Department of State Services (DSS), the National Drug Law Enforcement Agency (NDLEA), the Economic and Financial Crimes Commission (EFCC), the Federal Road Safety Commission (FRSC), and the Nigerian Security and Civil Defence Corps (NSCDC), the Nigeria Immigration Service (NIS) and the Nigeria Custom Service (NCS). All these federal institutions are established by law and are empowered to undertake investigation and prosecution <sup>(172)</sup>.

Other agencies are the National Commission for Refugees and Internally Displaced Persons (NCFRMI) and the National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP): ‘NCFRMI is mandated to lead and coordinate national action for the protection and assistance of Refugees, Asylum Seekers, Returnees, Stateless Persons, Internally Displaced Persons and Migrants’ <sup>(173)</sup>. The main tasks of NAPTIP are to suppress human trafficking, prosecute its perpetrators and offer a range of protection services to victims of the crime, including temporary sheltering, counselling, rehabilitation, reintegration and access to justice. NAPTIP is operational in all 36 states of the country and the Federal Capital Territory <sup>(174)</sup>.

<sup>(163)</sup> Open Society Institute, Criminal Force, May 2010, pp. 39-40.

<sup>(164)</sup> Akinlabi, O.M., ‘Do the Police Really Protect and Serve the Public’, 9 July 2016, p. 2.

<sup>(165)</sup> Agiboba, D.E., ‘Protectors or Predators?’, 2015, p. 1.

<sup>(166)</sup> HRW, ‘“Everyone’s in on the Game”’, 17 August 2010, pp. 2-3.

<sup>(167)</sup> Open Society Institute, Criminal Force, May 2010, p. 41.

<sup>(168)</sup> Kimani, H., ‘Security for the highest bidder’, 31 October 2009.

<sup>(169)</sup> Information Nigeria, Police Withdraws Mobile Police Officers From Security Aide Assignments, 26 June 2016.

<sup>(170)</sup> AI, Nigeria: Special police squad ‘get rich’ torturing detainees and demanding bribes in exchange for freedom, 21 September 2016.

<sup>(171)</sup> US DoS, Country Reports on Human Rights Practices for 2016 - Nigeria 2016.

<sup>(172)</sup> Open Society Institute, Criminal Force, May 2010, p. 46.

<sup>(173)</sup> NCFRMI, About NCFRMI, n.d.

<sup>(174)</sup> NAPTIP, About Us, n.d.

### 3.3. Detention and death penalty

#### 3.3.1. Detention conditions

According to the website of the Nigerian Prisons Service (NPS) there are 144 prisons and 83 satellite prisons in the country <sup>(175)</sup>. For a long time there was only one prison exclusively for female inmates in the whole country, known as Kirkiri Female Prison which was established in 1963 <sup>(176)</sup>. In March 2017, a second female prison has been established in Adamawa with a capacity of 400 inmates <sup>(177)</sup>. As of 31 March 2016 the female prisoners' rate was 1.7 %, whereas the total prison population was 67 586 as at January 2017. Of the total prison population 69.9 % are pre-trial detainees <sup>(178)</sup>.

US DoS concluded in 2016 that the conditions in detention centres were harsh and life-threatening. Prisoners were subject to extrajudicial executions, torture, gross overcrowding and poor basic facilities. Furthermore, male and female inmates were sometimes held together, especially in rural areas <sup>(179)</sup>. This is contrary to the Operational Manual of International Human Rights Protocols and Guidelines for the Nigerian Police Force which instructs police officers to separate women from male detainees and states that women detainees must be supervised and searched by female officers <sup>(180)</sup>.

UK Home Office also stated that conditions in the detention centres are in general extremely poor, but not systematically inhuman and life-threatening <sup>(181)</sup>. AI mentioned in its 2014 report *Welcome to Hellfire* that 'the conditions in many police stations and military facilities are so appalling that they may in themselves amount to cruel, inhuman or degrading treatment (ill-treatment)' <sup>(182)</sup>. In May 2016 AI reported that 149 people died, including children and babies, in the notorious Giwa barracks detention centre in Maiduguri, Nigeria <sup>(183)</sup>.

#### 3.3.2. Death penalty

The UK Home Office reported in 2016 that the death penalty may be imposed in a number of criminal offences, including murder and armed robbery <sup>(184)</sup>. In a 2008 report, AI reported that it is mandatory to punish crimes with death sentence in the following situations:

'... treason; homicide; murder and culpable homicide punishable with death; and armed robbery. Under the Robbery and Firearms Act, anyone found guilty of robbery and armed with firearms, in the presence of an armed person, or causing violence or wounds, will be sentenced to death. In addition, under the Shari'a penal codes, rape, sodomy and adultery are also punishable with death' <sup>(185)</sup>.

AI reported in 2016: 'On 4 May [2016], the Senate resolved to enact a law prescribing the death penalty as the punishment for kidnapping, following the rise in abductions across the country <sup>(186)</sup>. A number of states have either enacted or proposed similar laws' <sup>(187)</sup>.

The death penalty can be executed in different ways. Under sharia law, execution can be carried out by hanging, firing squad and stoning. The latter applies broadly for adultery, rape (if the offender is married), incest (if the offender

<sup>(175)</sup> Orakwe, I.W., History of NPS, The Nigeria Prison Service, n.d.

<sup>(176)</sup> Chiama, P., Nigeria's famous prisons, 7 August 2015.

<sup>(177)</sup> Premium Times, Nigerian govt establishes second female prison, 29 March 2017.

<sup>(178)</sup> Institute for Criminal Policy Research, World Prison Brief: Nigeria, January 2017.

<sup>(179)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(180)</sup> AI, 'You have signed your death warrant', 21 September 2016, p. 18.

<sup>(181)</sup> UK Home Office, Nigeria Prison Conditions, November 2016, p. 6.

<sup>(182)</sup> AI, 'Welcome to hell fire', 18 September 2014, p. 38.

<sup>(183)</sup> AI, Nigeria: Babies and children dying in military detention, 11 May 2016.

<sup>(184)</sup> UK Home Office, Nigeria Prison Conditions, November 2016, p. 5.

<sup>(185)</sup> AI, Nigeria: 'Waiting for the Hangman', 21 October 2008, p. 41.

<sup>(186)</sup> Kidnapping for ransom, which was previously almost exclusively seen in the oil-rich south, has gradually spread northwards as Nigeria's oil-dependent economy imploded, to the extent, that Nigeria was in the first half of year 2016 the 4th most risky place for being kidnapped in the world, see The Guardian, Two Germans kidnapped in Kaduna, 23 February 2017.

<sup>(187)</sup> AI, Amnesty International Report 2016/17 - Nigeria, 22 February 2017.

is married) and homosexual activities. Under secular law the execution will be carried out by hanging. Under the Federal Robbery and Firearms Act, applicable in the Federal Capital Territory, death sentences can be carried out by hanging or by firing squad, if so decided by the governor <sup>(188)</sup>.

According to Death Penalty Worldwide, in the period 2007 till 2015 only in 2013 (four) executions were carried out <sup>(189)</sup>. However, AI mentioned in its 2008 annual report that, together with a NGO, it had ‘uncovered evidence of at least seven executions by hanging carried out in 2006 in Kaduna, Jos and Enugu prisons.’ Although a federal government representative denied those punishments, a Kano state official confirmed to the BBC that the executions had taken place <sup>(190)</sup>.

The Legal Defence and Assistance Project (LEDAP) reported that three death row prisoners were executed secretly in Benin City in December 2016 <sup>(191)</sup>. AI also reported that, according to information received from the NPS, no-one was executed in Nigeria in 2015, although 171 people were sentenced to death in that year. This was a dramatic drop of 74 % in comparison with 2014 when 659 death sentences were recorded. Furthermore, 26 pardons were granted; 41 death row prisoners were exonerated; and 1 673 were on death row . However, in 2016 there was a significant rise again when 527 people were sentenced to death. In the same year 33 pardons were granted, 32 death row prisoners were exonerated and 1 979 were on death row <sup>(192)</sup>.

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<sup>(188)</sup> Death Penalty Worldwide, Death Penalty Database Worldwide – Nigeria, 17 March 2017.

<sup>(189)</sup> Death Penalty Worldwide, Death Penalty Database Worldwide – Nigeria, 17 March 2017.

<sup>(190)</sup> AI, Amnesty International Report 2008 - Nigeria, 28 May 2008.

<sup>(191)</sup> Channels Television, LEDAP condemns killing of death row prisoners in Benin City, 28 December 2016.

<sup>(192)</sup> AI, Death Sentences and Executions 2015, 6 April 2016, p. 60.

## 4. Gender-related issues

### 4.1. Domestic violence

Sources describe the prevalence of domestic violence in Nigeria as widespread, or endemic<sup>(193)</sup>. Domestic violence may include physical, emotional, psychological, or sexual abuse, economic abuse, coercion and threats, intimidation, isolation, blame, and jealousy<sup>(194)</sup>. According to the 2013 Nigeria Demographic and Health Survey (NHDS 2013), 28 % of Nigerian women surveyed aged 15-40 experienced physical violence at least once since the age of 15, and 11 % experienced it in the previous year prior to the survey. Out of women that were ever married, 25 % experienced some form of physical, sexual, or emotional abuse in the past, with 19 % having experienced it in the past year. In comparison, 35 % of never-married women, 30 % of women without children, and 42 % percent of divorced, separated, or widowed women reported experiencing violence since age 15. Overall, 7 % of women aged 15-49 had experienced sexual violence at least once, with a higher proportion coming from Catholic and Christian groups and among divorced, separated or widowed women<sup>(195)</sup>. Other patterns that cut across socioeconomic and cultural backgrounds include:

- Employed women are more likely than unemployed women to experience physical violence.
- Educated women who have had primary and secondary schooling are more likely to experience violence than other women or those who have never attended school.
- Women in urban areas are more likely to have experienced physical violence than their rural counterparts.
- The experience of physical violence increases with wealth status.
- Women in the South South region have the highest proportion (52 %) of those suffering from physical violence compared to the North West where there is the lowest proportion (7 %); in Kano, only 1 % of women reported experiencing physical violence, while in Benue, it was 72 %.
- Widowed women report facing violence from their husbands' families, particularly if they are blamed for his death, and they or their children may experience physical and verbal abuses, or relatives may demand that they participate in cultural practices to prove their innocence in relation to the husband's death. There is a higher prevalence among Catholic and Christians than other religious groups in terms of maltreatment of widows<sup>(196)</sup>.

According to the NDHS, most perpetrators of domestic violence are the person's current husband or partner, though other family members are also common perpetrators, such as mothers, stepmothers, siblings, or fathers and stepfathers. In those instances where sexual violence occurred, the most common perpetrators of sexual violence are husbands (more than 70 %), partners, or former husbands. The study found that 13 % of women had been sexually abused by a stranger, and 10 % by a friend or acquaintance<sup>(197)</sup>.

Rape is common and widespread; societal stigma reduces the likelihood of victims reporting it or of perpetrators being prosecuted or punished<sup>(198)</sup>.

#### 4.1.1. Legal context relating to domestic violence

According to the NDHS 2013, despite the widespread recognition of the problem of domestic violence, protection for women remains inadequate<sup>(199)</sup>. The Centre for Reproductive Rights reports that across a third of Nigerian states, there are no laws that specifically protect women against forms of violence. In northern Nigeria, the penal

<sup>(193)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16; Centre for Reproductive Rights, Supplementary Information on Nigeria Scheduled for Review during the Pre-Session Working Group of the 67th Session of the CEDAW Committee, 28 September 2016.

<sup>(194)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(195)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(196)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(197)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(198)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(199)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

code allows husbands to discipline their wives as long as ‘grievous’ harm is not inflicted <sup>(200)</sup>. The US DoS reports that there is no comprehensive law protecting women from violence and that victims and survivors have ‘little or no recourse to justice’ <sup>(201)</sup>.

In terms of legislation dealing with gender and domestic violence, the Violence Against Persons Prohibition (VAPP) Act is applicable in the Federal Capital Territory and has not been adopted by the states. The law criminalises rape and also addresses other issues of sexual, physical, psychological violence and harmful traditional practices. The VAPP deems spousal battery, forced removal from home, forced economic abuses, harmful widowhood practices, FGM/C and acid attacks as offences and grants compensation to victims. However, information on implementation of the law in practice could not be found <sup>(202)</sup>.

There is also state-level legislation criminalising domestic violence in a few states. The Protection Against Domestic Violence Law in Lagos state criminalises domestic violence; however, awareness and implementation of the law in Lagos is limited <sup>(203)</sup>. The US DoS notes that most states do not have legislation against gender or domestic violence <sup>(204)</sup>.

#### 4.1.2. Reporting violence to authorities; response, protection and shelters

According to the NDHS, overall, ‘45 percent of women who have experienced any type of physical or sexual violence have never sought help and never told anyone about the violence’. The same source noted that neither the education level nor wealth resulted in an increased likelihood of women seeking assistance <sup>(205)</sup>. The NDHS stated that the majority of women who were victimised sought help from their family (72 %) or their husband’s family (28 %), or from friends, neighbours, or religious leaders, doctors or medical personnel. Only 2 % of women sought assistance from police <sup>(206)</sup>.

In a report on domestic violence by the Research Directorate of the Immigration and Refugee Board of Canada (IRB), civil society representatives interviewed by the IRB stated that ‘women experiencing domestic violence do not often approach police with complaints due to a lack of trust in the force’. Regarding police responses, a civil society network of 46 civil society organisations working on police accountability and human rights in Nigeria (NOPRIN) indicated to the IRB that police ‘characteristically exhibit bias and discriminatory attitudes in their treatment of female victims of violence’ <sup>(207)</sup>. Sources indicate that domestic violence is socially or culturally acceptable to many Nigerians <sup>(208)</sup>. Police often refused to intervene in domestic violence disputes or blamed the victim for their treatment <sup>(209)</sup>. Moreover, in rural areas, ‘police remained reluctant to intervene to protect women who formally accused their husbands of abuse if the level of abuse did not exceed customary norms in the area’ <sup>(210)</sup>.

At judiciary level, according to the representative of LEDAP (Legal Defence Assistance Project) who was interviewed by the IRB, in Nigeria, ‘it is “uncommon” for cases of domestic violence to reach the prosecution stage and “it is also uncommon for women to pursue criminal cases because the burden of proof on the victim is very high and it is difficult for them to prove in cases of battery and assault”’ <sup>(211)</sup>. The Nigerian legal scholar E.I. Nwogugu states in a 2014 book on Nigerian family law that it is difficult to prove domestic violence in court, and that victims are ‘often unwilling to take action in the civil courts’, while family members often refuse to testify in court <sup>(212)</sup>.

IRB mentions the following state agencies and NGOs as possible sources of non-government assistance:

<sup>(200)</sup> Centre for Reproductive Rights, Supplementary Information on Nigeria Scheduled for Review during the Pre-Session Working Group of the 67th Session of the CEDAW Committee, 28 September 2016.

<sup>(201)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(202)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(203)</sup> IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(204)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(205)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(206)</sup> NPC/ICF Int., NDHS 2013, 2014, Chapter 16.

<sup>(207)</sup> IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(208)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017; IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(209)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(210)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(211)</sup> IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(212)</sup> Nwogugu, E.I., Family Law in Nigeria, 2014.

