



## General Country of Origin Information Report Nigeria

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## Introduction

This general country of origin information report describes the situation in Nigeria insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for the decision-making process regarding the return of rejected Nigerian asylum-seekers. The report is an update of the general country of origin information report for Nigeria of March 2021.<sup>1</sup> It covers the period from April 2021 to December 2022. Relevant developments up to the publication date have been included. The report is a factual, neutral and objective representation of the findings that were made during the period under consideration. It is not a policy document and does not reflect the government's vision or policy in relation to a country or region. It does not contain any conclusions concerning immigration policy.

This report was prepared on the basis of the questions and points of focus in the Terms of Reference (ToR) drawn up by the Dutch Ministry of Justice and Security. The ToR for this report was defined on 31 August 2022. It is available, together with the report, on the website of the Dutch Government.

The report was prepared on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from a number of sources has been used, including non-governmental organisations (NGOs), specialist literature, media reporting, and (where applicable) relevant governmental agencies. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices.

Part of the information used was obtained during a fact-finding mission to Nigeria that took place from 17 to 21 October 2022. The report uses information from the interviews with relevant expert local sources that were conducted during this mission. Use is also made, for example, of information obtained from the diplomatic mission(s) of the Netherlands in Nigeria and confidential conversations and correspondence. The information obtained on this basis has chiefly been used to support and supplement the content based on public information. The confidential sources are marked 'confidential source' in the footnotes and are dated.

Chapter One deals with the political and security situation. Chapter Two considers documents and nationality legislation. The state of affairs with regard to human rights is discussed in Chapter Three. Chapter Four deals with the situation with regard to refugees and displaced persons, and Chapter Five examines returns. Finally, human trafficking is examined in Chapter Six.

<sup>1</sup> Dutch Ministry of Foreign Affairs, General country of origin information report Nigeria, March 2021.  
<https://www.government.nl/documents/reports/2021/03/31/country-of-origin-information-report-nigeria-march-2021>

# 1 Political and security situation

## 1.1 Political situation

### 1.1.1 Elections

Political developments during the reporting period were dominated by the general elections (presidential, parliamentary, senate, governors) scheduled for February and March 2023. After two terms of office, President Muhammadu Buhari is no longer eligible for re-election. The internal political struggle has received considerable attention in addition to the pressing security problems (see also 1.2 Security situation).<sup>2</sup>

On 25 February 2023, in addition to the presidential elections, elections for the national parliament will be held. Subsequently, on 11 March 2023, elections will take place for the governorships and parliaments at state level.<sup>3</sup> More than a hundred parties applied to register with the Independent National Electoral Commission (INEC), but two parties dominated political life in Nigeria: the All Progressives Congress (APC, the party of outgoing President Buhari) and the People's Democratic Party (PDP). They remain dominant in the run-up to the 2023 election, but for the first time there is a third serious candidate, Peter Obi of the National Labour Party (NLP). Obi, a Christian from the south, lost in the PDP primaries, then resigned from that party and became the NLP's presidential candidate. He is popular with the younger generation, but as a Christian has little support in the Muslim north.<sup>4</sup> This makes a second round between the two candidates with the most votes a serious possibility if none of the candidates obtains a majority in the first round.<sup>5</sup>

The question of whether the political parties would abide by the unwritten rules of Nigerian politics this time round attracted considerable attention. An important 'gentlemen's agreement' concerns 'zoning' or the 'rotational presidency': if the outgoing president is a Muslim from the north, the candidates to succeed him must be Christians from the south<sup>6</sup>, and vice versa.<sup>7</sup> After Buhari, a Muslim from northern Nigeria, it would seem clear that the candidates should be Christians from the south. The APC's primaries were won by Bola Tinubu, a southerner, but also a Muslim. His running mate is also a Muslim, from the north.<sup>8</sup> The PDP completely disregarded the principle of the rotating presidency by choosing Atiku Abubakar, a Muslim from the north.<sup>9</sup> However, the choice of a Christian southerner as running mate meant that the principle of zoning was still somewhat adhered to.<sup>10</sup> Disagreements about the application of zoning led to internal tensions within the major parties.<sup>11</sup>

<sup>2</sup> Confidential source, 5 November 2021.

<sup>3</sup> BBC News Pidgin, *Nigeria 2023 general elections: INEC fix Feb. 25 for presidential poll - See new dates*, 26 February 2022.

<sup>4</sup> BBC News, *Peter Obi: The Labour Party candidate electrifying young Nigerians*, 5 July 2022; Confidential source, 14 June 2022.

<sup>5</sup> Confidential source, 5 November 2021; Confidential source, 11 March 2022; Confidential source, 14 June 2022/ Confidential source, 9 December 2022.

<sup>6</sup> Islam is the dominant religion in the north of Nigeria, and Christianity in the south.

<sup>7</sup> Culture Custodian, *Zoning in Nigerian politics, an explainer*, 6 April 2022; Confidential source, 5 November 2021; Confidential source, 11 March 2022.

<sup>8</sup> Africa News, *Nigeria's APC names Tinubu's running mate*, 21 July 2022.

<sup>9</sup> International Center for Investigative Reporting, *Dashboard: Nigeria's presidential primary elections 2022*, accessed 28 September 2022.

<sup>10</sup> Nigerian Tribune, *Running Mate: Atiku Picking Okowa, Solves Muslim-Muslim Ticket Fears—Arewa Coalition*, 19 June 2022.

<sup>11</sup> Culture Custodian, *Zoning in Nigerian politics: An explainer*, 6 April 2022, accessed 7 December 2022; Confidential source, 14 June 2022.

In Nigeria, political parties are not divided by political ideology, and party programmes play no significant role. Due to the opportunities for corruption within the government, politics is very lucrative. For this reason money is the dominant theme in elections. For example, candidates in the PDP primaries had to pay 45 million naira (approximately 106,000 euros) and those in the APC primaries 100 million naira (approximately 237,000 euros).<sup>12</sup> The primaries are indirect elections, so that a relatively small number of party delegates make the final choice.<sup>13</sup> According to various sources, the candidates paid these delegates additional sums of tens of thousands of dollars for their vote.<sup>14</sup> Partly as a result, the value of the naira fell and a scarcity of foreign currency arose. This in turn led to diesel shortages, as there was insufficient currency to purchase diesel.<sup>15</sup>

### *Election campaign*

The election campaign started on 28 September 2022.<sup>16</sup> In parts of Kaduna, Boko Haram and Ansaru had already banned all political activity.<sup>17</sup> On 13 October 2022, the governor of Zamfara (North-West Nigeria) banned all campaign activities for security reasons. Two days later, the governor also shut down all media outlets in the state over coverage of a political rally in which one person was killed and 18 were injured in political violence.<sup>18</sup> The Zamfara authorities later reversed the decision and apologised, as the constitution does not give states the right to make such a decision.<sup>19</sup>

In November 2022, the Nigerian electoral commission (INEC) expressed concern over the violence in the run-up to the elections and the safety of election workers, voters and election equipment. According to the commission, fifty violent incidents had already taken place since the start of the campaign, about two months earlier.<sup>20</sup> For example, on 9 November 2022, presidential candidate Atiku Abubakar's convoy was attacked in Borno. According to his party, more than seventy people were injured.<sup>21</sup> The commission called on the authorities to deploy the police and the army.<sup>22</sup>

## 1.1.2

### *Social unrest*

In addition to the deteriorating security situation, Nigeria's economic situation contributed to growing social unrest.<sup>23</sup> Revenue fell, and the government continued to borrow: under President Buhari, public debt rose more than under any other

<sup>12</sup> Confidential source, 14 June 2022.

<sup>13</sup> The Vanguard, *Direct or indirect primaries: The uniting factor is moneybag politics*, 22 June 2022; Confidential source, 14 June 2022.