- The Nigerian National Human Rights Commission (NHRC). This commission aims at creating an enabling environment for the promotion, protection and enforcement of human rights. The commission has a division on women and gender matters. (<http://www.nigeriainights.gov.ng/activities-of-the-commission>).
- The PCC (Public Complaints Commission), the government of Nigeria’s ombudsman for receiving and investigating complaints from the public against government agencies and corporate organisations or their officials, works in collaboration with the government’s Legal Aid Council, as well as with civil society groups such as the Civil Liberties Organisation and FIDA to provide legal aid to victims of domestic violence. (<http://www.pccfct.gov.ng/>).
- The CLEEN Foundation (formerly known as Centre for Law Enforcement Education) a non-governmental organisation based in Nigeria that works to promote public safety and security, accountability and justice; it publishes the National Crime Victimization and Safety Survey, the largest database on crime and victimisation in Nigeria. Its Executive Director indicated that some police stations reportedly have Family Support Units as well as human rights officers that deal with complaints including those related to domestic violence (21 October 2014). (<http://www.cleen.org/>).
- The Legal Defence Assistance Project of Nigeria (LEDAP) a non-governmental organisation of lawyers that provides free legal assistance to poor and vulnerable victims of human rights violations. It indicated that out 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 October 2014). (<http://ledapnigeria.org/>).
- FIDA (International Federation of Women Lawyers), an NGO which provides legal aid and services to poor women in Nigeria through its 32 state branches in Nigeria (Daily Trust 20 June 2014). (<http://www.fida.org.ng/>).
- BAOBAB for Women’s Rights, a Lagos-based non-profit NGO committed to the promotion and protection of women’s rights. It indicated in its 2011 annual report that ‘police were not aware of the provisions of the Protection Against Domestic Violence Law (PDVL)’, and that it provided copies of the law to police. (<http://www.defendingwomen-defendingrights.org/about/members/baobab-for-womens-human-rights/>).
- The non-profit initiative Centre for Health, Ethics, Law and Development (CHELD), based in Lagos, employs law, policy, ethics promotion and research to improve public health in Nigeria and other African countries. Its website Domestic violence and abuse resource center<sup>(213)</sup> provides practical help, advocacy and tools for empowerment. (<http://cheld.org/>).

Civil society sources interviewed by the IRB report that domestic violence is frequently addressed through NGOs using alternative dispute resolution. In cases of domestic violence, the victims often first attempt to try mediation, and going through the formal police and court systems is typically the ‘last resort’<sup>(214)</sup>.

As far as shelters and services for domestic violence in Nigeria are concerned, information is scarce, according to the IRB. According to sources interviewed by the IRB, there are three shelters for abused women in Lagos state – one run by a church, one run by the civil society group Project Alert (20 beds), and one run by the Ministry of Women’s Affairs (100 beds). Project Alert allows women to stay for free for several weeks, after which they must pay. The Ministry shelter requires a referral in order to be permitted access<sup>(215)</sup>. According to the director of Project Alert, quoted in the 2016 thematic report by the UK Home Office, ‘public perception and understanding of domestic violence and its negative consequences are growing. (...) She says the support systems are getting better, but there is definitely room for further improvement, especially on the part of government agencies (the police, hospitals and courts)’<sup>(216)</sup>.

The government of Ekiti state indicates on its website that in 2013 it established a Social Intervention Centre in Ado for the temporary shelter of victims of domestic violence in four apartments with three bedrooms each<sup>(217)</sup>. There is a shelter run by the Ministry of Women’s Affairs in Abuja called the Kurudu Centre; however, according to the UNDP, it is reportedly not functioning, or functioning well below capacity<sup>(218)</sup>. The UNDP mapped shelters available for victims of gender-based violence in 2014 and found that several of the established shelters were not functioning effectively or at all due to financial problems. The same report states that there is much greater demand for shelters than the space that can be provided and that shelters are hampered by the cost of operating. The UNDP also remarked that there is ‘a dearth of shelters in the Northern part of the country’<sup>(219)</sup>.

<sup>(213)</sup> Domestic violence and abuse resource center, Home, n.d.

<sup>(214)</sup> IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(215)</sup> IRB, Nigeria: Domestic violence, including Lagos State (2011-October 2014), 10 November 2014.

<sup>(216)</sup> UK Home Office, Nigeria: Women fearing gender-based harm or violence, August 2016, Part 6.4.2.

<sup>(217)</sup> Ekiti State, ‘Ekiti provides accommodation for domestic violence victims, others,’ March 2013.

<sup>(218)</sup> UNDP, May 2014, Mapping of Laws, Policies, and Services on Gender-Based Violence and Its Intersections with HIV, p. 52.

<sup>(219)</sup> UNDP, May 2014, Mapping of Laws, Policies, and Services on Gender-Based Violence and Its Intersections with HIV, p. 52.

More information on domestic violence in Nigeria can be found in the 2016 thematic report by the UK Home Office <sup>(220)</sup>.

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

Female Genital Mutilation/Cutting <sup>(221)</sup> is practiced in a number of African countries, including Nigeria <sup>(222)</sup>. Due to a combination of FGM/C being fairly widespread in several large ethnic groups in Nigeria and the large population of the country, millions of Nigerian women have been subjected to this practice.

### 4.2.1. Typology and prevalence of FGM/C

The World Health Organization (WHO) provides the following typology of different kinds of FGM/C <sup>(223)</sup>:

**Type I** — Partial or total removal of the clitoris and/or the prepuce (clitoridectomy).

**Type II** — Partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (excision).

**Type III** — Narrowing of the vaginal orifice with creation of a covering seal by cutting and appositioning the labia minora and/or the labia majora, with or without excision of the clitoris (infibulation).

**Type IV** — All other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization<sup>4</sup>.

The main current statistical source on FGM/C in Nigeria, the Nigeria Demography and Health Survey 2013 (NDHS 2013), uses different terms from the ones provided by WHO, without going into the question of whether or not they overlap. The country report from the NGO 28 Too Many links the WHO types with the terms used in NDHS 2013 <sup>(224)</sup>:

- Cut, no flesh removed: type I
- Cut, flesh removed: type II
- Sewn closed: type III.

The NDHS also mentions two specific kinds of FGM/C practiced among some communities (mainly Hausa) in north Nigeria, angurya and gishiri cuts. These practices are, according to the WHO ‘not routinely performed on girls but more as a traditional birthing practice’, and will not be further discussed in this report <sup>(225)</sup>.

According to the 2013 NDHS survey, in total 24.8 % of all women between 15 and 49 have been cut: of these 62.6 % underwent Type II, 5.8 % Type I and 5.3 % Type III. 26 % of the cut women did not know which type they had undergone <sup>(226)</sup>.

### 4.2.2. Age

Several ethnic groups – and all the large ones – generally practice FGM/C on infants. Around 90 % of Hausa (91.6 %), Yoruba (88.7 %) and Igbo (90.2 %) women report that they were subjected to FGM/C before the age of 5. Of the women subjected to FGM/C, 34 % in the North East zone and 25.8 % in the South South (Ibibio and Ijaw/Izon) were so at the age of 15 or older – perhaps as part of an initiation ritual for womanhood <sup>(227)</sup>. In rare cases, FGM/C is practiced prior to a woman’s marriage, during her first pregnancy or upon death <sup>(228)</sup>.

<sup>(220)</sup> UK Home Office, Nigeria: Women fearing gender-based harm or violence, August 2016, Part 6.4.

<sup>(221)</sup> For a discussion of terms used describing the practice, cf. UNICEF, FGM/C: A statistical overview and exploration of the dynamics of change, 1 September 2013, pp. 6–7.

<sup>(222)</sup> For a general discussion of FGM/C in West Africa, cf. Landinfo, Female genital mutilation of women in West Africa, 12 January 2009.

<sup>(223)</sup> WHO, Classification of female genital mutilation, n.d..

<sup>(224)</sup> NPC/ICF, NDHS 2013, June 2014, pp. 345–362; 28 Too Many, Country Profile: FGM in Nigeria, October 2016, p. 25.

<sup>(225)</sup> WHO, Interagency statement on Eliminating Female Genital Mutilation, 2008; Mandara, M.U., ‘Female genital cutting in Nigeria’, 2000, p. 98.

<sup>(226)</sup> NPC/ICF, NDHS 2013, June 2014, p. 350.

<sup>(227)</sup> NPC/ICF, NDHS 2013, June 2014, pp. 351–353.

<sup>(228)</sup> Ahanonu, E.L., Victor, O, Mothers’ perceptions of female genital mutilation, 10 January 2014, pp. 683-689.

### 4.2.3. Development in the practice of FGM/C in Nigeria

The main development is that the prevalence is decreasing over time. In the figures provided in the last health and demography survey, women aged 45–49 are more than twice as likely as women aged 15–19 to have been circumcised (35.8% compared with 15.3%)<sup>(229)</sup>. Also, attitudes towards FGM/C are increasingly more negative<sup>(230)</sup>. There is a partial tendency towards less extensive types of FGM/C<sup>(231)</sup> and health professionals perform a larger share of FGM<sup>(232)</sup>.

The prevalence of FGM/C depends on several social factors which are discussed briefly below: ethnic background, level of education, and urban/rural dimension.

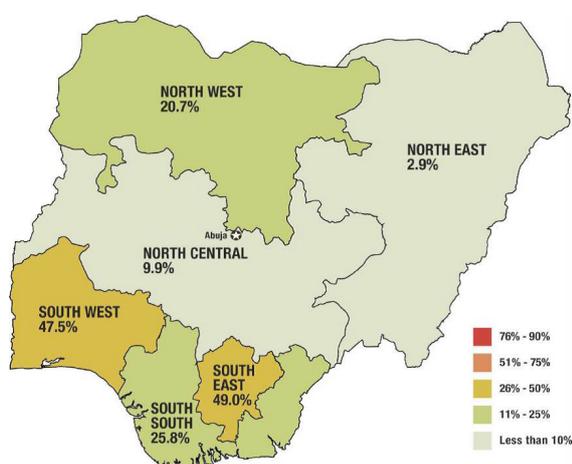
### 4.2.4. Social factors: Ethnicity

The practice of FGM/C in Nigeria is linked to ethnic background, but it is important to emphasise that there is no uniform practice within ethnic groups. Neither is there any ethnic group or community in present-day Nigeria with a near-universal practice of FGM/C. Current variation in the practice of FGM/C is linked to several factors in addition to historical variation.

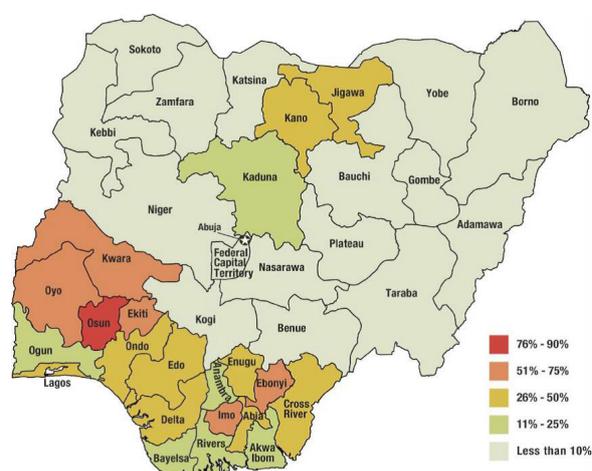
Several surveys on FGM/C show that the practice tends to be more common among southern ethnic groups than among northern ones<sup>(233)</sup>:

- Yoruba: 52–90% prevalence in different studies
- Bini/Edo: 69–77% prevalence in different studies
- Igbo: 45–76% prevalence in different studies
- Niger Delta groups: Ijaw 11–24%, Ibibio 12–16%, Ekoi 35–57%, Urhobo 51%, Isoko 66%, Esan 33%
- Hausa-Fulani: 13–30% prevalence in different studies.

The variation between ethnic groups is reflected in the regional variation as is illustrated by two maps from the NGO *28 Too Many*, based on statistics from NDHS 2013<sup>(234)</sup>:



Map 3: Prevalence of FGM by Zone (@28 Too Many)



Map 3: Prevalence of FGM by Zone (@28 Too Many)

<sup>(229)</sup> NPC/ICF, NDHS 2013, June 2014, p. 349.

<sup>(230)</sup> NPC/ICF, NDHS 2013, June 2014, pp. 358–362.

<sup>(231)</sup> NPC/ICF, NDHS 2013, June 2014, p. 349.

<sup>(232)</sup> Orubuloye, I.O. et al., “Female “circumcision” among the Yoruba of Southwestern Nigeria”, 2000, p. 88; Ugboma, H.A et al., Prevalence and medicalization of female genital mutilation, 2004, p. 252.

<sup>(233)</sup> Most estimates are for limited research populations, and cannot be regarded as representative for a given ethnic group, because the surveys are not done on statistically representative populations. Also, there are no estimates available for a number of ethnic groups, i.e. Itsekiri, Ogoni, etc. The health and demography surveys are the only studies done in Nigeria that can be considered representative, and they only give self-reported figures for the larger ethnic groups in the country (Ekoi, Fulani, Hausa, Ibibio, Igala, Igbo, Ijaw, Kanuri, Tiv and Yoruba, cf. NPC/ICF, NDHS 2013, June 2014, p. 345–362).

<sup>(234)</sup> 28 Too Many, Country Profile: FGM in Nigeria, October 2016, p. 23.

The map on the left (zonal level) shows that the South West roughly corresponds to the states dominated by Yoruba, the South East to the states dominated by Igbo, and the North West to the states dominated by Hausa-Fulani.

However, the map on the right (at states level) shows a wide variation within each zone demonstrating that practice within these ethnic groups is far from uniform. Prevalence percentages are the highest in the southern states of Osun (76 %), Ebonyi (74 %), Ekiti (72 %), Imo (68 %), and Oyo (65 %). In the north, Kano (40 %), Jigawa (39 %) and Kaduna (25 %) have the highest percentages <sup>(235)</sup>.

#### 4.2.5. Social factors: Level of education

Within ethnic/regional groups, a higher level of education is associated with more negative attitudes towards FGM/C and knowledge of its harmful consequences. Thus, educated parents and parents choosing to send their daughters to school are less likely to want to subject their daughters to FGM/C than other parents <sup>(236)</sup>.

#### 4.2.6. Social factors: Urban/rural dimension

Girls growing up in urban areas are less likely to be subjected to FGM/C than girls in the countryside. This can be explained by a number of factors <sup>(237)</sup>:

- Urban parents have more education.
- There is less direct involvement from relatives and others in urban areas.
- Urban parents worry less regarding non-circumcised daughters' marriage prospects.
- It is less common to believe FGM/C enhances beauty and means less medical problems among urban people.
- Urban residents have better access to information about harmful consequences of FGM.

#### 4.2.7. Cultural justifications for FGM/C

The most widespread justification for FGM/C in Nigeria is the belief that contact between the clitoris and a baby's head during birth is lethal or harmful for the baby <sup>(238)</sup>. Other cultural justifications are cleanliness or hygiene, prevention of promiscuity, enhancing fertility and fulfilled womanhood <sup>(239)</sup>.

#### 4.2.8. Legal framework concerning FGM/C

The NGO 28 Too Many, a charity and advocacy group working toward the eradication of FGM/C, provides a list of 'operational' laws in place across the states of Nigeria related to gender-based violence; however it is not systematically listed which ones specifically apply to FGM/C. Edo state specifically bans FGM/C under legislation passed in 1999 <sup>(240)</sup>. According to US DoS, although 12 states banned the practice of FGM/C, even once criminalised under the law, NGOs 'had to convince local authorities that state laws apply in their districts' <sup>(241)</sup>.

The Violence Against Persons Prohibition Act (VAPP), passed in May 2015, is the first federal law criminalising FGM/C across the entire country <sup>(242)</sup>. According to the VAPP, a person who performs FGM/C can be penalised with a maximum of 4 years in prison, 200 000 NGN (\$635) or both. Those who aid someone to perform FGM/C can face a maximum of 2 years' imprisonment and a fine of 100 000 NGN (\$317), or both <sup>(243)</sup>.

<sup>(235)</sup> NPC/ICF, NDHS 2013, June 2014, p. 350.

<sup>(236)</sup> The general tendency in DHS 2013 is that a larger share of women with education (around 30 %) state that they have been through FGM/C than what is the case for women with no education (17 %), cf. NPC/ICF, NDHS 2013, June 2014, p. 350. This can be explained through regional and ethnic differences: FGM/C is considerably more prevalent among southern ethnic groups than in the north, and southern women are generally better educated than northern women, cf. NPC/ICF, NDHS 2013, June 2014, pp. 23–24.

<sup>(237)</sup> Orubuloye, I.O. et al., 'Female "circumcision" among the Yoruba of Southwestern Nigeria', 2000. Though this study is done on Yoruba, the results are similar to what can be found in other southern groups.

<sup>(238)</sup> Orubuloye, I.O. et al., 'Female "circumcision" among the Yoruba of Southwestern Nigeria', 2000.

<sup>(239)</sup> Ahanonu, E.L., Victor, O, Mothers' perceptions of female genital mutilation, 10 January 2014, pp. 683-689.

<sup>(240)</sup> 28 Too Many, Country Profile: FGM in Nigeria, October 2016, pp. 68-70.

<sup>(241)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(242)</sup> 28 Too Many, Country Profile: FGM in Nigeria, October 2016, pp. 51-53.

<sup>(243)</sup> Federal Republic of Nigeria, Violences against persons (prohibition) Act, 2015.

The US DoS notes that despite the federal criminalisation of FGM/C, the federal authorities ‘took no legal action to curb the practice’. Furthermore, the provisions of the VAPP apply only to the FCT until adoption by state legislatures. The Ministry of Health, civil society organisations and women’s groups conducted public awareness and educational projects on FGM/C risks <sup>(244)</sup>. According to *28 Too Many*, three critical challenges to the enforcement of the VAPP relating to FGM/C are: the majority of states have not criminalised the practice under the VAPP, an effective enforcement authority has to be created, and cultural ties to FGM/C have to be broken <sup>(245)</sup>.

A systematic review of Nigerian legislation concerning FGM/C at state level can be found in the report on Nigeria by the NGO *28 Too Many* <sup>(246)</sup>.

According to informants interviewed by IRB, women may seek assistance for protection ‘from the police, the Lagos State Ministry of Social Welfare, the Office of the Public Defender, numerous NGOs, churches/mosques, and community leaders, ... traditional rulers, priests, and pastors’ <sup>(247)</sup>.

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

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 a 1998 study done in Benin City, mothers in most cases said it was their girls’ fathers who had made the decision (33 out of 36 cases), and their paternal grandmothers in the remaining 3 <sup>(248)</sup>. In a 2004 study surveying attitudes among the three large ethnic groups, the researchers observed that, unlike male circumcision, in female circumcision, ‘both parents are generally involved in the decision making’ noting that older women play a more significant role among the Igbo, while the father does so among the Yoruba and Hausa people. The study noted the following comments from respondents regarding decision-making:

(Igbo): ‘The eldest female on the side of the husband makes the decision.’

(Hausa): ‘The father of the child with the mother’s support makes the decision.’

(Yoruba): ‘Both parents make the decision, but the father seeks the circumciser.’ <sup>(249)</sup>

In an in-depth study on attitudes among Yoruba towards female circumcision, conducted in 2000, researchers found that there are uneven influences within the family. According to the study, it is ‘usually the wife who felt strongly on the matter’ while the husbands left such matters, particularly involving daughters, to their wives. It was not infrequent for the wife to be supported by her mother. Additionally, the researchers noted that ‘only 8 percent of those not circumcising refused to countenance their husbands’ opposition or indecision’. The same study found that, due to perceptions of changing attitudes, the respondents had few concerns about the prospects of marriage for their uncircumcised daughters <sup>(250)</sup>.

Sources interviewed in 2012 by IRB stated that the dynamics between parents was crucial. Parents can refuse to have FGM/C performed on their daughters, particularly since they play such a major role in decision-making, and particularly if both parents agree not to have it performed. IRB found that in situations where the woman refuses but the husband and his family are supportive of the idea, then it might be performed in her absence. Another civil society interlocutor interviewed by the IRB stated that in most cases the parents themselves are responsible for the practice of FGM/C, and that it is common for young illiterate couples to listen to the authority of the grandmother who may demand FGM/C on a granddaughter. A lawyer interviewed by the IRB observed that better educated and wealthier families are more resistant to the practice <sup>(251)</sup>. 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 <sup>(252)</sup>.

<sup>(244)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(245)</sup> *28 Too Many*, Country Profile: FGM in Nigeria, October 2016, pp. 52-53.

<sup>(246)</sup> *28 Too Many*, Country Profile: FGM in Nigeria, October 2016, pp. 68-70.

<sup>(247)</sup> IRB, Nigeria: Prevalence of female genital mutilation (FGM) (2014-September 2016), 13 September 2016.

<sup>(248)</sup> Ehigiegba, A.E. et al., ‘Female circumcision and determinants in southern Nigeria’, 1998, p. 375.

<sup>(249)</sup> Anuforo, P.O. et al., ‘Comparative study of meanings, beliefs, and practices of female circumcision among three Nigerian tribes in the United States and Nigeria’, 2004, p. 109.

<sup>(250)</sup> Orubuloye, I.O. et al., ‘Female “circumcision” among the Yoruba of Southwestern Nigeria’, 2000, p. 86.

<sup>(251)</sup> IRB, Nigeria: Whether parents can refuse female genital mutilation for their daughters, 21 November 2012.

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

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. In one study from 2000, among Yoruba, the opinion of grandparents was the main decisive factor for only 4 % of rural respondents, and 2 % of the urban ones, and often they were not consulted at all. The study found that relatives either supported the decision not to circumcise or were not informed or asked, with the chief reaction being silence. Frequently, parents simply let the time for circumcision lapse without discussing it <sup>(253)</sup>.

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 <sup>(254)</sup>. 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 <sup>(255)</sup>.

Most interlocutors of a fact-finding mission by the Office français de protection des réfugiés et apatrides (OFPRA), asserted that in case parents refuse their daughter to be cut, there will be no consequences nowadays. There is no retaliation and no threats, as this is a family issue. If the husband or his family is very strong and the mother does not want FGM/C for her daughter, she needs to convince her husband as well. One interlocutor advised the mothers to pretend that the daughter already had been cut, to avoid social pressure <sup>(256)</sup>.

## 4.3. Marriages

### 4.3.1. Marriage legislation

According to the Lawyers Chronicle, there are three forms of marriage recognised in Nigeria: monogamous marriages under the civil marriage law, marriages under customary law, and those occurring under Islamic law. Monogamous statutory marriages are regulated under the Marriage Act of 1914, and deem bigamy liable for punishment <sup>(257)</sup>. *28 Too Many* explained that polygamy is prohibited under civil law in Nigeria, but it is permissible and legal under both customary and Islamic law <sup>(258)</sup>. ICG explains that in practice, state level laws in the 12 northern states permit polygamous unions, but that they are prohibited under federal civil law <sup>(259)</sup>. Under Islamic law, men can marry up to four wives <sup>(260)</sup>. According to the UN, in Nigeria, all marriages under customary and Islamic law are potentially polygamous; unions in which women experience inequality and are subordinated as ‘property’. Women in such marriages do not have equal rights in matters of marriage, dissolution, inheritance, and property <sup>(261)</sup>. Women in customary marriage may also be subject to levirate marriage (with their husband’s brother) in the event of their husband’s death <sup>(262)</sup>. The Social Institutions and Gender Index notes the discriminatory impacts of women in polygamous or customary unions <sup>(263)</sup>.

According to a 1982 article about marriage laws in Nigeria by Harinder Boparai, there is no single uniform customary law in Nigeria, and such systems vary within and across regions. Common features of customary laws are that they are unwritten, reflective of the local society and accepted usages, and that they change with time. In northern Nigeria, customary rules on marriage have been written down, but may still be modified. Islamic law is also considered part

<sup>(253)</sup> Orubuloye, I. et al., ‘Female “circumcision” among the Yoruba of Southwestern Nigeria’, 2000, pp. 81, 86–87.

<sup>(254)</sup> CORI, Nigeria: Gender and Age, December 2012, pp. 74–75; IRB, Nigeria: Consequences for parents who refuse to submit their daughters to the practice of female genital mutilation, 30 October 2006.

<sup>(255)</sup> IRB, Nigeria: Whether parents can refuse female genital mutilation for their daughters, 21 November 2012.

<sup>(256)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, pp. 45–46.

<sup>(257)</sup> The Lawyers Chronicle, Types of Marriage Under Nigerian Law, n.d.; Federal Republic of Nigeria, Marriage Act, 31 December 1914.

<sup>(258)</sup> *28 Too Many*, Country Profile: FGM in Nigeria, October 2016, p. 26.

<sup>(259)</sup> ICG, Nigeria: Women and the Boko Haram Insurgency, 5 December 2016, p. 2.

<sup>(260)</sup> The Lawyers Chronicle, Types of Marriage Under Nigerian Law, n.d.

<sup>(261)</sup> UN, CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, 28 April 2003, par. 16.3.

<sup>(262)</sup> IRB, Nigeria: Levirate marriage practices among the Yoruba, Igbo and Hausa-Fulani (February 2006), 16 March 2006.

<sup>(263)</sup> SIGI, Country Profile – Nigeria, 2014.

of customary law, though in some areas, such as Yoruba parts of Southern Nigeria, it has been modified and cross-fertilised with local customary law and applies as such. The author also notes that there is no systematic registration of customary marriages <sup>(264)</sup>.

### 4.3.2. Polygamy

Sources report that polygamy is widely practiced or relatively common across Nigeria, particularly in the north <sup>(265)</sup>. Without disaggregating by ethnic group, the Nigeria Demographic and Health Survey (NDHS) 2013 reports that 17 % of Nigerian men are married in polygamous marriages, mainly older men. Higher rates of polygamous unions are reported in rural areas (21 %) compared to urban areas (9 %). The state with the highest percentage of married men in polygamous unions is Zamfara (36 %), and the lowest numbers are in Abia and Imo, where almost no men are in polygamous marriages. The number of women who report having no ‘co-wives’ is highest in the South East (87 %) and lowest in the North West (56 %). The highest number of women reporting having ‘co-wives’ in their marriage is in Zamfara state (53 %) and lowest in Imo state (3 %). Men in the north are more likely to have more than one wife than those in the south, as described regionally here:

- 26 % of currently married men in the North West are in a polygamous union;
- 21 % in the North East;
- 16 % in the North Central zone;
- 9 % of men in the South West;
- 7 % in the South South;
- 4 % in the South East <sup>(266)</sup>.

According to a reproductive rights lawyer in Nigeria, interviewed by the IRB in 2012, forced marriage prevalence in the north is linked to cultural and religious practices of polygamy <sup>(267)</sup>.

According to sources, polygamous marriage has an extensive history in Nigeria, among both Muslims and non-Muslims <sup>(268)</sup>. According to a 2016 study on child mortality and polygamy among the Igbo, using historical and modern data, researchers from the Universities of Essex and Warwick found that polygamy is prevalent among the Igbo ethnic group, and noted that polygamy is more likely to be prevalent among poor and rural communities <sup>(269)</sup>. Among the Yoruba, the practice occurs among Muslims, Christians and adherents to the Yoruba religion <sup>(270)</sup>.

Polygamy is reportedly less common among educated people, according to the BBC <sup>(271)</sup>. The NDHS 2013 also noted that increased education and wealth show lower rates of polygamous unions for men and women <sup>(272)</sup>. A 2006 study on polygamy and child mortality among the Igbo also noted that polygamy is more likely to be prevalent among poor and rural communities <sup>(273)</sup>.

## 4.4. Child marriage, early marriage, and forced marriage

### 4.4.1. Prevalence

According to the 2016 report by UNICEF on the State of the World’s Children, in Nigeria, between 2008 and 2014, the percentage of child marriage was 17 % for children under age 15, and 43 % for youths under age 18 <sup>(274)</sup>. The government of Nigeria’s 2016 strategy against child marriage notes that northern Nigeria has among the highest

<sup>(264)</sup> Boparai, H., ‘The Customary and Statutory Law of Marriage in Nigeria’, 1982, pp. 532–533; 553.

<sup>(265)</sup> BBC, Why does a Nigerian Muslim leader want to restrict polygamy?, 22 February 2017.

<sup>(266)</sup> NPC/ICF, NDHS 2013, June 2014, p. 56, Table 4.2.2. It is not clear from the report if ‘married’ only refers to people who have formalised their marriages, or if it also includes people who are considered married by themselves and their community, despite the relationship not being formalised (a common phenomenon in West Africa).

<sup>(267)</sup> IRB, Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities, 9 November 2012.

<sup>(268)</sup> Falola, T. Genova, A., Historical Dictionary of Nigeria, 2009, p. 304.

<sup>(269)</sup> Arthi, V., Fenske, J., ‘Polygamy and child mortality’, 24 November 2016, pp. 1–45.

<sup>(270)</sup> Falola, T. Genova, A., Historical Dictionary of Nigeria, 2009, p. 304.

<sup>(271)</sup> BBC, Why does a Nigerian Muslim leader want to restrict polygamy?, 22 February 2017.

<sup>(272)</sup> NPC/ICF, NDHS 2013, June 2014, p. 56.

<sup>(273)</sup> Arthi, V., Fenske, J., ‘Polygamy and child mortality’, 24 November 2016, pp. 1–45.

<sup>(274)</sup> UNICEF, The State of the World’s Children, June 2016, p. 151.

rates of child marriage in the world, and particularly in the North West and North East of Nigeria, with 48 % of girls marrying by age 15 and 78 % marrying by age 18 <sup>(275)</sup>. The phenomenon remains a significant societal problem, with a ‘marked relationship’ between a woman’s age of first marriage and her education level <sup>(276)</sup>.

The government of Nigeria’s 2016 strategy notes a number of regional variations in practices:

- North West: researchers found that girls could choose their partners, but not the timing of their marriage; families encouraged marriage early as they were fearful that girls may dishonour the family through lengthy courtship;
- North East: arranged marriages are prevalent to foster social and political alliances and due to beliefs that it is not prohibited by Islam and perceptions that stopping child marriage is a ‘western’ imposition. However, Christians in this region are against child marriage, making the practice more rare among this group;
- North Central: respondents indicated that child marriage was gradually decreasing, however it was still prevalent among the Hausa and Nupe people of Kwara state, for example;
- South Eastern Nigeria: child marriage has declined considerably in the region and is not considered ‘grave’; however, teen pregnancy and cohabitation with underage girls were critical problems;
- South South: Child marriage is not prevalent in this region, with numerous laws in place across several states;
- South West: Respondents indicated that child marriage was not accepted by society, however, they noted that a common problem in Yorubaland is teen pregnancy among girls as young as 13-14 and that frequently, when older girls become pregnant, they are encouraged to cohabit with the father, or move in with the father’s family <sup>(277)</sup>.