<sup>14</sup> People's Gazette, *Dollars will rain at PDP primary, Atiku, Wike and others to spend \$10,000 per delegate: Doyin Okupe*, 23 May 2022; The Vanguard, *PDP Presidential Convention: Did governors shortchange delegates in the dollar bazaar?*, 4 June 2022; Confidential source, 14 June 2022.

<sup>15</sup> Bloomberg, *Politicians Seeking Dollars Drive Nigerian Naira to New Low*, 17 May 2022; Confidential source, 14 June 2022.

<sup>16</sup> BBC News Pidgin, *Nigeria 2023 general elections: INEC fix Feb. 25 for presidential poll - See new dates*, 26 February 2022.

<sup>17</sup> Sahara Reporters, *Terrorists Have Taken Over Kaduna, Banned Political Activities Towards 2023 General Elections' - Governor El-Rufai Writes President Buhari*, 11 August 2022; Confidential source, 3 December 2022.

<sup>18</sup> BBC Monitoring, *Nigeria bans political activities in north-west over attacks*, 14 October 2022; BBC Monitoring, *One person dead, 18 injured in north-west Nigeria poll violence*, 16 October 2022; BBC Monitoring, *Nigeria's Zamfara shuts media outlets over political coverage*, 16 October 2022.

<sup>19</sup> BBC Monitoring, *Nigeria's Zamfara state apologises for closing media houses*, 18 October 2022.

<sup>20</sup> BBC Monitoring, *Nigerian police adds more anti-riot equipment in poll run-up*, 8 November 2022; BBC Monitoring, *Police and army to guard Nigeria poll body facilities*, 12 November 2022; BBC Monitoring, *Nigerian poll body issues warning over escalating campaign violence*, 11 November 2022; BBC Monitoring, *US, UK concerned over attacks on Nigerian poll body offices*, 15 November 2022.

<sup>21</sup> BBC Monitoring, *Presidential candidate's convoy attacked in northern Nigeria*, 9 November 2022; BBC Monitoring, *US, UK concerned over attacks on Nigerian poll body offices*, 15 November 2022.

<sup>22</sup> BBC Monitoring, *Nigeria tightens security at election commission's offices*, 18 November 2022; BBC Monitoring, *Police and army to guard Nigeria poll body facilities*, 12 November 2022.

<sup>23</sup> Council on Foreign Relations, *Will Economic Collapse Precede Political Transition in Nigeria?*, 25 July 2022.

president since 1999.<sup>24</sup> With high inflation of around 20%, purchasing power fell, and there were fuel shortages and regular large-scale power cuts.<sup>25</sup>

In the autumn of 2022, Nigeria experienced severe flooding. This resulted from extreme rainfall, but also from the release of water from a dam in neighbouring Cameroon, causing water levels in Nigeria to rise. When that dam was built in the 1980s, Nigeria had promised to build its own dam to manage the water level itself, but this never happened. By the end of October 2022, the floods had killed more than 600 people and displaced more than 1.4 million people. In addition, more than 440,000 hectares of farmland was destroyed by the floods.<sup>26</sup>

For eight months, from mid-February to mid-October 2022, Nigeria's universities were closed due to a strike by university lecturers. The aim of the strike was to gain pay rises for university staff and increase the budget for higher education.<sup>27</sup> On 19 September 2022, students blocked Murtala Muhammed International Airport to demand that classes be resumed.<sup>28</sup> In October 2022, the lecturers returned to work under political pressure, claiming that their demands had not been met.<sup>29</sup>

## 1.2 Security situation

### 1.2.1 *General: increase in violence*

In 2021 Nigeria ranked sixth (out of 163) on the *Global Terrorism Index*.<sup>30</sup> The security situation in Nigeria remained complex, with high levels of violence in many parts of the country.<sup>31</sup> The government had only limited control outside the major cities. The security forces were overstretched and unable to ensure security throughout the country. Large parts of the country, especially outside the urban centres, had to manage without effective protection from the government.<sup>32</sup> Everyday violence included kidnappings, religiously motivated attacks, attacks by armed gangs, and police and military violence. According to the Council on Foreign Relations, this was due, among other factors, to the deterioration of the Nigerian state's administrative capacity, low confidence in the justice system, and climate change and desertification. The upcoming elections further added to the pressure.<sup>33</sup>

As the graphs below show, violence increased during the reporting period (1 April 2021 – 31 December 2022), in terms of both numbers of incidents and numbers of victims, and in comparison with previous years.

<sup>24</sup> Premium Times, *Inside Nigeria's Debt Crisis: How foreign loan under Buhari triples past govts' combined figure*, 10 October 2021.

<sup>25</sup> Council on Foreign Relations, *Will Economic Collapse Precede Political Transition in Nigeria?*, 25 July 2022.

<sup>26</sup> Reuters, *Desperate flight, then misery in a camp for Nigerians displaced by floods*, 25 October 2022; New York Times, *Nigeria Floods Kill Hundreds and Displace Over a Million*, 17 October 2022; CNN, *Live report: Dangerous waters*, accessed on Twitter, 26 October 2022.

<sup>27</sup> BBC Monitoring, *Nigerian university lecturers extend strike indefinitely*, 29 August 2022; BBC Monitoring, *Nigerian court orders lecturers to suspend seven-month strike*, 21 September 2022; Reuters, *Nigeria's public university lecturers suspend strike after eight months*, 14 October 2022.

<sup>28</sup> BBC Monitoring, *Flights grounded in Nigerian city as students threaten sustained protests*, 19 September 2022.

<sup>29</sup> Reuters, *Nigeria's public university lecturers suspend strike after eight months*, 14 October 2022.

<sup>30</sup> Institute for Economics and Peace, *Global Terrorism Index 2022*, accessed 20 September 2022.

<sup>31</sup> Council on Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022; Nextier SPD, *Nigeria security situation analysis report*, 2022, p. 12.

<sup>32</sup> Confidential source, 5 November 2021.

<sup>33</sup> Council on Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022.

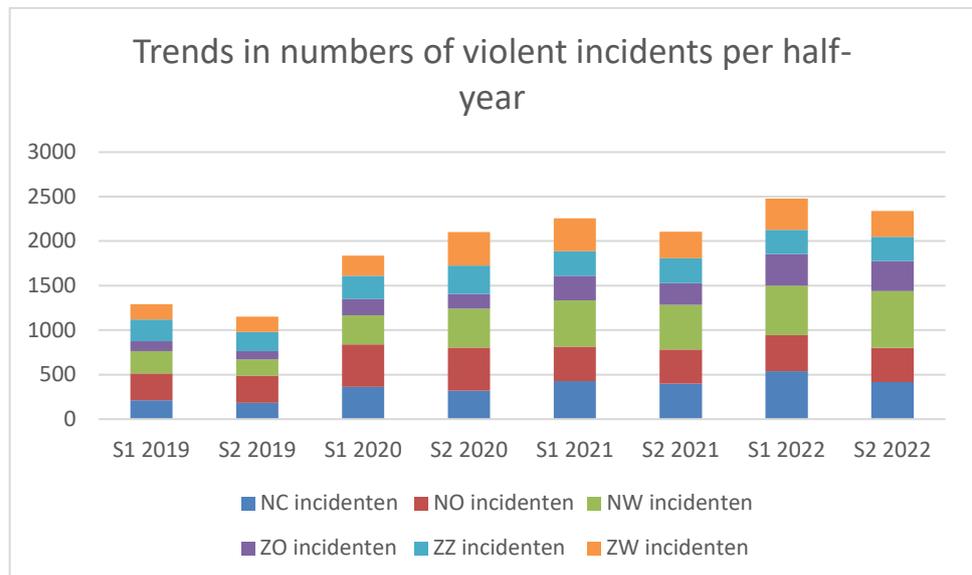


Figure 1: Trends in total numbers of violent incidents per half-year during the reporting period (S1 2021-S2 2022) and prior to that since 2019, divided into numbers per geopolitical zone. Source: ACLED.