The same study found that the main drivers of child marriage in each region are also different. In the northern regions, grandparents and/or parents are the main stakeholders determining child marriage decisions. In the south, parents accept child marriage in most cases because of poverty, or because girls marry early due to teen pregnancy <sup>(278)</sup>. Women and girls have also been abducted by Boko Haram in the north, and forced to marry the group’s fighters <sup>(279)</sup>. According to a Nigerian lawyer who works on child marriage cases, interviewed by The Guardian, child marriage is linked to poverty, with parents and fathers especially, benefitting from receiving a dowry for the marriage of their daughter <sup>(280)</sup>.

According to women’s rights advocacy representatives and a reproductive rights lawyer interviewed by the IRB in 2012, forced marriage is far more prevalent in the Muslim communities of the north, due to cultural and religious practices linked to polygamy. The sources noted that in the north forced marriage is common among urban and rural poor populations, but not very common among the more educated; additionally, forced marriage is not common in the south, or among the Yoruba. The practice varies depending on cultural, ethnic, socio-economic, and religious factors <sup>(281)</sup>. According to the UK Home office report on Gender-based violence, poor families reportedly ‘sell their daughters into marriage to supplement their incomes. Families sometimes reportedly force young girls into marriage as early as puberty, regardless of age, to prevent “indecency” associated with premarital sex or for other cultural and religious reasons’ <sup>(282)</sup>.

#### 4.4.2. Legislation and State Protection

According to the advocacy organisation Girls Not Brides, the Nigerian Constitution sets no minimum age for legal marriage. The Child Rights Act however, passed in 2003, sets it at age 18 <sup>(283)</sup>. The US DoS notes that some states lowered the definition of a child in order to allow for local marriage practices <sup>(284)</sup>. The Child Rights Act 2003, states under Part III that:

‘21. No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever.

<sup>(275)</sup> FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, p. 10.

<sup>(276)</sup> FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, pp. 13, 20.

<sup>(277)</sup> FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, pp. 21-25.

<sup>(278)</sup> FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, pp. 24-25.

<sup>(279)</sup> UN HRC, Report of the UNHRC on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries, A/HRC/30/67, 29 September 2015, par. 38-43.

<sup>(280)</sup> The Guardian, Nigeria: child brides facing death sentences a decade after child marriage prohibited, 12 March 2015.

<sup>(281)</sup> IRB, Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities, 9 November 2012.

<sup>(282)</sup> UK Home Office, Nigeria: Women fearing gender-based harm or violence, August 2016, p. 5, Part 6.7.

<sup>(283)</sup> Girls Not Brides, ‘Child Marriage – Nigeria,’ n.d.

<sup>(284)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

22.—(1) No parent, guardian or any other person shall betroth a child to any person.

(2) A betrothal in contravention of Subsection (1) of this section is null and void.

23. A person—

(a) who marries a child; or

(b) to whom a child is betrothed; or

(c) who promotes the marriage of a child; or

(d) who betroths a child commits an offence and is liable on conviction to a fine of x500,000 (five hundred thousand Naira) or imprisonment for a term of five years or to both such fine and imprisonment’ (285).

The Act describes punishments for adults involved in sexual intercourse with a child with penalties of seven years to life in prison (286).

The government of Nigeria reports that the Child Rights Act has not been ‘domesticated’ (adopted) in most North Eastern states (287) while US DoS says it has been adopted by 24 state assemblies in all (288). Interlocutors of a fact-finding mission by the Office français de protection des réfugiés et apatrides (OFPRA), stated that child marriage is not criminalised, despite the existence of the Child Rights Act. The same source notes that in practice, the law is not applied because of partial transposition in state-level laws and due to cultural and religious reasons (289).

In 2016, the government of Nigeria launched a national strategy to end child marriage by 2030, noting that the legislative framework and policies to address early marriage, such as the Child Rights Convention and the Child Rights Act, ‘lack implementation structures’ to address the root causes of the problem (290). According to US DoS, the government did not take legal action to end the sale of girls into marriage by poor families selling daughters in order to supplement their incomes or due to religious and societal customs (291).

#### 4.4.3. Consequences for refusal and associated problems of forced marriage

A reproductive rights lawyer in Nigeria interviewed by the IRB in 2012 stated that a girl’s refusal of a forced marriage could result in ‘total neglect’ and ‘ostracism’. The report also provides Nigerian media examples of girls beaten or raped for running away from their husbands (292).

In a report about the impact of Boko Haram on women in Nigeria, ICG writes that women who have been forced to marry Boko Haram fighters, or even those who have been abducted, raped, or enslaved, have been stigmatised and faced difficulties reintegrating into their societies where sex outside marriage is not acceptable. These women may be rejected by their families and may face even more difficulties if they have children by their Boko Haram husbands. However, the report also notes that stigmatisation ‘varies between families, individuals, and communities’ and that other interviewed women who had escaped Boko Haram were integrated (293).

The Guardian reports on the case of a girl who had been married at 14 to a man 20 years her senior whom she killed after he tied her up and raped her on their wedding night. The girl was arrested and at age 18 was sentenced to death; she was finally acquitted with the assistance of legal aid organisations (294).

(285) Federal Republic of Nigeria, Child Rights Act, 2003.

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

(287) FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, p. 22.

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

(289) OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, p. 42.

(290) FMWASD, National Strategy to End Child Marriage in Nigeria 2016-2021, 2016, p. 10.

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

(292) IRB, 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, NGA104207.E, 9 November 2012.

(293) ICG, Nigeria: Women and the Boko Haram Insurgency, 5 December 2016, p. 15.

(294) The Guardian, Nigeria: child brides facing death sentences a decade after child marriage prohibited, 12 March 2015; The Guardian, Child bride freed by Nigerian authorities looks to new beginnings, 11 June 2015.

## 4.5. Trafficking of human beings (THB) with the purpose of prostitution

### 4.5.1. Nigerian networks ‘sponsoring’ women

The migration of women from Nigeria to Europe to work in prostitution has been going on since the late 1980s. During the 1990s, particularly Benin City evolved into a hub for this kind of migration, where ‘sponsors’ and ‘madams’ cover women’s costs of migrating from Nigeria to Europe, but where the women are obliged to pay back large sums to their sponsors/madams after arriving in Europe, financed through work in prostitution <sup>(295)</sup>. This topic has been extensively covered in an EASO report on human trafficking of Nigerian women to Europe published in 2015, and will not be discussed further here <sup>(296)</sup>.

### 4.5.2. Human trafficking of men for prostitution in Europe

There is no public source material available reporting that the Nigerian networks of ‘sponsors’ and ‘madams’ which facilitate migration for women also offer such possibilities for men, or that these networks in Europe organise men working in prostitution <sup>(297)</sup>. No source consulted by Landinfo on four fact-finding missions to Nigeria has heard of this phenomenon either. However, several of the oral sources of Landinfo and OFPRA have pointed out that there are men working in prostitution in Nigeria <sup>(298)</sup>.

<sup>(295)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, p. 22.

<sup>(296)</sup> EASO, Nigeria – Sex Trafficking of Women, 27 October 2015.

<sup>(297)</sup> This applies to all written sources mentioned in EASO, Nigeria – Sex Trafficking of Women, 27 October 2015, as well as Landinfo, Nigeria: Bakgrunn for kvinners migrasjon til Europa for å arbeide i prostitusjon, 1 February 2017; Landinfo, Nigeria: Kvinner som arbeider i prostitusjon i Europa, 2 March 2017; Landinfo, Nigeria: Returforhold for kvinner som har arbeidet i prostitusjon i Europa, 20 March 2017.

<sup>(298)</sup> Cf. oral source list in Landinfo, Nigeria: Returforhold for kvinner som har arbeidet i prostitusjon i Europa, 20 March 2017, pp. 30–31; OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, p. 22.

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

### 5.1. Legislation

The federal Criminal Code of 1916 criminalises same-sex acts in Nigeria. Under Chapter 21 (214), the law states that a person who ‘has carnal knowledge of any person against the order of nature ... or permits a male person to have carnal knowledge of him or her against the order of nature’ commits an ‘unnatural offence’, which is a felony punishable on conviction with a 14-year prison term. Under 21 (215), a person who attempts to commit an ‘unnatural offence,’ which is also a felony, can be punished by 7 years imprisonment. Nigeria also bans men from engaging in ‘gross indecency’ under 21 (217), both in public or in private, which is punishable by a 3-year prison sentence <sup>(299)</sup>.

The revised sharia criminal codes introduced in northern states from 1999 to 2006 criminalises same-sex acts as does the Northern Penal Code of 1960, with penalties based on traditional sharia <sup>(300)</sup>. Under sharia law in the 12 northern states of Nigeria, same-sex sexual acts are punishable by the death penalty <sup>(301)</sup>. The maximum penalty is death by stoning for men, and whipping for women, and/or a prison sentence <sup>(302)</sup>.

In January 2014, Nigeria’s then President Goodluck Jonathan signed the Same Sex Marriage (Prohibition) Act (SSMPA). This law criminalises a number of additional acts with the primary definition of the Act being ‘to prohibit a marriage contract or civil union entered into between persons of the same sex, solemnization of the same; and for related matters’ <sup>(303)</sup>. Article 7 of the Act broadly defines the types of prohibited ‘Civil Union[s]’ as any arrangement between persons of the same sex to live together as sex partners, including such descriptions as ‘adult independent relationships, caring partnerships, civil partnerships, civil solidarity pacts, domestic partnerships, reciprocal beneficiary relationships, registered partnerships, significant relationships, stable unions’. Article 4(2) states that ‘the public show of same sex amorous relationships directly or indirectly is prohibited’ <sup>(304)</sup>.

The Act also prohibits:

- the registration of gay clubs, societies and organisations, their sustenance, processions and meetings;
- administering, witnessing, abetting or aiding the solemnisation of a same sex marriage or civil union;
- supporting the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria <sup>(305)</sup>.

Under the SSMPA, anyone found to have entered into a same-sex marriage of civil union can be punished with a maximum of 14 years in prison. Those found guilty of ‘solemnisation’ of such a union, or supporting LGBT organisations, participating in such associations, or directly/indirectly publicly showing amorous same-sex relations can be punished with 10 years imprisonment <sup>(306)</sup>.

### 5.2. Treatment of LGBT persons by authorities

#### 5.2.1. Arrests and abuses by police

Human Rights Watch reports that arrests under the SSMPA are relatively commonplace and that LGBT organisations and individuals noted a considerable increase in arrests and human rights abuses of sexual minorities after the

<sup>(299)</sup> Federal Republic of Nigeria: Criminal Code Act [Amended Version of 1990], 1 June 1916.

<sup>(300)</sup> Ostien, P., Sharia Implementation in Northern Nigeria 1999-2006, 2007, pp. 34, 69–72.

<sup>(301)</sup> ILGA, State Sponsored Homophobia 2016, p. 37.

<sup>(302)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016.

<sup>(303)</sup> Federal Republic of Nigeria, Same Sex Marriage (Prohibition) Act, 17 December 2013, Sections 1.1, 5.1 and 7.

<sup>(304)</sup> Federal Republic of Nigeria, Same Sex Marriage (Prohibition) Act, 17 December 2013, Sections 4.2 and 5.2.

<sup>(305)</sup> Federal Republic of Nigeria, Same Sex Marriage (Prohibition) Act, 17 December 2013, Sections 4.1, 5.2 and 5.3.

<sup>(306)</sup> US DoS, Country Reports on Human Rights Practices in 2016 – Nigeria, 3 March 2017.

enactment of the January 2014 SSMPA, in terms of violence and extortion both by the police and the public <sup>(307)</sup>. According to the Bisi Alimi Foundation’s 2016 survey, 15 out of 30 LGBT respondents had been arrested under the SSMPA in the past year. However, the survey found that most were not charged or brought to court. Instead, most respondents reported being beaten, humiliated or asked to pay bribes <sup>(308)</sup>. Human Rights Watch similarly documented the detention of 8 young men accused of same-sex acts, who were detained by police for four days, beaten, and forced to pay bribes <sup>(309)</sup>. The IRB provides a list of publicly reported arrests for same-sex activity occurring in Nigeria from 2013-2015 <sup>(310)</sup>.

Problems with the police that have reportedly targeted sexual minorities in Nigeria include:

- arrests, sometimes on the basis of physical appearances, or on other pretexts <sup>(311)</sup>;
- mistreatment in police custody <sup>(312)</sup>;
- blackmail/extortion from police officers <sup>(313)</sup>;
- invasion of privacy, i.e. by forcing entry without a search warrant or by forcing people to show content on mobile phone <sup>(314)</sup>.

Few people experiencing problems with police dare to make official complaints, even in cases of obvious misconduct, because of fear of prosecution under SSMPA <sup>(315)</sup>.

According to the US DoS, following the passage of the SSMPA, numerous arrests were reported by civil society groups, though all detainees were released without charge after paying a bond or a bribe <sup>(316)</sup>. The Immigration and Refugee Board of Canada (IRB) interviewed a number of civil society sources in Nigeria in 2016 who explained that police procedures for investigation of same-sex activity are arbitrary and based on suspicion or appearances. The same IRB report also interviewed civil society sources who explained that when arrested for same-sex acts, people were often compelled by police to sign confessions of guilt <sup>(317)</sup>.

## 5.2.2. Legal prosecution

Sources report that there have been no public reports of government enforcement of the SSMPA provisions <sup>(318)</sup>.

Information is scarce concerning prosecutions and convictions under the Criminal and Penal Codes. According to the Nigerian online news website InformationNG.com, in November 2016, four men were given jail sentences of 7 years for homosexuality offences, sentenced by a magistrate court in Damaturu, in Yobe state <sup>(319)</sup>. There have been no public reports of the application of the death penalty for same-sex acts in sharia courts in the north; however, in 2014, the BBC reported on cases of the Islamic Hisbah police searching for homosexual men in Bauchi, and courts prosecuting cases of nine men for homosexuality after they were reportedly assaulted in custody; mobs outside the court called for their punishment <sup>(320)</sup>.

A Nigerian lawyer interviewed by LandInfo explained that such prosecutions generally depend on witnesses testifying in court, and therefore tend to be cases where one of the parties having a sexual relation testifies against the other,

<sup>(307)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, p. 16.

<sup>(308)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, p. 26.

<sup>(309)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 1-2.

<sup>(310)</sup> IRB, Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services (February 2012–October 2015), 13 November 2015.

<sup>(311)</sup> Erasing 76 Crimes, Nigeria: Six suspects in court on homosexuality charges, 24 May 2016; Erasing 76 Crimes, Nigerian police arrest 6 on homosexuality charges, 13 May 2016; HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, p. 36; TIERS, 2016 Human Rights Violations Report, January 2017, pp. 13–14, 16, 18.

<sup>(312)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 34–35, 37–39.