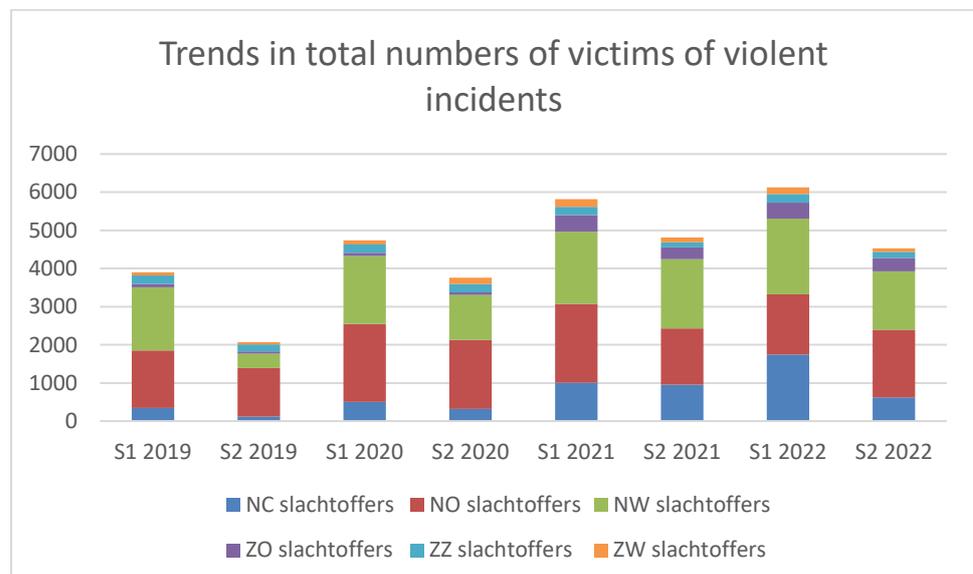


Figure 2: Trends in total numbers of victims of violent incidents per half-year during the reporting period (S1 2021-S2 2022) and prior to that since 2019, divided into numbers per geopolitical zone. Source: ACLED.

### 1.2.2

#### Types of violence

Insecurity and violence in Nigeria can be divided into the following types:

1. Violence relating to Boko Haram and splinter groups of Boko Haram in North-East Nigeria, and increasingly spreading to other regions - especially North-Central (1.2.2.1);
2. Violence relating to the conflict between nomadic herders and non-nomadic farmers in North-Central and North-West Nigeria (the so-called Middle Belt region) (1.2.2.2);
3. Gang violence centred on North-West Nigeria (1.2.2.3);

4. Cult-related violence centred on southern Nigeria and in particular the Niger Delta region (1.2.2.4);
5. Piracy in the Gulf of Guinea from the Niger Delta (1.2.2.5);
6. Violence relating to Biafra independence movements in South-East Nigeria (1.2.2.6).

#### 1.2.2.1 *Boko Haram*

The name *Boko Haram* covers a number of armed groups, of which *Jamaat Ahlussunnah lid-Dawa wal-Jihad* (JAS) and Islamic State West Africa Province (ISWAP)<sup>34</sup> are responsible for most violence. Both groups are referred to by the name Boko Haram, but they do not use the name themselves.<sup>35</sup>

ISWAP continued to make efforts to organise a certain level of administration during the reporting period. Under the leadership of Mossab al-Barnawi, ISWAP built wells and mosques in its areas of influence. The group encouraged the population to live and work in these areas so that it could impose taxes on the new residents. JAS was Boko Haram's most radical faction and continued to carry out attacks on the population. ISWAP restricted itself more to attacks on security forces.<sup>36</sup>

None of the Boko Haram factions received direct support from abroad. They were able to carry out attacks on the Nigerian security forces and army barracks because the army and police – partly due to corruption – were often short of working equipment. The morale of the security forces was also low as a result. In the attacks, the Boko Haram factions often seized large quantities of weapons and equipment, further weakening the security forces.<sup>37</sup> Boko Haram also had access to weapons from conflicts in the region through the black market as well as having its own local weapon production capacity.<sup>38</sup>

#### *Advance of ISWAP*

During the reporting period, ISWAP grew in strength and influence in comparison with JAS, and also expanded its influence from North-East Nigeria towards the centre of the country and the Lake Chad region.<sup>39</sup>

ISWAP's increasing influence relative to JAS was partly due to its more moderate attitude towards the population, and was also the result of ISWAP's military successes over JAS. In May 2021, the leader of JAS, Abubakar Shekau, was killed or committed suicide when his camp was surrounded by ISWAP.<sup>40</sup> After his death, many JAS fighters defected to ISWAP; after negotiations with al-Barnawi, at least 18 JAS cells operating in the Sambisa Forest joined ISWAP. In June 2021, ISIS congratulated ISWAP on its 'victory'.<sup>41</sup>

<sup>34</sup> The names used here are the ones most commonly used internationally.

<sup>35</sup> SIPRI, *Improving the prospects for peace in Nigeria: spotlight on stabilization*, September 2022, p. 2.

<sup>36</sup> IFRI, *Boko Haram dans la région de l'extrême-Nord du Cameroun: L'arbre qui cache la forêt*, June 2022, p. 15; International Crisis Group, *Après Shekau : faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022.

<sup>37</sup> Eric G. Berman, *The Management of Lethal Materiel in Conflict Settings: existing challenges and opportunities for the European Peace Facility*, September 2021, pp. 11, 13-14.

<sup>38</sup> Eric G. Berman, *The Management of Lethal Materiel in Conflict Settings: existing challenges and opportunities for the European Peace Facility*, September 2021, p. 15.

<sup>39</sup> SIPRI, *Improving the prospects for peace in Nigeria: spotlight on stabilization*, September 2022.

<sup>40</sup> SIPRI, *Improving the prospects for peace in Nigeria: spotlight on stabilization*, September 2022; Freedom House, *Nigeria Freedom in the World 2022 Country Report*, February 2022; Eric G. Berman, *The Management of Lethal Materiel in Conflict Settings: existing challenges and opportunities for the European Peace Facility*, September 2021, p. 6; International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022.

<sup>41</sup> Aymenn Jawad Al-Tamimi's Blog, *'And You Are the Supreme Ones If You Are Believers'- New Speech by Islamic State Spokesman*, 27 June 2021; International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022.

## JAS

However, some of the JAS cells that had initially joined ISWAP later broke away from it, and there were others that never joined ISWAP. The most important of the remaining JAS cells was the Bakura faction, whose main leaders were Bakura Shalabar Modu and Ibrahima Bakura Doro.<sup>42</sup> Several former JAS commanders from the Sambisa Forest joined the Bakura faction there. During the reporting period, several confrontations between the Bakura faction and ISWAP took place.<sup>43</sup> Among other things, this led to the probable death of ISWAP's leader al-Barnawi in the second half of 2021.<sup>44</sup>

Other smaller former JAS cells operated in the Mandara mountains on the border between Nigeria and Cameroon. They generally avoided confrontation with ISWAP and confined themselves to attacking villages to obtain supplies of cattle, motorcycles and other equipment. ISWAP regularly attacked these groups, but was unable to dismantle them during the reporting period. ISWAP sometimes put communities under pressure if it suspected them of supporting the JAS cells.<sup>45</sup>

Since Shekau's death (see above), more than 80,000 JAS fighters and their relatives have surrendered to the Nigerian and Cameroonian authorities, according to the Nigerian authorities.<sup>46</sup> According to the authorities, this was the result of successful military operations against Boko Haram, but according to the American think tank The Council on Foreign Relations, the fighters involved may have been unable to adapt to the new leadership.<sup>47</sup>