<sup>(313)</sup> Alimi, B. et al., “Not Dancing to Their Music”, Bisi Alimi Foundation, January 2017, pp. 8, 22.

<sup>(314)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 39-40; TIERS, 2016 Human Rights Violations Report, January 2017, p. 16, 18.

<sup>(315)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 44-47.

<sup>(316)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(317)</sup> IRB, Nigeria: Police procedures for investigation and pursuit of individuals for same-sex activity, including documentation; (2014–October 2016), 11 November 2016.

<sup>(318)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, p. 2; Erasing 76 Crimes, Nigeria, n.d.; US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

<sup>(319)</sup> Erasing 76 Crimes, 7 years in prison for homosexuality for 4 Nigerian men, 2 December 2016; InformationNG.com, Four men jailed for Homosexuality in Yobe State, 24 November 2016.

<sup>(320)</sup> ILGA, State Sponsored Homophobia 2016, p. 37.

as it is unusual to have eyewitnesses to sexual acts apart from the people involved. This is an important reason why relatively few such cases end in court <sup>(321)</sup>. According to a 2014 Swedish fact-finding mission, most people put on trial by magistrates' courts confess. Lawyers dealing with LGBT issues are only located in Lagos and Abuja <sup>(322)</sup>.

### 5.3. Treatment of LGBT persons by society

Homophobic attitudes are prevalent in Nigerian society <sup>(323)</sup>. A 2015 poll by NOI Polls, in partnership with The Initiative for Equal Rights (TIERS) and the Bisi Alimi Foundation found that 87 % of Nigerians polled were unwilling to accept an LGBT family member and also supported the SSMPA, and that 60 % believed homosexuality to be 'sinful' and not to be supported by religion <sup>(324)</sup>. In Nigeria, Christian leaders, both Anglican and Pentecostal, but also Muslim leaders, generally condemn homosexuality <sup>(325)</sup>.

According to a Nigerian civil society activist interviewed by LandInfo, the larger visibility of the LGBT issue in societal debates in recent years has meant increasing confrontation and violence for sexual minorities in Nigeria, both from state authorities and other actors in society. However, the visibility and current debate has also led to what a local social activist sees as movement in a direction towards more tolerance from local human rights activists and some other influential actors in Nigerian society <sup>(326)</sup>. One example is that during 2016, the Nigerian Human Rights Commission (NHRC) took a public stand against violence against sexual minorities after criticism from TIERS that the NHRC is too passive in their response to human rights violations of LGBT people. TIERS reports that since the passage of the SSMPA, there has markedly been less visibility to public debates about LGBT issues than in previous years. Furthermore, daily human rights violations of LGBT people such as societal discrimination, violence, and arbitrary arrest and mistreatment by police continue to be documented in 2016 <sup>(327)</sup>.

According to several organisations, the general climate for LGBT persons has worsened considerably after the SSMPA was signed in January 2014 <sup>(328)</sup>. Human Rights Watch found that the SSMPA in many ways 'officially authorizes abuses' against sexual minorities, compounding the already criminalised behaviour of same sex relationships. Mob attacks, violence and extortion were extensively reported in the media following the passage of the SSMPA, and LGBT individuals interviewed by Human Rights Watch stated that prior to the law, objections were mainly on the basis that homosexual behaviour was contrary to religious or cultural identities. According to Human Rights Watch, with the SSMPA, police and the public have engaged in violations against LGBT people, including torture, sexual violence, arbitrary detention, extortion and lack of due process, as well as subjecting them to mob violence against real or perceived LGBT individuals <sup>(329)</sup>.

Human Rights Watch states that it is not uncommon for Nigerians to think the SSMPA has an even wider scope than the law actually does, and to act based on that perception. For instance, a common misperception is that since the passage of the SSMPA, the public has a duty to report homosexual activity and that not doing so is also a crime. Additionally, the law has inhibited freedom of expression in Nigeria <sup>(330)</sup>.

Abuses that LGBT persons have faced are numerous, as reported by different sources:

- harassment and abuse <sup>(331)</sup>;
- extortion, including the use social media to find other LGBT people <sup>(332)</sup>;
- kidnapping <sup>(333)</sup>;

<sup>(321)</sup> Lawyer in Abuja, interview Landinfo, Abuja, October 2013.

<sup>(322)</sup> Lifos, Sweden, Nigeria. Den Kulturella Kontexten för Hbt-personer, 18 December 2014, p. 8.

<sup>(323)</sup> Alimi, B. et al., "Not Dancing to Their Music", January 2017, p. 26.

<sup>(324)</sup> NOI Polls et al., "Gay Rights: Perception of Nigerians on LGB Rights Poll Report," May 2015.

<sup>(325)</sup> For a thorough presentation of the debate of homosexuality in the religious sphere in African countries, see Kerrigan, F., *Getting to Rights*, 2014, pp. 64–89.

<sup>(326)</sup> Olumide Makanjuola (TIERS), interview Landinfo, Lagos, June 2016; TIERS, 2016 Human Rights Violations Report, January 2017, p. 6.

<sup>(327)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, p. 6.

<sup>(328)</sup> Alimi, B. et al., "Not Dancing to Their Music", January 2017, pp. 24–27; Human Rights Watch (HRW), "Tell Me Where I Can Be Safe", 20 October 2016; TIERS, 2016 Human Rights Violations Report, January 2017, pp. 7, 10.

<sup>(329)</sup> HRW, "Tell Me Where I Can Be Safe", 20 October 2016, pp. 1–2.

<sup>(330)</sup> HRW, "Tell Me Where I Can Be Safe", 20 October 2016, pp. 23–24.

<sup>(331)</sup> Alimi, B. et al., "Not Dancing to Their Music", Bisi Alimi Foundation, January 2017, pp. 18–22.

<sup>(332)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, pp. 12–13, 19.

<sup>(333)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, p. 13.

- acts of violence, both physical and sexual <sup>(334)</sup>;
- pressure to marry, and rejection from family <sup>(335)</sup>;
- involuntary outing <sup>(336)</sup>;
- fear of contacting clinics for HIV medication and other forms of health care and lack of access due to fear of privacy violations and discrimination by health workers <sup>(337)</sup>;
- self-hatred and self-censorship <sup>(338)</sup>.

TIERs documented 152 cases of human rights violations of LGBT people in its 2016 annual report, with the highest number of violations occurring in the states of Rivers and Lagos. The violations documented included, for example:

- 35 cases of arbitrary arrest;
- 27 instances of unlawful detention;
- 51 cases of blackmail/extortion;
- 33 instances of battery and assault;
- 12 cases of threats to life;
- 2 instances of torture;
- numerous cases of forceful eviction, mob attacks, wrongful dismissal, theft, kidnapping, attempted rape, attempted murder, denial of fair trial, discrimination, and defamation <sup>(339)</sup>.

A survey conducted in 2016 by the Bisi Alimi Foundation, which surveyed 30 LGBT respondents about their experiences with homophobia, found that 70 % of respondents said that they had experienced violence, harassment or abuse because of their gender identity or sexuality, with 55 % saying they had been physically or sexually attacked or threatened with violence in their own home or workplace in the past decade. Most often, victims knew the perpetrator as a family member, friend, or acquaintance <sup>(340)</sup>.

Apart from these issues, there is widespread prejudice against sexual minorities and being labelled as LGBT will also lead to problems in the workplace and access to housing for people perceived to be homosexual, according to TIERs <sup>(341)</sup>. People who are open about their gender identity or sexual orientation, or whose way of being, dressing or behaving is perceived as non-conforming with gender norms, are especially prone to such problems. However, as TIERs pointed out, even LGBT people who keep a ‘low profile’ and try to conform as much as possible to gender norms, including to the point of entering into relationships with someone of the opposite gender in order to avoid intrusion into their private lives from others, can face speculation and problems with people in their local community <sup>(342)</sup>.

An IRB report on the manner in which bisexuality is understood and perceived in Nigerian society explains that, according to sources interviewed, often people in Nigeria who engage in same-sex relationships do not necessarily self-identify under labels of ‘bisexual,’ ‘gay’ or ‘lesbian’ and that bisexuality is not seen as distinct from homosexuality by society. Additionally, sometimes LGBT people marry someone of the opposite sex due to the significant societal and cultural pressure in Nigeria to marry and have children <sup>(343)</sup>.

<sup>(334)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, pp. 18–22, HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 26–33; TIERs, 2016 Human Rights Violations Report, January 2017, pp. 14–16.

<sup>(335)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, pp. 8, 17; TIERs, 2016 Human Rights Violations Report, January 2017, pp. 19.

<sup>(336)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, p. 17.

<sup>(337)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, pp. 8–10; HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 48–58; TIERs, 2016 Human Rights Violations Report, January 2017, pp. 19.

<sup>(338)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, pp. 11–12; HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 26–33; TIERs, 2016 Human Rights Violations Report, January 2017, pp. 41–44.

<sup>(339)</sup> TIERs, 2016 Human Rights Violations Report, January 2017, pp. 4, 10, 11.

<sup>(340)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, pp. 18, 21.

<sup>(341)</sup> Olumide Makanjuola (TIERs), interview Landinfo, Lagos, June 2016.

<sup>(342)</sup> Olumide Makanjuola (TIERs), interview Landinfo, Lagos, June 2016.

<sup>(343)</sup> IRB, Nigeria: Information on how bisexuality is understood and perceived in Nigeria (2014-June 2015), 9 September 2015.

## 5.4. Possibility of state protection for sexual minorities

The Constitution of Nigeria offers general legislative guarantees to the rights to life, privacy, association, assembly, dignity, and freedom of expression<sup>(344)</sup>. However, there is no legislation explicitly protecting sexual minorities from targeted violence or discrimination<sup>(345)</sup>.

Human Rights Watch states that LGBT individuals who are victimised by physical assaults, rape, theft, extortion, or beatings do not report these crimes to police for fear of being treated as criminals and for fear of being ‘outed’ by the police. A climate of fear among LGBT people was reported to have worsened since the SSMPA was passed<sup>(346)</sup>. TIERS reports that victims do not report cases to the police because of fear of reprisal, lack of institutional trust in law enforcement, and because the police are frequently themselves the perpetrators of abuses against LGBT individuals, or, they act in collusion with others to entrap and extort LGBT people<sup>(347)</sup>.

## 5.5. Support, hotlines, shelters, and organisations for sexual minorities

According to the 2016 survey conducted by the Bisi Alimi Foundation, there are few safe, accepting, and accessible spaces that are supportive of LGBT people in Nigeria<sup>(348)</sup>. According to a civil society representative interviewed by the IRB in 2015, there are two shelters in Nigeria for LGBT people; one in the north and one in the south<sup>(349)</sup>. TIERS offers a 24-hour hotline and toll-free lines<sup>(350)</sup>. The Swedish FFM in 2014 reports that there are about 10 active organisations, mostly based in Lagos, also Abuja and some in Kano; however, the report also notes that the community is ‘weak’ and support has decreased<sup>(351)</sup>. Human Rights Watch reports that the SSMPA law banning associations that support LGBT people has negatively impacted the ability of such groups to provide support and HIV services, for example. At least three organisations working on HIV, health and human rights reported to Human Rights Watch their offices had been raided by police due to their work with LGBT communities<sup>(352)</sup>.

<sup>(344)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, p. 7.

<sup>(345)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, p. 15.; Alimi, B. et al., “Not Dancing to Their Music”, January 2017, p. 24.

<sup>(346)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, p. 44.

<sup>(347)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, p. 10.

<sup>(348)</sup> Alimi, B. et al., “Not Dancing to Their Music”, January 2017, p. 26.

<sup>(349)</sup> IRB, Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services; (February 2012–October 2015), 13 November 2015.

<sup>(350)</sup> TIERS, 2016 Human Rights Violations Report, January 2017, p. 10.

<sup>(351)</sup> Lifos, Sweden, Nigeria. Den Kulturella Kontexten för Hbt-personer, 18 December 2014, p. 8.

<sup>(352)</sup> HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, pp. 59–64.

## 6. Religion

### 6.1. Christianity

Christianity was introduced in Nigeria by missionaries, mostly from the second half of the 19<sup>th</sup> century. The missionaries were Catholics and from different Protestant churches (Anglicans, but also most other denominations) and present-day congregations belonging to these churches are referred to as orthodox<sup>(353)</sup> by Nigerians, as opposed to Pentecostal or, less specifically, born again<sup>(354)</sup>. Only a fairly small minority remained followers of indigenous (or traditional) religious systems<sup>(355)</sup>. Many of the first converts became Christians through enrolment in mission schools, and achieved work in the colonial administration as intermediaries between the British and the local population<sup>(356)</sup>.

The Catholic and Anglican churches used to be dominant in Nigeria, but over the last decades a large share of Nigerian Christians have joined Pentecostal congregations, or consider themselves born again. This has led to diminished influence from Catholic and Anglican church leaders, and the ascendance of Pentecostal preachers – some of them leading megachurches with large congregations in several locations in Nigeria, and in some cases elsewhere in Africa and in the world<sup>(357)</sup>. Pentecostals or born-again individuals may well constitute a quarter of Nigerian Christians by now<sup>(358)</sup>. There are also groups of Mormons and Jehovah’s Witnesses<sup>(359)</sup>.

### 6.2. Islam

Islam has a considerably longer history in today’s Nigeria than Christianity, as it was introduced during the Middle Ages in the Sahel region<sup>(360)</sup>. For a long time, Islam was mainly practised by the elite in the region, but by the 19<sup>th</sup> century, the majority of the population in the three northern regions<sup>(361)</sup> (as well as parts of Yorubaland<sup>(362)</sup>), identified as Muslims<sup>(363)</sup>, and only a minority remained followers of indigenous (or traditional) religious systems<sup>(364)</sup>.

A Muslim identity is historically associated with the elite and aristocracy and their pre-colonial state formations in the Sahel, as well as with the Islamic world and its legal and academic traditions. When the British took power over northern Nigeria, there was already an established school system for the urban elite using Arabic and local languages written with Arabic script<sup>(365)</sup>.

Historically, Nigerian Muslims were generally Sunni (Maliki law school), and Sufi brotherhoods organised large numbers<sup>(366)</sup>. After independence, and especially after the Iranian revolution in 1979, quite a few Nigerian Muslims have converted to Shia Islam<sup>(367)</sup>. There are also converts to Ahmadiyya<sup>(368)</sup>. As elsewhere in the Islamic world,

<sup>(353)</sup> Not to be confused with Greek or Russian Orthodox churches.

<sup>(354)</sup> Marshall, R., *Political Spiritualities*, 2009, pp. 51–54.

<sup>(355)</sup> Terwase, S.I., *Religion and the Nigerian State*, 2 May 2014.

<sup>(356)</sup> Isichei, E., *A History of Christianity in Africa from Antiquity to the Present*, 1995, pp. 266–268, 269–272; Lemu, B. Aisha, *Religious Education in Nigeria*, 2002; Aigbe, Omoruyi (Austin), *Impact of Catholic Mission on Education in Nigeria*, 7 December 2014.

<sup>(357)</sup> Harvard Divinity School, *Pentecostalism in Nigeria*, n.d.; Naij, *Pentecostal churches in Nigeria and their founders*, 2017.