### *Areas where Boko Haram is located*

After Shekau's death, ISWAP therefore strengthened its position and, in addition to the Alagarno Forest and the islands and shores of the southern part of Lake Chad, it also gained control over a large part of the Sambisa Forest (both in Borno, North-East Nigeria).<sup>48</sup> New cells were also established in the Fufore Forest in Adamawa state, in the Falgore Forest in Kano state (North-West Nigeria) and in Kogi state (North-Central Nigeria). This led to attacks in Taraba state (by the Fufore Forest cell) and in Kogi and Niger states and Abuja (all by the Kogi cell). On 5 July 2022, ISWAP attacked Kuje prison near Abuja. During the attack, 879 prisoners escaped, including 68 Boko Haram fighters.<sup>49</sup> About half of the escaped prisoners were recaptured by the security forces.<sup>50</sup>

### *Ansaru (al-Qaeda)*

*Ansaru* is a Boko Haram splinter group that joined *al-Qaeda* in 2022. For a long time it was a minor player, but according to the Institute for Security Studies (ISS), the

<sup>42</sup> War on the rocks, *The fractitious future of the Islamic State in West Africa*, 3 November 2021; Militant Leadership Monitor, volume xii, issue 8, August 2021, pp. 8-11.

<sup>43</sup> International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022.

<sup>44</sup> Journal de l'Afrique, *La mort d'al-Barnaoui, fils du fondateur de Boko Haram, confirmée par l'armée nigériane*, 15 October 2021; War on the rocks, *The fractitious future of the Islamic State in West Africa*, 3 November 2021.

<sup>45</sup> International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022.

<sup>46</sup> Freedom House, *Nigeria Freedom in the World 2022 Country Report*, February 2022; Council on Foreign Relations, *Boko Haram defections spike in Nigeria and Cameroon*, 18 August 2021; International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022; International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022; Confidential source, 6 October 2022; Confidential source, 17 October 2022; Confidential source 13 December 2021.

<sup>47</sup> Council on Foreign Relations, *Boko Haram defections spike in Nigeria and Cameroon*, 18 August 2021.

<sup>48</sup> International Crisis Group, *Après Shekau: faire face aux jihadistes dans le nord-est du Nigéria*, 29 March 2022; Eric G. Berman, *The Management of Lethal Materiel in Conflict Settings: existing challenges and opportunities for the European Peace Facility*, September 2021, p. 6; SIPRI, *Improving the prospects for peace in Nigeria: spotlight on stabilization*, September 2022.

<sup>49</sup> Institute for Security Studies, *Kuje prison break: is Nigeria out of security options?*, 11 July 2022.

<sup>50</sup> BBC News, *Nigeria Kuje prison break: more than 400 prisoners missing from Abuja jail*, 6 July 2022; Sahara Reporters, *Over 400 prisoners who escaped from Kuje prison yet to return after three months*, 4 October 2022; Confidential source 13 December 2021.

group was on the rise during the reporting period. It tried to win over the population by distributing food, clothing and money. Ansaru was increasingly involved in kidnappings and banditry, and reached out to other armed groups.<sup>51</sup> The Institute of Security Studies (ISS) has evidence that the attack on Kuje prison involved some form of cooperation between ISWAP and Ansaru. The group had been looking to cooperate with ISWAP for some time, but ISWAP held back somewhat until ISIS<sup>52</sup> had given permission. The attack on Kuje prison was claimed by ISWAP, but Ansaru claimed the intelligence work that made the attack possible.<sup>53</sup>

#### *Government response*

The government's response to the conflict in North-East Nigeria has always been predominantly military. In addition to the Nigerian state forces, the Multi National Joint Task Force (MNJTF) and Civilian Joint Task Force (CJTF) have played a key role in fighting Boko Haram and in regaining territory lost to the group. The MNJTF is a unit of mainly army, police and paramilitary personnel tasked with fighting Boko Haram. The task force was established jointly with the governments of Chad, Cameroon and Niger and operates in the states of Borno and Yobe. The CJTF was founded in 2013 by members of the Borno community who grew increasingly frustrated with the inability of the Nigerian armed forces to protect them from Boko Haram attacks. The armed forces initially viewed it as a vigilante group made up of community thugs, but collaboration grew over time. Today the CJTF has been incorporated as a community-based approach to counterterrorism and is coordinated by the Ministry of Justice.<sup>54</sup>

#### *1.2.2.2 Conflicts between communities*

The previous country report described how competition for natural resources such as water and land, especially between nomadic herders and farmers, was increasingly leading to armed conflicts.<sup>55</sup> This trend continued in the reporting period. Violence in the past was mostly spontaneous, but during the reporting period attacks were increasingly planned.<sup>56</sup> Large numbers of people were driven from their homes and as a result food security came under pressure in several areas of Nigeria. While this type of violence was most prevalent in North-Central Nigeria, it also spread to other parts of Nigeria.<sup>57</sup>

As can be seen from Figures 6 to 11, in North-Central Nigeria numbers of violent incidents and victims increased during the reporting period in comparison with the previous period, as did violence against civilians. In North-West Nigeria too, the number of violent incidents increased in comparison with the previous reporting period and the number of victims remained high, as did violence against civilians. In both geopolitical zones, militias and security forces were the main perpetrators of the violence.

Political and religious leaders, but also advocacy groups, sometimes treated the conflict as a religious confrontation between Muslims and Christians. Most herders

<sup>51</sup> Institute for Security Studies, *Ansaru's comeback in Nigeria deepens the terror threat* 1 June 2022.

<sup>52</sup> ISIS is not active in Nigeria. The relationship between ISWAP and ISIS is one of shared interests: ISWAP is a local group with local objectives that contribute to the global agenda of ISIS. ISIS supports ISWAP financially and organisationally. Source: Bulama Bukarti, *It's a Bit Tricky: Exploring ISIS's Ties with Boko Haram*, 7 March 2022, accessed 17 January 2023.

<sup>53</sup> Institute for Security Studies, *Kuje prison break: is Nigeria out of security options?*, 11 July 2022.

<sup>54</sup> SIPRI, *Improving the prospects for peace in Nigeria: spotlight on stabilization*, September 2022, p. 4.

<sup>55</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2021, p. 19-21.

<sup>56</sup> Circle of Blue, *An Encroaching Desert Intensifies Nigeria's Farmer-Herder Crisis*, 14 April 2022; BBC News Africa, *The bandit warlords of Zamfara*, 25 July 2022; Youtube: BBC Africa Eye documentary, *The Bandit Warlords of Zamfara*, 25 July 2022; Confidential source, 5 November 2021; Nextier SPD, *Nigeria security situation analysis report*, 2022, p. 7.