<sup>(358)</sup> Pew Research Center, *Tolerance and Tension: Islam and Christianity in Sub-Saharan Africa*, 15 April 2010. For more information on the wider implications of this transformation of the religious sphere in Nigeria, see Marshall, R., *Political Spiritualities*, 2009.

<sup>(359)</sup> US DoS, *International Religious Freedom Report for 2015 - Nigeria*, 2016.

<sup>(360)</sup> Loimeier, R., *Muslim Societies in Africa*, 2013, pp. 77–134.

<sup>(361)</sup> The North-West, the North-East and the North-Central.

<sup>(362)</sup> Yorubaland is a term commonly used in Nigeria about the states where the large majority of the population is Yoruba. These are the six states that make up the South West region, Oyo, Ekiti, Osun, Ondo, Lagos and Ogun.

<sup>(363)</sup> African Studies Centre Leiden, *Islam in Nigeria*, last updated 14 January 2016.

<sup>(364)</sup> Green, M.C., ‘Religion, Family Law, and Recognition of Identity in Nigeria’, 2011. The missionaries in northern Nigeria mainly concentrated on this ‘pagan’ minority, cf. Cooper, B.M., *Evangelical Christians in the Muslim Sahel*, 2006, pp. 100–101.

<sup>(365)</sup> Hill, Margari, *The Spread of Islam in West Africa*, January 2009; Harvard Divinity School, *Islam in Nigeria*, n.d.

<sup>(366)</sup> Loimeier, R., *Islamic Reform and Political Change in Northern Nigeria*, 1997, pp. 19–104; Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991.

<sup>(367)</sup> Newsweek, *Who Is Sheikh Zakzaky, Nigeria’s Most Powerful Shiite Muslim?*, 16 December 2015.

<sup>(368)</sup> Harvard Divinity School, *The Ahmadiyya Movement in Nigeria*, n.d.

Islamist influences have been strong since the 1970s, especially among the youngsters, who challenge the Islamic establishment and traditional elite with alternative, modernist interpretations of Islam from Muslim Brotherhood or Salafi sources in the Arab world <sup>(369)</sup>.

### 6.3. Indigenous religion

Before Islam and Christianity were introduced, the population of present day Nigeria practised - and some still do - different indigenous (or traditional) religions <sup>(370)</sup>. These vary between communities, but also have common traits. Most acknowledge both a pantheon of gods and other supernatural forces, like spirits. Spirits are often considered the souls of dead ancestors, but not exclusively. Both gods and spirits have potential for both good and evil actions, and religious practice is often focused on maintaining or re-establishing equilibrium between different forces, and to make sure gods or spirits are not angered through breach of customs and taboos. Material and spiritual power are closely associated, and leaders may often wield both kinds of power, or work closely together. Spiritual leaders are important mediators with the unseen world, and provide medicine – both in the sense of remedies that could cure sickness (seen as having a spiritual cause) and of rituals and talismans that protect against harmful attacks from supernatural forces. Such attacks may come from angry or vengeful spirits, or from other people who manipulated supernatural forces to harm enemies. Spiritual power is often associated with certain groups of people – sometimes because such power is inherited through ancestry, or associated with certain professions (i.e. blacksmiths), other times because of individual capabilities, often identified as something unusual with the person (like a birthmark, albinism, twin births) <sup>(371)</sup>.

Accidents, sickness and madness are regarded as either instigated by vengeful spirits or by people with spiritual power (on their own initiative, or on behalf of someone else). Exceptionally good fortune is also often seen as the result of illicit bargains with the spiritual world – especially if someone's good fortune occurs at the same time as a relative's misfortune. In such instances, others in the community may accuse the fortunate person of having 'sold' his or her unfortunate relative to spirits as payment for his or her own good fortune <sup>(372)</sup>.

Indigenous religious practice often takes the form of rituals, in Nigeria often called juju. Both spiritual leaders and other people with power can be organised in secret societies – often secret in the sense that talking openly about what goes on in these societies is taboo for others than the involved, but their general existence is common knowledge (see 7. Secret societies) <sup>(373)</sup>.

### 6.4. Other religions

A very small number of Nigerians have converted to other large religions, like Buddhism, Hinduism, Baha'i, etc. Converts to Judaism tend to be Igbos, of whom some believe their ethnic group is one of the lost tribes of Israel <sup>(374)</sup>. Atheists and humanists are extremely rare in Nigeria.

### 6.5. Religious demography

There are no accurate statistics on the religious demography in Nigeria. According to the CIA World Factbook, Muslims constitute 50 % of the population, Christians 40 % and 'indigenous beliefs' 10 % <sup>(375)</sup>. According to US DoS, 'most observers estimate approximately 50 percent of the population is Muslim and 50 percent Christian'. Many people combine their indigenous beliefs and practices with Islamic or Christian beliefs and practices <sup>(376)</sup>.

<sup>(369)</sup> The American Foreign Policy Council's World Almanac of Islamism, Nigeria, 2013.

<sup>(370)</sup> This section is based on varied readings on religion. For 'traditional' religion in Africa in general, see i.e. Ranger, T., 'African Traditional Religion', 1991; Ellis, S., & ter Haar, G., *Worlds of Power*, 2004. For examples of description of religion in precolonial societies in present-day Nigeria, see i.e. Peel, J.D.Y., *Religious Encounter and the Making of the Yoruba*, 2000, pp. 88–122; Harneit-Sievers, A., *Constructions of Belonging*, 2006, pp. 19–63; Ibewuiké, V.O., *African Women and Religious Change*, 2006, pp. 87–128.

<sup>(371)</sup> So-called uncommon births, cf. Peek, P.M., 'Introduction: Beginning to Rethink Twins', 2011. See also Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991; Stevenson, I., *The Belief in Reincarnation Among the Igbo of Nigeria*, 1985.

<sup>(372)</sup> Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991; Anaegboka Udoye, E., *Resolving the Prevailing Conflicts Between Christianity and African (Igbo) Traditional Religion through Inculturation*, 2011, pp. 100 ff.

<sup>(373)</sup> Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991.

<sup>(374)</sup> CNN, *Nigeria's Igbo Jews: 'Lost tribe' of Israel?*, 4 February 2013.

<sup>(375)</sup> CIA World Factbook, *Nigeria*, last updated 12 January 2017.

<sup>(376)</sup> US DoS, *International Religious Freedom Report for 2015 – Nigeria*, 10 August 2016.

Generally speaking, a large majority of Nigerians belonging to northern ethnic groups identify themselves as Muslims, whereas a similarly large majority within southern ethnic groups identify themselves as Christians. The main exception is the Yoruba: those living in the north are generally Muslims, and Yoruba living in the south are mostly Christians. In the Middle Belt, the area where the cultural north meets the cultural south, many nomadic groups identify as Muslims, and sedentary groups as Christian, although the picture is less clear-cut than elsewhere in the country <sup>(377)</sup>.

### 6.5.1. Freedom of religion

According to the Nigerian Constitution, the government is prohibited from establishing a state religion, and individuals are free to choose and practice their chosen faith, without discrimination <sup>(378)</sup>. However, some religious and other groups reported that the government did not always respond to religiously motivated violence or targeted attacks on certain victims due to their religion. Muslims and Christians alike report discrimination when living in areas as a minority. They also report threats of violence and social exclusion if they change or abandon their faith <sup>(379)</sup>.

### 6.5.2. Religious conflict

Conflicts in Nigeria are often labelled religious, both in international and local media, however, this is often a too simplistic view, as the researcher Akinola Ejodame Olojo points out. Also, violence involving religious groups is not always caused by religious issues <sup>(380)</sup>.

Intra-Muslim violent conflict is almost exclusively a phenomenon in northern Nigeria, in areas where Muslims make up the large majority of the population. The conflict with Boko Haram is not only between the terrorist group and the Nigerian state; it also targets other Muslim groups and civilians – both local Muslims and Christians of southern origin. There are also other Muslim group conflicts in the north <sup>(381)</sup>.

Conflicts involving Christian and Muslim communities are mainly a feature of northern cities, and of the Middle Belt. There have been violent clashes between groups that identify as Muslim and Christian respectively in several northern cities. The Middle Belt city of Jos has been the centre of such violence on several occasions the last two decades, and Kaduna in the north has also been hit hard by riots pitting Christian and Muslim groups against each other <sup>(382)</sup>. As pointed out by Olojo, these conflicts are not necessarily about religious issues, but have other causes. One important cause is tension between local host communities ('indigenes') and internal migrant communities ('settlers'), another is tension between nomads and farmers (see [2.8 Conflicts between 'indigenes' and 'settlers'](#) and [2.9 Conflicts between nomads and farmers](#)) <sup>(383)</sup>.

### 6.5.3. Interreligious marriage

Marriages between people of different ethnic groups and religious backgrounds do occur, although not everywhere as common. In the northern Hausa-Fulani groups, marriages between Muslim women and Christian men are discouraged, whereas the other way round is encouraged, according to an informant from IRB. This is based on the 'pattern of family succession, according to which the religion of the father is also the religion of the children and their mother'. In Yorubaland, interreligious marriage is common and does not bear the religion-based conflicts as noted with Hausa-Fulani: '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' according to the IRB informant <sup>(384)</sup>.

Interreligious marriages are less common in the Islamic north and in the Christian south, but are prevalent, according to research by Igundunasse and Fatunji, in the South West. The Yoruba people are estimated to consist of more than 90 % Muslims and Christians, evenly divided between the two religions, and interfaith marriages are common <sup>(385)</sup>.

<sup>(377)</sup> US DoS, International Religious Freedom Report for 2015 – Nigeria, 10 August 2016.

<sup>(378)</sup> Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria, 1999.

<sup>(379)</sup> US DoS, International Religious Freedom Report for 2015 – Nigeria, 10 August 2016.

<sup>(380)</sup> Olojo, A.E., 'Muslims, Christians and Religious Violence in Nigeria (2006-2014)', 2016, p. 91.

<sup>(381)</sup> US DoS, International Religious Freedom Report for 2015 – Nigeria, 10 August 2016.

<sup>(382)</sup> For an in-depth analysis of the situation in Jos, see ICG, *Curbing Violence in Nigeria (I): The Jos Crisis*, 17 December 2012.

<sup>(383)</sup> Olojo, A.E., 'Muslims, Christians and Religious Violence in Nigeria (2006-2014)', 2016, p. 91.

<sup>(384)</sup> IRB, Nigeria: Social attitudes toward religious intermarriage; treatment of intermarried couples and their children by society and the authorities, 19 November 2012.

<sup>(385)</sup> Igundunasse, A., Fatunji, R., 'Religious Identity In Interfaith Marriages', September 2015, pp. 89-90.

In Nigeria, both customary and religious marriages are legally recognised, and most people have the possibility to choose between different ways of marrying. Thus, a couple can marry under the customary rules of either's ethnic group or either's religion, provided the religion has no rules against marrying mixed couples. Cohabitation without formal marriage is also common in the south <sup>(386)</sup>.

### Conflicts in interreligious marriages

The reactions and attitudes to interreligious marriages can vary between families and regions. In a Pew study, 50 % of Nigerian Muslims and 42 % of Nigerian Christians said they would be 'not at all comfortable' with a child of theirs marrying someone of another faith. An additional 16 % of the Muslims and 24 % of the Christians said they would be 'not too comfortable' <sup>(387)</sup>. Interreligious marriages are, according to Green, often the motivation for conversion, which may be cause of concern <sup>(388)</sup>. It should be noted that according to the Pew study, 29 % of Nigerian Muslims and 30 % of Nigerian Christians have immediate family who profess to the other faith <sup>(389)</sup>.

Dickson and Schaefer state that as common as it may be to have one family with members confessing to different faiths, 'they often occur with a circle of many religious taboos'. Many families disapprove of their children marrying outside their faith <sup>(390)</sup>. Most Nigerian cultures dictate that a woman must follow her husband's religion. In the case the parents approve of the marriage, the parents can be punished if the congregation does not approve <sup>(391)</sup>. Changes over time have also occurred. According to an article published by Al-Jazeera, tolerance toward interreligious marriages in Jos, in the middle of Nigeria, has greatly decreased over the last decade due to religious undertones taking over the political roots of the inter-communal clashes in the Middle Belt <sup>(392)</sup>.

Tension may arise in interreligious households concerning religious traditions, the education of children and the life choices made on their behalf. The decision on which practices to follow may be influenced by how strongly the parents and other senior family members feel about the issue, the power balance between the parents and their respective families, and which religion dominates in the community where the family lives. Thus, if a Christian woman marries into a Muslim family in the north, she will likely have to accept to raise the children as Muslims (and might also face pressure from her in-laws to convert to Islam). If a Muslim man living in the south marries into a Christian family, he has much less possibility to make a decision which goes against his wife and in-laws' wishes in this matter <sup>(393)</sup>.

### 6.5.4. Religious syncretism

Although the vast majority of Nigerians identify as either Christians or Muslims, religious syncretism – the mix of religious practices from different traditions – is very common <sup>(394)</sup>. There are a number of so-called indigenous churches that sometimes fuse Christian doctrines and African religious tradition <sup>(395)</sup>, and even religious groups fusing Islamic and Christian doctrines in 'Chrislam' <sup>(396)</sup>. Mostly, syncretism takes the form of combining either Christian or Muslim religious practice with some religious practices taken from indigenous religion, often referred to as juju in Nigeria <sup>(397)</sup>.

Many Christian and Islamic spiritual leaders have dismissed any practice of juju as contrary to correct religious practice, and a consequence of pagan and heathen influences <sup>(398)</sup>. Some consider belief in supernatural forces not

<sup>(386)</sup> Nwogugu, E.I., *Family law in Nigeria*, 2014, pp. 9-15.

<sup>(387)</sup> Pew Research Center, *Tolerance and Tension*, 15 April 2010, pp. 166-167.

<sup>(388)</sup> Green, M.C., 'Religion, Family Law, and Recognition of Identity in Nigeria', 2011.

<sup>(389)</sup> Pew Research Center, *Tolerance and Tension*, 15 April 2010, pp. 264-265.

<sup>(390)</sup> Dickson, P.C., Schaefer, B., *Inter-faith Unions*, 30 March 2013.

<sup>(391)</sup> McGarvey, K., *Muslim and Christian Women in Dialogue*, 15 December 2008, pp. 235-236.

<sup>(392)</sup> Al-Jazeera, *Nigeria's deadly politics of interfaith love*, 31 July 2014.

<sup>(393)</sup> IRB, *Nigeria: Social attitudes toward religious intermarriage*, 19 November 2012; McGarvey, K., *Muslim and Christian Women in Dialogue*, 15 December 2008, pp. 235-236.

<sup>(394)</sup> Landinfo, *Report Fact-finding trip to Nigeria (Abuja, Lagos and Benin City)* 12-26 March 2006, 2006, p. 18.

<sup>(395)</sup> Ayegboyin, D., *Spirituality in the African Independent Churches*, 2010.

<sup>(396)</sup> Janson, M., *Unity through Diversity*, November 2016.

<sup>(397)</sup> Terwase S.I., 'Religion and the Nigerian State', 2 May 2014; Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991.

<sup>(398)</sup> Terwase S.I., 'Religion and the Nigerian State', 2 May 2014; Chapin Metz, H., ed., *Nigeria: A Country Study*, 1991.

part of Christian or Islamic cosmology to be pure superstition; others consider these forces to exist. In a Christian context, such forces are considered to be purely demonic and negative, whereas in an Islamic context, they can both be seen as demonic and as jinn<sup>(399)</sup>, that is, spirits that are neither good (angelic) nor bad (demonic)<sup>(400)</sup>.

Despite the condemnation from Christian and Muslim leaders, many people combine Christian or Islamic religious practice with traditional religion, which can be interpreted as a sort of hedging; using all means available to ensure the wellbeing of oneself and one's family<sup>(401)</sup>. A large number of southern Nigerians are active in their church at both services and prayer meetings, as well as other spiritual activities organised by the church, and consult the pastor and other church leaders on important matters. However, for many, this does not exclude that they will also turn to traditional religion – to consult 'native doctors', 'herbalists', 'ritualists' or 'witchdoctors' for spiritual guidance, amulets, rituals or herbal medicine<sup>(402)</sup>.

However, as mentioned above in the discussion of traditional religion, the awareness that occult forces can also be manipulated with bad intentions is still an issue<sup>(403)</sup>. There is widespread fear of 'demonic attacks' and negative occult forces<sup>(404)</sup>. It is common to simultaneously associate both success and misfortune with juju: one person's success comes at the cost of someone else, as the spirits do not give access to success for nothing – there is a price to be paid<sup>(405)</sup>. As a consequence, people with success are often suspected to have performed illicit 'moneymaking' rituals where they have 'given' the spirits their relatives or other people 'to eat'<sup>(406)</sup> as payment for their help in attaining material wealth<sup>(407)</sup>.

Syncretism can also originate from Christian churches. Some researchers claim the rise of the Pentecostal movement has heightened the belief that child witches exist, as the movement tends to attribute failures and misfortune to the devil<sup>(408)</sup>. The phenomena of labelling children as witches have been on the rise since the mid-1990s<sup>(409)</sup>. There have also been reports of human traffickers who utilise juju and traditional oath-taking rituals to control trafficking victims<sup>(410)</sup>.

Many Nigerians firmly believe illicit juju practices are very widespread, and interpret both positive and negative events within a context of juju<sup>(411)</sup>. Such manipulation of occult forces is believed to take place in a variety of ways. It can be done by witches (people with particular spiritual skills that can be learned or be individual powers one is born with), and by lay people who consult witches or native doctors<sup>(412)</sup>.

In a Pew study, 9 % of Nigerian Christians and 16 % of Nigerian Muslims believed that certain spiritual people can give protection from bad things happening, whereas slightly lower numbers believed in the protection from a juju shrine. The same study also stated that 45 % of Nigerian Christians and 42 % of Nigerian Muslims said they believe in evil spirits, 28 % of Christians and 24 % of Muslims believed in the 'evil eye', and 40 % Christians and 34 % of Muslims believed in witchcraft<sup>(413)</sup>.

<sup>(399)</sup> *Jinn* is Arabic for spirit, and the term is often used as a loan word in translations of the Qur'an.

<sup>(400)</sup> Njoku, Mary Gloria C., *Psychology of Syncretistic Practices within the Church*, October 2013, p. 2; Onuzulike, Uchenna, 'African Crossroads', 2008, p. 165; Adekunle Balogun, Muhsin, *Syncretic Beliefs And Practices Amongst Muslims In Lagos State Nigeria*, January 2011, pp. 243ff.

<sup>(401)</sup> As Wouter van Beek and Blakely point out, 'one system of worship does not greatly hinder another, and people not only are free to choose, they also usually can accumulate in their personal religious lives as many associations as they deem feasible. Thus, a religion usually is not one system, but an agglomerate of systems', cf. van Beek, W.E.A. & Blakely, T.D., 'Introduction', 1994, p. 17.

<sup>(402)</sup> Igwe, L., 'Ritual Killing and Pseudoscience in Nigeria', June 2004; Terwase S.I., *Religion and the Nigerian State*, 2 May 2014; Terwase N.G., Chukwuka A.H., 'Religion: Past and Present in Nigeria', 2014, p. 165.

<sup>(403)</sup> As Ruth Marshall has pointed out, harmful occult powers can be 'Powders, charms, wizards, witches, ancestor spirits, orisa, obanje, juju, Ifa, voodoo, Mami Wata, other water or marine spirits, snakes, owls, vultures, crocodiles, cats, and other animals, but also a whole pantheon of biblical demons, as well as the occasional reference to Indian and Egyptian deities; apparently, there is no end to evil'. See Marshall, R., *Political Spiritualities*, 2009, p. 172.

<sup>(404)</sup> The Guardian [Nigeria], *Demonic attack*, 2 April 2017; Premium Times, *How I survived "demonic attack" on Synagogue Church after 28 hours in rubble — Survivor*, 20 September 2014.

<sup>(405)</sup> IRB, Nigeria: *Prevalence of ritual murder and human sacrifice; police and state response (2009-2012)*, 20 November 2012.

<sup>(406)</sup> To be eaten must not be interpreted literally: all sorts of sickness, accidents or death can be considered the practical consequence of the spirits 'eating' the victims they have received in payment.

<sup>(407)</sup> Landinfo, *Report Fact-finding trip to Nigeria (Abuja, Lagos and Benin City) 12-26 March 2006*, 2006, p. 18; Igwe, L., 'Ritual Killing and Pseudoscience in Nigeria', June 2004.

<sup>(408)</sup> Essia, Uwem, 'The Social Economy of Child Witch Labeling in Nigeria', 15 June 2012; The Guardian, *Children are targets of Nigerian witch hunt*, 9 December 2007.

<sup>(409)</sup> The Conversation, *What's behind children being cast as witches in Nigeria*, 15 April 2016.

<sup>(410)</sup> EASO, Nigeria - *Sex trafficking of women*, 27 October 2015; Ikeora, M., 'The Role of African Traditional Religion and 'Juju' in Human Trafficking', January 2016.

<sup>(411)</sup> Igwe, L., 'Ritual Killing and Pseudoscience in Nigeria', June 2004.

<sup>(412)</sup> The Independent, *The curse of 'juju' that drives sex slaves to Europe*, 6 April 2011; Igwe, L., *Ritual Killing and Pseudoscience in Nigeria*, June 2004.

<sup>(413)</sup> Pew Research Center, *Tolerance and Tension*, 15 April 2010, pp. 177-182.

## 7. Secret societies, cults and chieftancy

There are widespread worries in Nigeria that different kinds of secret societies, be they traditional or modern, lead to monopolisation of power and influence, and can be the arena of destructive activities, including ritualism and witchcraft. The political scientist Stephen Ellis stated that for decades, secret societies have been the focus of debate in Nigeria. He also points out that Nigeria's constitution has banned secret societies <sup>(414)</sup>. In June 2004, a specific bill banning about 100 secret cults was passed by parliament: the Secret Cult and Cult Related Activities (Prohibition) Bill, 2004 <sup>(415)</sup>. These banned cults include 'criminal gangs, spiritual and politically motivated groups seeking power and control, gangs that control waterways and passages, as well as those involved in oil bunkering activities' <sup>(416)</sup>.

The constitution says the following about secret societies:

'38. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(...) (4) Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society' <sup>(417)</sup>.

The constitutional definition of a secret society (from Section 318.1) is:

"Secret society" includes any society, association, group or body of persons (whether registered or not)

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purpose of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fair play or justice to the detriment of the legitimate interest of those who are not members;

(b) the membership of which is incompatible with the function or dignity of any public office under this Constitution and whose members are sworn to observe oaths of secrecy; or

(c) the activities of which are not known to the public at large, the names of whose members are kept secret and whose meetings and other activities are held in secret' <sup>(418)</sup>.

In addition, the constitution bans members of secret societies from being members of the Senate and House of Representatives (Section 66.1.g), state Houses of Assembly (Section 107.1.g) and the offices of president (Section 137.1.h) or state governor (Section 182.1.h). However, no information was found in the consulted sources documenting such bans <sup>(419)</sup>.

### 7.1. Traditional 'secret' societies/cults

Traditional 'secret' societies or cults are groups that practice traditions they claim are rooted in pre-colonial traditions and religious practice <sup>(420)</sup>. There were and still are many secret societies in many ethnic groups in Nigeria, especially in the south. They had important roles in structuring society, as the researcher Akinpelu states: 'Traditionally, ... they not only served the spiritual and social needs of their members, but also acted as institutions for social control through the execution of traditional customs, settlement of disputes, and the dispensation of justice' <sup>(421)</sup>.

The perhaps best-known secret society in Nigeria is the Ogboni society, although many ethnic groups had similar societies, with some common traits. According to a 1960 research article, members of secret societies claim to

<sup>(414)</sup> Ellis, S., 'Campus Cults' in Nigeria, 2009, pp. 232–234.

<sup>(415)</sup> Federal Republic of Nigeria, Secret Cult and Cult Related Activities (Prohibition) Bill, 2004.

<sup>(416)</sup> Small Arms Survey, Armed and aimless, 2005, p. 22.

<sup>(417)</sup> Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria, 1999.

<sup>(418)</sup> Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria, 1999.

<sup>(419)</sup> Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria, 1999.

<sup>(420)</sup> Ellis, S., & ter Haar, G., Worlds of Power, 2004, pp. 75–83.

<sup>(421)</sup> Akinpelu, B.A., 'Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014)', 2016, p. 81.

have mystical power, thereby affording them power and privilege over non-members; societies had a selective membership requiring qualification to enter the cult; the right to ‘impose sanctions’ on those who reveal the inner codes and procedures of the group to outsiders<sup>(422)</sup>.

The Ogboni society is a caste of Yoruba priests who elected and controlled the Oba, the Yoruba king. The Ogboni had great political and societal powers (they could ultimately force the Oba to withdraw or kill himself), and it used to be highly prestigious to become a member. According to interlocutors of the OFPRA fact-finding mission, membership is hereditary for the eldest son or daughter, who joins voluntarily, even Christians. However, the Ogboni’s influence has been declining since the 1990s. Nowadays, as OFPRA’s interlocutors remarked, money is a greater means to access political power. Secret societies are not visible and members are supposed not to share their secrets with outsiders. One interlocutor compared them in this respect with the freemasons<sup>(423)</sup>.

Even when rich and influential people deny that they are members of such cults, many people assume they are, simply on the basis that they are rich and powerful. As Akinpelu states: ‘(...) anyone successful in business or education is believed to be involved in one form of sorcery or another. His/her wealth is due to ritual killing or to the use of body parts for money rituals’<sup>(424)</sup>.

## 7.2. Modern ‘secret’ societies/cults

In addition to the secret societies with traditional roots, there are two kinds of such cults that are western cultural imports, but which have adapted to the local situation.

### 7.2.1. Western organisations

Organisations like the Freemasons, Rosicrucians, Rotary, Kiwanis, Lions Club, etc. have chapters in African countries, and are incidentally also viewed with scepticism by some outsiders, even though they are western in origin. Again, there is a general suspicion that any association dominated by the rich and powerful might be involved in harmful juju practices to maintain and increase their wealth and power<sup>(425)</sup>.

### 7.2.2. Campus cults

The kind of modern secret societies receiving the most attention in Nigeria the last few decades are the campus cults. The first of these started in the 1950s when students in Nigerian universities (predominantly in the south) started organising student fraternities and sisterhoods after the American model. By the 1990s, these had generally deteriorated into ruthless criminal gangs, what Ellis calls an ‘anti-social movement’<sup>(426)</sup>. These groups also practice juju, but are mainly feared for their very violent behaviour both towards other students and university staff. To a certain extent, they have also moved into organised crime outside the universities – both through student members’ criminal activities outside campus, i.e. hired as thugs by local politicians at political rallies, and when cult members continue being part of the cult and their activities even after finishing university, especially in the Niger Delta<sup>(427)</sup>.

Membership of cult groups has an economic underpinning, according to Akinpelu, as several cult groups are specifically open to students from rich and influential classes. Cults may also economically profit from the ‘patronage of corrupt leaders’<sup>(428)</sup>.

There is a large number of university cults, sometimes several on each university campus. The first such cult, known both as the Pyrates confraternity and the National Association of Seadogs, has splintered into other groups since the 1970s, and entirely new ones have been established. Examples mentioned by Bergman are the Black Axe/Neo-Black Movement of Africa, the Black Berets, the Buccaneers, the Family, the Klansmen, the Mgba brothers, the Red Devils, the Supreme Vikings and Trojan Horse<sup>(429)</sup>. These groups ‘initially functioned as civil society organisations

<sup>(422)</sup> Morton-Williams, P., ‘The Yoruba Ogboni Cult in Oyo’, 1960, p. 362.

<sup>(423)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, pp. 49-50.

<sup>(424)</sup> Akinpelu, B.A., ‘Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014)’, 2016, p. 81.

<sup>(425)</sup> Ellis, S., & ter Haar, G., *Worlds of Power*, 2004, pp. 75–83.

<sup>(426)</sup> Ellis, S., ‘Campus Cults’ in Nigeria, 2009.

<sup>(427)</sup> Ellis, S., ‘Campus Cults’ in Nigeria, 2009, pp. 229–230.

<sup>(428)</sup> Akinpelu, B.A., ‘Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014)’, 2016, p. 81.

<sup>(429)</sup> Bergman, B., ‘From Fraternal Brotherhood to Murderous Cult’, 2016.

but were later factionalised and transformed into violent groups', writes Akinpelu <sup>(430)</sup>. However, there exists no exhaustive, systematic list of these cults – Ellis estimates that there are at least a hundred of them, with thousands of members <sup>(431)</sup>. Some splinter into several groups, some fade out, and entirely new ones are established. In 2004 100 cults were banned by law <sup>(432)</sup>.

Campus cults are usually for one gender only, and most are for male students, but there are also a number of female campus cults. Rotimi mentions 'Temple of Eden, Frigrates, Barracudas, Daughters of Jezebel and others' <sup>(433)</sup>.

Extortion, violence and other criminal activities committed by campus cults have been a large problem on university campuses all over southern Nigeria for decades (see also [7.4 Ritual killing and human sacrifice](#)) <sup>(434)</sup>.

### 7.3. Recruitment to secret societies and cults

According to researchers, the recruitment patterns of the different kinds of secret societies and cults are different <sup>(435)</sup>. The traditional secret societies as well as local chapters of western organisations (Freemasons, etc.) are quite selective in their recruitment. Because of the exclusive character of many of these societies, many people wish to join, as they expect it will mean access to networks of wealthy and powerful people. In some cases, the criteria are publicly known, in others, they are secret. Being able to trust a prospective member is important, especially for the secret societies whose members get access to secret information.

With the campus cults, the situation is different. In the early days, they also had membership criteria which could not be met by all students, often based on academic results. Later, the criteria became less strict, and more focused on the initiation rituals, which can be both dangerous and painful <sup>(436)</sup>. Despite this, there is usually quite a number of students who want to join, because cult membership can mean access to money and power. However, there are also cases where these groups use manipulation and force to recruit students against their will. These might be students who are relatives of faculty members (who can then be forced to 'help' cult members achieve good grades), or who have family ties to other powerful people in Nigerian society (in the hope that access to such a network will protect the cult from legal prosecution) <sup>(437)</sup>.