<sup>57</sup> Nextier SPD, *Nigeria security situation analysis report*, 2022, p. 63.

belong to the overwhelmingly Muslim Fulani group, while the farmers are of various ethnic/religious backgrounds, including Christian. However, experts largely agree that the conflict is primarily about access to increasingly scarce resources.<sup>58</sup>

#### 1.2.2.3 *Gang violence*

Prior to the reporting period, the violent character of conflicts between communities<sup>59</sup> had already grown more pronounced due to the emergence of ethnic militias. According to a member of a Fulani militia in Zamfara, these militias used violence to bring the problems of the nomadic herder communities to the attention of the authorities. The violence included theft, kidnapping, murder and rape, often under the influence of drugs. The militias were therefore referred to by the authorities and popularly as bandits and gangs.<sup>60</sup> Like Boko Haram, the gangs levied taxes on the communities among which they lived.<sup>61</sup> Large-scale impunity made such crime attractive.<sup>62</sup>

In 2021, more than a thousand schoolchildren were kidnapped in North-West Nigeria. As a result, large numbers of schools were closed.<sup>63</sup> On 28 March 2022, numerous bandits attacked the train that runs between Kaduna and the capital, Abuja. This train connection was established in 2016 as an alternative connection between Kaduna and Abuja to avoid the lack of security on the roads. An unknown number of people were killed and dozens were kidnapped in the attack.<sup>64</sup>

According to the authorities in Zamfara state, there were around a hundred different gangs in that state, with a total of 30,000 heavily armed members.<sup>65</sup>

#### 1.2.2.4 *Cults*

In the Nigerian context, the term 'cult'<sup>66</sup> is mainly used to refer to various types of groups whose motivation or modus operandi is kept secret. These cults are often a combination of traditional secret societies, vigilante groups and student associations.<sup>67</sup>

University cults originated in Nigeria as student networking and advocacy organisations. Today, many of them also target low-skilled young people who lack prospects. Cults have degenerated into criminal gangs that can be hired.<sup>68</sup> They are characterised by violent initiation rituals and illegal activities such as murder, human

<sup>58</sup> Justin George, Adesoji Adelaja, Olufemi Vaughan, Titus Awokuse, 'Explaining transhumance-related violence: Fulani Ethnic Militia in rural Nigeria', in *Journal of Rural Studies* (89), pp. 275-286, 2022, p. 277; Circle of Blue, *An Encroaching Desert Intensifies Nigeria's Farmer-Herder Crisis*, 14 April 2022; International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018; Confidential source, 5 November 2021.

<sup>59</sup> Reference is made here to conflicts between 'communities'. These 'communities' may be based on a combination of factors, such as access to natural resources, ethnicity, beliefs, historical differences, etc.

<sup>60</sup> BBC News Africa, *The bandit warlords of Zamfara*, 25 July 2022, Youtube: BBC Africa Eye documentary, *The Bandit Warlords of Zamfara*, 25 July 2022.

<sup>61</sup> Premium Times, *Merchants Of Terror (1): Paying blood taxes, helpless communities sustain Nigeria's terrorists*, 3 October 2022.

<sup>62</sup> Confidential source, 5 November 2021.

<sup>63</sup> UNICEF, *Blog Over 1 Million Children Afraid of Returning to School In Nigeria*, 15 September 2022; Africa Center for Strategic Studies, *Criminal gangs destabilizing Nigeria's North West*, 14 December 2021.

<sup>64</sup> Aljazeera, *Who are the 'bandits' terrorising Nigeria's 'Wild Wild West'?*, 29 March 2022; Reuters, *Suspected bandits attack Nigerian passenger train*, 28 March 2022.

<sup>65</sup> BBC News Africa, *The bandit warlords of Zamfara*, 25 July 2022; Youtube: BBC Africa Eye documentary, *The Bandit Warlords of Zamfara*, 25 July 2022

<sup>66</sup> In Nigeria they are also called 'university cults', or 'confraternities'.

<sup>67</sup> European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 49.

<sup>68</sup> European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55; Confidential source, 18 October 2022; Confidential source, 2 November 2022; Confidential source, 21 September 2022; Confidential source, 19 October 2022.

trafficking, sexual exploitation, slavery, drug trafficking, smuggling, extortion, kidnapping and forced recruitment.<sup>69</sup>

Cult members can often be identified by various distinguishing marks, such as tattoos or piercings, specific clothing and code language.<sup>70</sup> Cults also use rituals and traditional religious practices (*juju*) to strengthen the bond between members during secret gatherings.<sup>71</sup> The reasons people choose to join a cult include protection, networking opportunities and in some cases financial support.<sup>72</sup>

Cults are particularly active in the Niger Delta and other southern states.<sup>73</sup> According to the Foundation for Partnership Initiatives in the Niger Delta (PIND), gang and cult-related violence was among the most common conflict problems in the Niger Delta in 2021.<sup>74</sup> Cults were also active in the northern states, but to a much lesser extent.<sup>75</sup> According to the Nextier SPD database, during the reporting period most cult-related incidents occurred in the states of Benue, Kwara and Kogi (in the North-Central zone), Lagos, Ogun, Osun and Ondo (in the South-West), Bayelsa, Delta, Rivers, Akwa Ibom and Edo (in the South-South) and Anambra (in the South-East).<sup>76</sup> The best-known cults, which are active in several states, are Black Axe, The Vikings, The Buccaneers and Eiyē.<sup>77</sup> In the Niger Delta, active cults include Dey Bam, Dey Well and Highlanders.<sup>78</sup>

The most violent cults are Black Axe, Eiyē, Supreme Vikings, Only God Cult, Body Cult, Klans Cult, Icelanders, Ku Klux Klan (KKK) and Degbam.<sup>79</sup> However, analysis of data released by the *Armed Conflict Location & Event Data Project* (ACLED) shows that most cult-related violence is attributed to cults that could not be identified.<sup>80</sup>

#### *Increase in cult-related violence*

Compared to 2020, cult-related violence increased markedly in 2021 and 2022.<sup>81</sup> According to Nigeria Watch, the number of incidents rose from 164 in 2020 to 178 in 2021 and the number of fatalities rose from 164 in 2020 to 427 in 2021.<sup>82</sup> Nextier SPD recorded 49 cult-related incidents in 2021 that resulted in 99 deaths. In the first six months of 2022, 54 incidents were reported in which there were 127

<sup>69</sup> Confidential source, 19 October 2022; Confidential source, 2 November 2022; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55.

<sup>70</sup> Confidential source, 21 September 2022; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 77.

<sup>71</sup> Confidential source, 21 September 2022; International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022, p. 3, footnote 10.

<sup>72</sup> Confidential source, 2 November 2022; Confidential source, 20 October 2022; BBC News, *Sylvester Oromoni: Nigerians demand justice over Downen College death*, 6 December 2021; Nigerian Tribune, *I Joined Cult To Learn 'Yahoo' Methods From A Friend In Order To Fend For My Mum, Siblings —Aiye Confraternity Leader*, 30 August 2022.

<sup>73</sup> Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 41; International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022, p. 3, footnote 10; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55.

<sup>74</sup> PIND, *Niger Delta Annual Conflict Report: January to December 2021*, 16 February 2022, p.6.

<sup>75</sup> Confidential source, 2 November 2022; Confidential source, 19 October 2022; Confidential source, 17 October 2022.

<sup>76</sup> Nextier SPD, *Cult Wars in Nigeria*, 14 June 2022; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, pp 44, 75.

<sup>77</sup> European Union Agency for Asylum, *Nigeria - Security situation*, June 2021; Confidential source, 21 September 2022.

<sup>78</sup> European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 37.

<sup>79</sup> Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9; European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, pp. 49-50.

<sup>80</sup> Armed Conflict Location & Event Data Project (ACLED), *acleddata.com, Country: Nigeria, period: 01-01-2020 to 26 September 2022*, accessed 27 September 2022; European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 49-50.

<sup>81</sup> Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 74; Confidential source, 2 November 2022; Confidential source, 19 October 2022.

<sup>82</sup> Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9.

fatalities.<sup>83</sup> Figures from the Armed Conflict Location & Event Data Project (ACLED) also show an increase in cult-related incidents in 2022 (see Figure 21 in 3.4.2 Victims of cult-related violence).<sup>84</sup>

#### *Cults outside Nigeria*

The cults are also active outside Nigeria, operating through the diaspora.<sup>85</sup> They are associated with criminal activity in Europe and North America, including human trafficking, sexual exploitation and slavery.<sup>86</sup> After a two-year in-depth investigation, the BBC reported that the Black Axe cult is one of the most far-reaching and dangerous organised crime gangs in the world, operating in Africa, Europe, Asia and North America.<sup>87</sup> For information about victims of cults, see 3.4.2 Cults.