There are many reports of brutal crimes and very violent attacks committed by student cults <sup>(438)</sup>. Interlocutors of the OFPRA fact-finding mission to Nigeria confirmed that the student brotherhoods or cults have modified into 'mafia' with very violent initiation rites and illegal activities. Bloody conflicts between rivaling cult groups are fought out, not only on the campuses but also in the streets. There is little information on the way of recruitment. One interlocutor said that many traffickers are cult members. The girls who are initiated in a cult have to undergo a group rape. Another interlocutor mentioned initiation rituals using human blood <sup>(439)</sup>.

#### 7.3.1. Possible consequences for refusing to join campus cults

The research on campus cults is generally not based on systematic studies of any sort, but based on anecdotal information from university students and staff and/or media news reports. Such reporting gives a fairly good description of the variety of acts these cults can commit. There is no information available in the sources consulted about what has happened to students who refuse to join cults, and left university <sup>(440)</sup>. Several Interlocutors of the OFPRA fact-finding mission to Nigeria mentioned that members who quit the cult may encounter physical and spiritual consequences. However, cults are perceived as less strong or influential than in the earlier days <sup>(441)</sup>.

<sup>(430)</sup> Akinpelu, B.A., Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014), 2016, p. 81.

<sup>(431)</sup> Ellis, S., 'Campus Cults' in Nigeria, 2009, p. 222.

<sup>(432)</sup> Small Arms Survey, Armed and aimless, 2005, p. 21.

<sup>(433)</sup> Rotimi, A., 'Violence in the Citadel', 2005, p. 82.

<sup>(434)</sup> For more information, see Rotimi, A., 'Violence in the Citadel', 2005; Ellis, S., 'Campus Cults' in Nigeria, 2009; Bergman, B., 'From Fraternal Brotherhood to Murderous Cult', 2016.

<sup>(435)</sup> Information in this section is based on: Rotimi, A., 'Violence in the Citadel', 2005; Ellis, S., 'Campus Cults' in Nigeria, 2009; Bergman, B., 'From Fraternal Brotherhood to Murderous Cult', 2016.

<sup>(436)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, pp. 49-50.

<sup>(437)</sup> Ellis, S., 'Campus Cults' in Nigeria, 2009, p. 228; Rotimi, A., 'Violence in the Citadel', 2005, p. 84.

<sup>(438)</sup> Bergman, B., 'From Fraternal Brotherhood to Murderous Cult: The Origins and Mutations of Southern Nigeria's Confraternities from 1953 Onwards', 2016.

<sup>(439)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, pp. 48-49.

<sup>(440)</sup> Rotimi, A., 'Violence in the Citadel', 2005; Ellis, S., 'Campus Cults' in Nigeria, 2009; Bergman, B., 'From Fraternal Brotherhood to Murderous Cult', 2016.

<sup>(441)</sup> OFPRA, Rapport de mission en République fédérale du Nigeria, December 2016, p. 49.

### 7.3.2. Police attitudes towards secret societies and campus cults

Formally, Nigerian police will treat crime committed by secret societies and campus cults as any other kind of crime. However, the efficiency of the police investigating such crimes depends on the practical working conditions of the police (see 3.2.2 Police). In his 2005 research article, Rotimi points out two important obstacles for the police:

‘According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for about two decades now, policemen have been banned from operating on the university campuses in Nigeria’<sup>(442)</sup>.

It is not known whether access of the police to the university campuses has changed since 2005.

Universities are presently acting stronger against students cults, requiring students to pledge against joining or participating cults and expelling cult members, while some universities and local municipalities even call on religious leaders to lead mass prayer and exorcism sessions<sup>(443)</sup>.

## 7.4. Ritual killing and human sacrifice

Ritual murder is a legal category introduced in Nigerian legislation under the British colonial period<sup>(444)</sup>. It includes different forms of killing done in order to satisfy or please spirits or gods. Human sacrifice was practiced by some groups in Nigeria in pre-colonial times. For example, in Yorubaland, slaves were sacrificed into the second half of the 19<sup>th</sup> century<sup>(445)</sup>. These sacrifices in Yorubaland took place publicly during religious feasts, with processions and ceremonies generally watched by a large audience. Also in Igboland, there were sacrifices of slaves, when important people were buried<sup>(446)</sup>.

Ritual murder<sup>(447)</sup> also includes killings that happen as part of ceremonies taking place in secret with only initiated people present. In such cases, the benefit is only for the initiated, not for the public good. People being murdered in order to use body parts in rituals (including cannibalistic practices), in fetishes, amulets, etc., is also considered ritual murder in a legal sense, regardless of whether the murder happened in a ritual manner. Deaths caused by witchcraft are theoretically also covered by the legal definition of ritual murder, provided that the court concludes that witchcraft was the actual cause of death, and not sickness or some kind of accident. However, capital punishment under customary law is not legally defined as ritual murder. In cases of capital punishment under customary law, the execution is not ritual or ceremonial, and the life of the person executed is not taken in order to placate or satisfy spirits or gods<sup>(448)</sup>.

### 7.4.1. Occurrence of ritual killing in present-day Nigeria

It is difficult to say how widespread the phenomenon of ritual killing is in present-day Nigeria. Most Nigerians are convinced it is widespread, as becomes apparent from several academic studies focusing on local media coverage of alleged ritual murders<sup>(449)</sup>.

Researchers differ on the extent of the phenomenon of ritual killings. From the available source material it cannot be concluded that ritual murders never occur. Several researchers, like Bastian, Ellis and Harnischfeger, believe that they do occur. Smith, however, points out that much of the media coverage of alleged ritual killings in Nigeria is mostly based on unsubstantiated hearsay. Local press coverage is mostly based on unsubstantiated rumour, and the

<sup>(442)</sup> Rotimi, A., ‘Violence in the Citadel’, 2005, p. 85.

<sup>(443)</sup> Bergman, B., ‘From Fraternal Brotherhood to Murderous Cult’, 2016.

<sup>(444)</sup> Bastian, M.L., ‘Diabolic Realities’, 2003, p. 73.

<sup>(445)</sup> Peel, J.D.Y., *Religious Encounter and the Making of the Yoruba*, 2000, pp. 69–71.

<sup>(446)</sup> Bastian, M.L., ‘Diabolic Realities’, 2003, p. 73.

<sup>(447)</sup> Though ritual murder is not a specific crime mentioned in the Criminal Code Act 1916, a number of relevant crimes and felonies are listed in Chapters 9 ‘Unlawful societies’, 20 ‘Ordeal, Witchcraft, Juju and Criminal Charms’ and 27 ‘Homicide, Suicide, - Infanticide; Concealment of Birth; Unlawful Possession of Human Head’. Federal Republic of Nigeria, Criminal Code Act 1916.

<sup>(448)</sup> Bastian, M.L., *Diabolic Realities*, 2003, pp. 73–74.

<sup>(449)</sup> Bastian, M.L., ‘Diabolic Realities’, 2003; Ellis, S., ‘The Okija Shrine’, 2008, pp. 445–466; Harnischfeger, J., ‘State Decline and the Return of Occult Powers’, 2006, pp. 56–78; Smith, D.J., *A Culture of Corruption*, 2007, Chapter 5.

finding of corpses does not necessarily prove ritual murder<sup>(450)</sup>. Akinpelu points out that both media and religious leaders focus a lot of attention on this issue, sometimes overemphasising the phenomenon as a major cause of poverty or misfortune<sup>(451)</sup>.

A study of violent incidents in Nigeria from 2006 to 2014 concludes that of the number of fatalities in the country in the period, only 1 %, or 661 violent deaths over 8 years could be associated in some way with witchcraft or occult practices. Of these 661, as many as 307 were connected to cults or societies involved in local political struggles. Therefore, half of the killings listed in this study were ritual in the sense that they were committed as part of a religious ritual, or to use body parts from victims in such rituals. A large majority of these deaths took place in southern states of Nigeria<sup>(452)</sup>.

#### 7.4.2. Victims of ritual killing or witchcraft rituals

Historically, it was believed that the victims of ritual killing or those given to spirits or bewitched for ‘eating’ had to be someone close to the people performing the ritual, otherwise it would not be a real sacrifice or price to pay. In modern times, however, as a Nigerian priest stated in an interview, ‘the tradition of human sacrifice was limited by the requirement to kill a kinsman, however, it is now commonly held that also the lives of complete strangers can satisfy the spirits or witches’<sup>(453)</sup>.

A professor of anthropology interviewed by IRB stated that ‘anyone is a potential victim’, noting the elderly are seen as less valuable than a person who is very young and fertile, such as youthful women or children. There have been a few well-known cases where creative artists were supposedly killed for their talents. The source noted that the ‘best potential’ victims are those who are perceived to have a lot of potential, in the form of life, money, or fertility<sup>(454)</sup>. Researchers also remarked that people planning a ritual murder run the risk of being lynched by a mob if their plans are leaked<sup>(455)</sup>.

### 7.5. Traditional rulers and chieftaincy titles

The political scientist Harneit-Sievers points out that African chieftaincy is ‘legitimized with reference to “tradition”’; however he adds that the term ‘traditional ruler’ in today’s Nigeria does not mean that these offices are the same today as they were in precolonial times; what is termed ‘traditional’ today has changed substantially since the colonial period<sup>(456)</sup>.

Since a local government reform in 1976, institutions of chieftaincy and traditional rulers have been part of the formal administrative structure on a local level. Therefore, these offices exercise formal power in addition to legitimacy drawn from a community’s traditions<sup>(457)</sup>.

The Sultan of Sokoto, the Emir of Kano, the Oba of Benin, and the Oni of Ife are considered the four principal traditional rulers of Nigeria. The traditional chiefs have considerable power and authority on their communities and its members regularly seek their advice in conflict resolution. In the south, traditional chiefs can act as arbiters and mediators in conflicts around inheritance, marriage and land disputes, but not in criminal cases. According to the OFPRA fact-finding report, people turn to these chiefs mainly in areas where the Nigerian state is hardly present such as in areas menaced by Boko Haram. Interlocutors perceived a certain decline of influence of traditional chiefs, particularly in the north where Salafist movements try to destabilise the traditional authorities<sup>(458)</sup>.

<sup>(450)</sup> Smith, D.J., *A Culture of Corruption*, 2007, p. 152. See also Bonhomme, J., ‘The Dangers of Anonymity’, 2012, p. 225.

<sup>(451)</sup> Akinpelu, B.A., ‘Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014)’, 2016, p. 77.

<sup>(452)</sup> Akinpelu, B.A., ‘Trends and Patterns of Fatalities Resulting from Cult Societies and Belief in Witchcraft in Nigeria (2006-2014)’, 2016.

<sup>(453)</sup> Smith, D.J., *A Culture of Corruption*, 2007, p. 163.

<sup>(454)</sup> IRB, Nigeria: Prevalence of ritual murder and human sacrifice and reaction by government authorities (March 2000 July 2005), 22 July 2005.

<sup>(455)</sup> Lynching of people suspected of or planning ritual murder or performing other sorts of witchcraft is not uncommon in Nigeria and Sub-Saharan Africa. To take one example, around 20 people were lynched in Nigeria in April 2001 alone suspected of being ‘penis snatchers’, cf. Bonhomme, J., ‘The Dangers of Anonymity’, 2012, p. 208. In a study of violent deaths in Nigeria in the period 2009–2013, the authors mention some examples of lynching of people suspected of witchcraft, including a minor, cf. Taft, P., & Haken, N., *Violence in Nigeria*, 2015, pp. 69, 113, 115.

<sup>(456)</sup> Harneit-Sievers, A., *Constructions of Belonging*, 2006, p. 172.

<sup>(457)</sup> Harneit-Sievers, A., *Constructions of Belonging*, 2006, p. 174.

<sup>(458)</sup> OFPRA, *Rapport de mission en République fédérale du Nigeria*, December 2016.

### 7.5.1. Succession of chieftancy titles

Whenever the position of traditional ruler in a community is vacant, there is usually fierce competition for it among the people who fill the criteria. It has been reported that these functions are even given to people considered by many not to be suitable for such offices, because they were willing to pay – something that generates a lot of discussion in Nigeria.

In communities where chieftaincy titles are hereditary in some way, it is very unusual that refusing such a title poses a problem. First, it is unusual to refuse a title, because it implies refusing power, authority, prestige and respect <sup>(459)</sup>, second, if someone would refuse, i.e. because of religious objections, there will generally be several others who are both qualified and willing to take the position <sup>(460)</sup>.

According to interlocutors of the OFPRA fact-finding mission, membership of the Ogboni is hereditary by the eldest son or daughter, who join voluntarily, even Christians – although they mentioned that it is difficult to withdraw, that ‘it is normal, it is my destination’ <sup>(461)</sup>.

No information was found in the available sources reporting verifiable cases of someone who has faced threats or violence after refusing the office of traditional ruler.

### 7.5.2. Positions of power within traditional religion

There is a large variety of positions that carry power and influence within traditional religion: priests, oracles and people with ceremonial duties, and persons with religious knowledge and experience that they use for rituals, making of amulets and fetishes, herbal medicine, etc. Recruitment into such positions may take place in a variety of ways, but it usually implies a long period of learning and training in order to be qualified to fill the duties these positions carry. According to an ASC Professor interviewed by IRB, ‘the office of chief priest or fetish priest does not necessarily have to be passed on to the eldest son, since this is a European and not an African tradition... it would not be considered an offence against the shrine for someone to refuse the role of chief priest or fetish priest’. The successor would likely be initiated at a young age according to the ASC professor, in order to prepare the successor in the function of priest <sup>(462)</sup>.

A researcher at the Heinrich Böll Foundation in Nigeria has informed the IRB that if someone is ‘called’ into such a role, (that is, identified by priests or other leaders of traditional religion as someone who should be initiated) and eventually become a priest, herbalist or something similar, it can be difficult and even dangerous to refuse. However, the ASC Professor stated that he had ‘never heard of the priesthood being forced on anyone in Nigeria. The shrine would want a successor who had the interest in and aptitude for the role’ <sup>(463)</sup>.

No information was found in the available sources reporting any verifiable cases where Nigerians have suffered threats or violence for refusing to accept such positions on religious grounds.

<sup>(459)</sup> Bukhari Bello, leader of the NHRC, interview Landinfo, Abuja, March 2006.

<sup>(460)</sup> See for example BBC, *Nigerians Go Crazy for a Title*, 1 August 2007.

<sup>(461)</sup> OFPRA, *Rapport de mission en République fédérale du Nigeria*, December 2016, pp. 49-50.

<sup>(462)</sup> IRB: *Nigeria: Consequences of refusing a chieftaincy title (2004–2007)*, 8 August 2007.

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## Annex II: Terms of reference

### 1. General background

- Demography: Ethnic groups, young population, large population, north/south divide
- Large cities: Lagos (20 million people!), Abuja, Kano, Kaduna, Jos, Port Harcourt
- Short description of political development after independence
- Politics

### 2. Security situation

- 6 regions: situation
- Armed conflict
- Cyclical political violence

### 3. Judiciary, police, state protection

- Access to justice
- Conflict settlement mechanisms

### 4. Vulnerable groups

- Women
  - FGM/C
  - Forced marriage
  - Trafficking
  - Sexual orientation/gender issues

### 5. Religion, tradition and culture

- Christianity, Islam and traditional religion
- Traditional 'secret' societies (i.e. Ogboni, etc), modern 'secret' societies (cults, etc.)
- Chieftancy position and inheritance
- Rituals, ritual killing, 'black magic'
- Power structures and religion (cults, secret societies, Pentecostal churches ...)

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