#### 1.2.2.5 *Pirates*

The inlets in the Niger Delta are a haven for pirates operating in the Gulf of Guinea.<sup>88</sup> Their main activities are hostage-taking and oil theft, with major consequences for security and the economy.<sup>89</sup>

#### 1.2.2.6 *Biafra independence movements*

Biafra is an area roughly encompassing the states of Abia, Imo, Ebonyi, Enugu and Anambra in South-East Nigeria. The dominant population group is the Igbo<sup>90</sup>, one of Nigeria's three largest ethnic groups.<sup>91</sup> Many Igbo have felt politically marginalised since the 1960s, when Nigeria experienced a three-year civil war with a movement seeking an independent Biafra.<sup>92</sup>

#### *MASSOB/IPOB/ESN*

According to various sources, at present there are numerous movements advocating the secession of Biafra.<sup>93</sup> These include the Indigenous People of Biafra (IPOB) and the Movement for the Actualization of the Sovereign State of Biafra (MASSOB). MASSOB is the older of the two; although it still exists, it has become less active due to internal splits. IPOB is a group that broke away from MASSOB. Since 2017, the movement, led by Nnamdi Kanu, has been banned. With its armed wing the

<sup>83</sup> Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 74.

<sup>84</sup> Nigeria Watch and Nextier based their numbers on public sources, especially news sources. Sources: Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 5; Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 41. For more information about ACLED's conflict data see 1.2.3. Security situation by geopolitical zone

<sup>85</sup> Australian Government - Department of Foreign Affairs and Trade, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 44; Confidential source, 18 October 2022; Confidential source, 17 October 2022; Confidential source, 17 October 2022; Confidential source, 21 September 2022.

<sup>86</sup> Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 41; European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 38; Confidential source, 17 October 2022; Confidential source, 21 September 2022.

<sup>87</sup> BBC News, *The ultra-violent cult that became a global mafia*, 13 December 2021.

<sup>88</sup> Confidential source, 5 November 2021.

<sup>89</sup> Stable Seas Research Institute, *Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States*, November 2021, p. 64.

<sup>90</sup> UK Government, *Guidance: Country policy and information note: separatist groups in the South-East, Nigeria*, March 2022, update of 12 August 2022, 2.4.1.

<sup>91</sup> Nigeria has more than 250 ethnic groups. The largest are Hausa 30%, Yoruba 15.5%, Igbo (Ibo) 15.2%, Fulani 6%, Tiv 2.4%, Kanuri/Berberi 2.4%, Ibibio 1.8%, Ijaw/Izon 1.8%, other 24.9% (2018 estimates). Source: CIA, *World Factbook 2023. Nigeria - The World Factbook (cia.gov)*, accessed 17 January 2023.

<sup>92</sup> BBC News, *Nnamdi Kanu's arrest leaves Nigeria's Ijob separatists in disarray*, 4 July 2021; Ezeakukwu Emmanuel Nsoedo, *The Marginalization of the Igbo People in Nigeria's Political and Economic Sectors: What Is the Way Forward?*, in *Open Journal of Social Sciences*, Vol.7 No.7; Confidential source, 6 October 2022.

<sup>93</sup> Premium Times, *There're over 30 separatist groups in South-east Nigeria - Abaribe*, 6 October 2021; Sahara Reporters, *Pro-Biafra Separatist Group, BNL Members Vow To Block South-East Border Entrances, Kidnap Oil Workers Ahead Of Kanu's Next Court Date*, 4 April 2022; The Guardian, *18 pro-Biafra groups dismiss Feb 23 elections*, 1 March 2019.

Eastern Security Network (ESN)<sup>94</sup>, IPOB was the more active of the two groups during the reporting period.<sup>95</sup>

#### *The central authorities and Biafra*

The crisis in the south-east is receiving the most attention from the central authorities. The separatists' activities are seen as an existential issue. This can be explained by the civil war of 1967-1970.<sup>96</sup> Many of the presidents Nigeria has had over the past few decades served as military personnel during that war. This was also true of President Buhari.<sup>97</sup> In June 2021, Twitter removed a post from President Buhari for violating its rules. In this post, the president referred to the Biafra war and warned that he and others who had spent the war on the battlefield would act against 'those misbehaving today' in 'the language they will understand'.<sup>98</sup>

#### *Prosecution of the leader of IPOB*

On 27 June 2021, a few weeks after President Buhari's tweet, Nnamdi Kanu, the leader of IPOB, was tracked down and arrested in Kenya. According to various sources, this took place without the Kenyan authorities' involvement.<sup>99</sup> Kanu had spent years in hiding after being released on bail in 2017. At that time he had been charged with various offences, including terrorism, leading an illegal organisation and illegal possession of weapons.<sup>100</sup> This time the charge of treason was added.<sup>101</sup>

On 13 October 2022, the court ruled that the case could not be heard because Kanu's extradition from Kenya had been unlawful.<sup>102</sup> The government appealed against this ruling on 19 October 2022, and according to one source, the judges who had made the ruling were transferred to other courts.<sup>103</sup> On 28 October 2022, the court ruled that despite the ruling, Kanu's release should be suspended pending the Supreme Court ruling.<sup>104</sup>

#### *Violence by IPOB/ESN*

IPOB and its armed wing ESN were held responsible for attacks on police stations and other public places such as courts, prisons and polling stations during the reporting period.<sup>105</sup> Supporters of the organisation were also active on social media, sometimes calling for violence.<sup>106</sup> Following Kanu's arrest, IPOB organised actions

<sup>94</sup> The name alludes to the Western Security Network (also known as Amotekun), a security network jointly set up by south-western states, despite being unconstitutional.

<sup>95</sup> UK Government, *Guidance: Country policy and information note: separatist groups in the South-East, Nigeria*, March 2022, update of 12 August 2022, 2.4.3; BBC World Service, *Ipob - Biafra: les "guerriers des médias" nigériens appellent au meurtre sur les réseaux sociaux*, 12 May 2022; BBC News, *Nnamdi Kanu's arrest leaves Nigeria's Ipob separatists in disarray*, 4 July 2022.

<sup>96</sup> Confidential source, 1 June 2021; Confidential source, 5 November 2021.

<sup>97</sup> Confidential source, 14 June 2022.

<sup>98</sup> BBC News, *Nnamdi Kanu's arrest leaves Nigeria's Ipob separatists in disarray*, 4 July 2021; BBC News, *Muhammadu Buhari: Twitter deletes Nigerian leader's 'civil war' post*, 2 June 2021.

<sup>99</sup> Premium Times, *Nnamdi Kanu speaks from detention, reveals how he was arrested in Kenya - Lawyer*, 15 July 2021; Vanguard, *We have no hand in Nnamdi Kanu's arrest, extradition, Kenya govt tells court*, 4 November 2021.

<sup>100</sup> CNN, *Nigerian separatist leader brought back to Nigeria to face trial*, 29 June 2021.

<sup>101</sup> Freedom House, *Nigeria Freedom in the World 2022 Country Report*, February 2022.

<sup>102</sup> BBC Monitoring, *Nigerian court drops charges against separatist leader*, 13 October 2022; BBC Monitoring, *Nigeria appeals court ruling freeing separatist leader*, 21 October 2022.

<sup>103</sup> BBC Monitoring, *Nigeria transfers judges who acquitted separatist leader*, 24 October 2022, BBC Monitoring, *Court to rule on Nigeria separatist's release 'at later date'*, 24 October 2022.

<sup>104</sup> BBC Monitoring, *Nigerian separatist appeals ruling stopping acquittal*, 4 November 2022; The Punch Nigeria, *Kanu absent as court adjourns trial indefinitely*, 14 November 2022.

<sup>105</sup> BBC News, *Nnamdi Kanu's arrest leaves Nigeria's Ipob separatists in disarray*, 4 July 2021; BBC News, *Muhammadu Buhari: Twitter deletes Nigerian leader's 'civil war' post*, 2 June 2021; Institute for Security Studies, *Violence in Nigeria's south-east demands a holistic response*, 3 May 2022; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 33.

<sup>106</sup> BBC World Service, *Ipob - Biafra: les "guerriers des médias" nigériens appellent au meurtre sur les réseaux sociaux*, 12 May 2022; UK Government, *Guidance: Country policy and information note: separatist groups in the South-East, Nigeria*, March 2022, update of 12 August 2022, 2.4.11.

calling on the population to stay at home on Mondays and on days when the leader of IPOB is due to appear in court. These actions were imposed through intimidation and violence.<sup>107</sup> In May 2022, there was a wave of civilian casualties of violence attributed to IPOB in the press. A mother and her four children were killed in Anambra state. They were of northern origin. According to the reporting, other victims, including people of northern origin, may have been targeted due to their failure to comply with IPOB's order for all citizens to stay at home.<sup>108</sup>

Weapons were often stolen during the attacks on police stations. This increased the number of weapons in circulation, leading to more crime. There were also several prison breaks, resulting in criminals returning into the community. As a result, violence and crime increased further, which in turn had consequences for the economy - especially the tourist industry in Imo - and employment.<sup>109</sup>

#### *Crackdown by security forces*

Nigerian security forces cracked down on the Biafra independence movements during the reporting period. The number of arrests, enforced disappearances, violent incidents and victims in South-East Nigeria increased markedly compared to the previous reporting period (see Figures 12-14).<sup>110</sup> Human rights organisations stated that many of the victims had no ties to the independence groups.<sup>111</sup> According to international analysts, the violence increased sympathy for the cause of independence among the Igbo population, although not all of those concerned necessarily supported IPOB, ESN or MASSOB.<sup>112</sup>

#### *Internal struggles within IPOB*

As the violence increased, IPOB experienced internal struggles. Several members, including Kanu's former second-in-command Uche Mefor, left the organisation. According to a report from the BBC, they believed among other things that Kanu had acquired too much power. For instance, he was alleged to have failed to involve important parties in the decision to set up the armed wing ESN. Loyal supporters were also said to have left the organisation due to misappropriation of donations. Finally, the ESN was said to have been weakened by the fact that many fighters had been arrested or killed by security forces.<sup>113</sup>

#### *1.2.2.7 Increase in militias and vigilantism*

The previous country report examined the way in which some militias had taken on a law enforcement role when this role was not being exercised sufficiently by the federal police (NFP). Examples of this were the *Amotekun* (South-West Nigeria), the

<sup>107</sup> Vanguard News, *IPOB dismisses Wednesday 19<sup>th</sup> and Thursday 20<sup>th</sup> rumoured sit-at-home*, 15 January 2022; The Guardian, *Pro-Biafra militants accused of killing pregnant women and children in Nigeria*, 30 May 2022; Vanguard News, *Nnamdi Kanu: IPOB declares fresh sit-at-home in S/East*, 11 September 2022; Freedom House, *Nigeria Freedom in the World 2022 Country Report*, February 2022.

<sup>108</sup> Daily Nigerian, *Pregnant woman, 4 children, 6 others killed in Anambra as IPOB terrorists target Northerners*, 24 May 2022; The Guardian, *Pro-Biafra militants accused of killing pregnant woman and children in Nigeria*, 30 May 2022.

<sup>109</sup> Institute for Security Studies, *Violence in Nigeria's south-east demands a holistic response*, 3 May 2022.

<sup>110</sup> Amnesty International, *Nigeria: At least 115 people killed by security forces in four months in country's Southeast*, 5 August 2021; The Sun, *Security forces killed 550 in eight months, disappeared 850, falsely labeled 3,400 in South east - Intersociety*, 2 September 2021; Vanguard news, *Police arrest 23 suspected MASSOB members in Cross River*, 2 May 2022; ISS, *Violence in Nigeria's south-east demands a holistic response*, 3 May 2022; BBC Monitoring, *Nigerian radio condemns soldier for threatening 'to kill Biafrans'*, 25 October 2022; BBC Monitoring, *Security agents kill 'many' Ipob members in south Nigeria*, 23 October 2022; BBC Monitoring, *Police kill five suspected separatists in South East*, 27 August 2022.

<sup>111</sup> Amnesty International, *Nigeria: At least 115 people killed by security forces in four months in country's Southeast*, 5 August 2021; The Sun, *Security forces killed 550 in eight months, disappeared 850, falsely labeled 3,400 in South east - Intersociety*, 2 September 2021.

<sup>112</sup> Council on Foreign Relations, *The US should not designate Nigeria's IPOB as a terrorist group*, 10 February 2022; Institute for Security Studies, *Violence in Nigeria's south-east demands a holistic response*, 3 May 2022.

<sup>113</sup> BBC News, *Nnamdi Kanu's arrest leaves Nigeria's Ipob separatists in disarray*, 4 July 2021.

CJTF (North-East Nigeria) and the morality police (*hisbah*, in the northern states).<sup>114</sup> Governors have no direct authority over the federal police in their state. Under the constitution, states also lack the mandate to establish their own police force. Although the population saw governors as having primary responsibility for local security, governors had to obtain permission from the central police inspector before deploying the police. With the federal police suffering from severe shortages of personnel and resources, the capacity, effectiveness and morale of the police were limited.<sup>115</sup>

During the reporting period, the number of militias continued to increase, and the authorities often more or less turned a blind eye to their existence and deployment.<sup>116</sup> In September 2022, the Northern Governors Forum and the Northern Traditional Rulers Council issued a joint communiqué calling for an amendment to the constitution to allow state-level policing.<sup>117</sup> Previously, it had been precisely these northern authorities that had opposed the idea because of the risk of ethnic and political tensions at state level. President Buhari spoke out against it as late as January 2022. However, the southern states had been arguing in favour of the change for some time.<sup>118</sup>

#### 1.2.2.8 *Political violence by armed groups and cults*

Armed groups, gangs and cults were often involved in political violence; there were regular attacks on politicians.<sup>119</sup> Sometimes this violence was committed on these groups' own initiative; for example, political activities were banned by Boko Haram and Ansaru in various parts of Kaduna. Various sources also stated that politicians (particularly at state level) regularly used gangs, especially cults, to achieve their goals through intimidation and violence. For example, they might do so to mobilise voters or to threaten or attack opponents and their supporters.<sup>120</sup>

#### 1.2.2.9 *Targeted and indiscriminate violence*

Targeted violence does occur. Its victims may be political opponents, individuals accused of blasphemy, or people from the LGBTQI+ community. There are also cases where the violence affects a group rather than an individual, for example members of a rival cult, gang, militia or population group. Ethnicity, religion and other forms of identity can be a mobilising factor here, but they are rarely the root cause of the violence.<sup>121</sup> In general, the perpetrators of this type of violence are third parties (armed groups, militias, cults, civilians, etc.), but the security forces are also involved (see also 1.2.2 Types of violence, 3.3 Religious groups, 3.4 Cults and 3.6 LGBTQI+).

Indiscriminate violence, however, is on the rise. Much of the violence that initially arose from political or self-defence motives has degenerated into criminal

<sup>114</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, 31 March 2021, p. 47-48.

<sup>115</sup> International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022.

<sup>116</sup> International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022.

<sup>117</sup> Linda Ikeji's blog, *Northern state Governors and monarchs call for amendment of the 1999 Constitution to give legal backing to state police*, 14 September 2022; BBC Monitoring, *Northern Nigeria leaders push for state police forces*, 14 September 2022.

<sup>118</sup> Sahara Reporters, *Why State Police Is Not An Option —President Buhari*, 5 January 2022; Council on Foreign Relations, *Policing Breakthrough in Nigeria*, 26 September 2022.

<sup>119</sup> This Day Live, *Bandits kill three PDP delegates in Niger*, May 2022; BBC Monitoring, *Two dead as gunmen abduct Nigerian ruling party officials*, 24 September 2022; BBC Monitoring, *Gunmen attack Nigerian senator's convoy, kill police and aide*, 11 September 2022.

<sup>120</sup> Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 43; Confidential source, 21 October 2022; Confidential source, 2 November 2022; Confidential source, 5 December 2022.

<sup>121</sup> Council on Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022; Justin George, Adesoji Adelaja, Olufemi Vaughan, Titus Awokuse, 'Explaining transhumance-related violence: Fulani Ethnic Militia in rural Nigeria', in *Journal of Rural Studies* (89), pp. 275-286, 2022, p. 277; Confidential source, 21 October 2022.

violence.<sup>122</sup> This is true of the violence between nomadic herders and farmers in the Middle Belt, which has turned into banditry involving robberies and hostage-taking<sup>123</sup>, cult violence, violence committed in the name of the Biafran independence struggle and violence committed by Boko Haram (see also 1.2.2 Types of violence).<sup>124</sup>

#### 1.2.2.10 *Forced recruitment*

##### *By Boko Haram*

Forced recruitment and recruitment of minors also took place during the reporting period. According to confidential sources, there was no indication that the practice of forced recruitment by the various Boko Haram splinter groups changed during the reporting period. These groups also continued to kidnap minors and use them as cooks, spies, messengers, bodyguards, fighters and suicide attackers. Women and girls continued to be kidnapped for sexual exploitation and forced labour. JAS was known for offering girls and young women a choice between sexual slavery and/or forced marriage on the one hand and committing a suicide attack on the other.<sup>125</sup>

##### *By the CJTF*

Despite the signing of an action plan to end the recruitment of minors by the CJTF and the UN's support for the implementation of this plan, it could not be ruled out that the CJTF continued to recruit minors during the reporting period.<sup>126</sup> In January 2022, a law on children's rights was passed in Borno. This law provides a legal framework for the protection of children against recruitment and other forms of violence.<sup>127</sup>

##### *By militias and gangs*

In general, individuals, including minors and women, joined militias, including the CJTF, and gangs voluntarily. This often happened in response to injustices they had experienced, such as losing family members. Young people who had grown up in a situation of permanent insecurity saw it as the only way to help protect their communities.<sup>128</sup>

##### *By cults*

Cults recruited new members from the street, and from primary and secondary schools and universities.<sup>129</sup> Minors were regularly recruited.<sup>130</sup> Recruitment by cults could take various forms. Sometimes a new member had made a conscious choice to join, but often they were deceived and the new member did not properly understand what membership entailed before reaching the point of no return. Individuals who offered added value, for example because of their specific expertise, connections, wealth, or, in the case of women, attractiveness, were also sometimes

<sup>122</sup> Council on Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022.

<sup>123</sup> BBC News Africa, *The bandit warlords of Zamfara*, 25 July 2022; Youtube: BBC Africa Eye documentary, *The Bandit Warlords of Zamfara*, 25 July 2022.

<sup>124</sup> Council on Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022.

<sup>125</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 17 October 2022; Confidential source, 2 November 2022.

<sup>126</sup> AVVN, *A/77/143 Report of the Special Representative of the Secretary General for Children and Armed Conflict*, 27 July 2022, p. 7.

<sup>127</sup> AVVN, *A/77/143 Report of the Special Representative of the Secretary General for Children and Armed Conflict*, 27 July 2022, p. 6.

<sup>128</sup> Confidential source, 21 October 2022.

<sup>129</sup> Confidential source, 19 October 2022; Confidential source, 19 October 2022; BBC News, *Sylvester Oromoni: Nigerians demand justice over Downen College death*, 6 December 2021; The Guardian Nigeria, *Taming menace of cultism in primary, secondary schools*, 8 July 2021.

<sup>130</sup> European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 38; Confidential source, 19 October 2022; The Guardian Nigeria, *Taming menace of cultism in primary, secondary schools*, 8 July 2021.

targeted for recruitment.<sup>131</sup> Cult members were sometimes given quotas of new members that they had to bring in.<sup>132</sup> Individuals who refused to join a cult could face intimidation and violence or have their earnings taken from them.<sup>133</sup>

#### *Forced recruitment of victims of human trafficking*

Although many victims of human trafficking had initially participated voluntarily in being smuggled into Europe or to other countries, they did not always have a clear picture of the exploitation that awaited them. There were also cases where the victims were lied to about the purpose of their journey. For example, they were lured with promises of an educational programme or a job as a nanny or housekeeper abroad, only to be forced into prostitution (see also Chapter 6 Human trafficking).<sup>134</sup>

#### *1.2.2.11 Freedom of movement and freedom of settlement*

The constitution of Nigeria provides for freedom of movement and the freedom to settle where one chooses. In practice, these freedoms were limited by lack of security (see 1.2.2 Types of violence).<sup>135</sup> Returnees were free to settle wherever they wished. Those coming from abroad initially ended up mainly in shelters in Abuja and Lagos, and sometimes Kano, until they could travel further.<sup>136</sup> Additional shelter was not available in all states, and not all states were prepared to accept victims from other states into their shelters.<sup>137</sup>

Refugees and displaced persons were also free to move and settle elsewhere. The same restrictions as mentioned above applied to them.<sup>138</sup> Other factors that limited the freedom of movement of displaced persons and refugees were: a lack of documentation, the presence of landmines, curfews and cultural restrictions or discrimination (see also Chapter 4 Refugees and displaced persons).<sup>139</sup>

Single women who wanted to settle elsewhere were virtually unable to do so without some form of social safety net. Their success depended on their own socio-economic situation and the availability of help from family and/or friends (see also 3.7 Women).<sup>140</sup>

#### *1.2.3 Security situation by geopolitical zone*

In this section, the security situation for each geopolitical zone (see Appendix 7.4 for a map of Nigeria) is illustrated by means of graphs. Information from the ACLED data export tool has been used to create these graphs.<sup>141</sup> Most of the data collected

<sup>131</sup> Confidential source, 21 September 2022; Confidential source, 19 October 2022.

<sup>132</sup> Confidential source, 2 November 2022.

<sup>133</sup> Vanguard, *Hustlers open up on cultism in Lagos market*, 23 April 2022; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 44.

<sup>134</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022.

<sup>135</sup> US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, pp. 14-15.

<sup>136</sup> Confidential source, 17 October 2022; Confidential source, 18 October 2022; Confidential source, 20 October 2022.

<sup>137</sup> Confidential source, 17 October 2022; Confidential source, 21 October 2022.

<sup>138</sup> US Agency for International Development (USAID), *Nigeria – Complex Emergency Fact Sheet #3 Fiscal Year (FY) 2022*, 1 July 2022, p. 3; Confidential source, 21 October 2022.

<sup>139</sup> UN High Commissioner for Refugees, *North-East Nigeria; NORTH-EAST NIGERIA; PROTECTION MONITORING REPORT, UNHCR Maiduguri Sub-Office; November - December 2021*, 28 February 2022, p. 7; Intersos, Solidarités International, *Needs Assessment Report; "Multisector humanitarian assistance to conflict affected communities in Borno State, Nigeria"*, July 2021, p. 7.

<sup>140</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 21 October 2022; Confidential source, 21 October 2022.

<sup>141</sup> Most of the data collected by ACLED (Armed Conflict Location and Event Data Project) consist of secondary reporting that is in the public domain. It is therefore possible that an underestimate of the actual figures is given. Casualty numbers can be characterised by subjectivity and inaccurate reporting. ACLED states that it uses the most conservative estimates available: ACCORD (Austrian Centre for Country of Origin & Asylum Research and

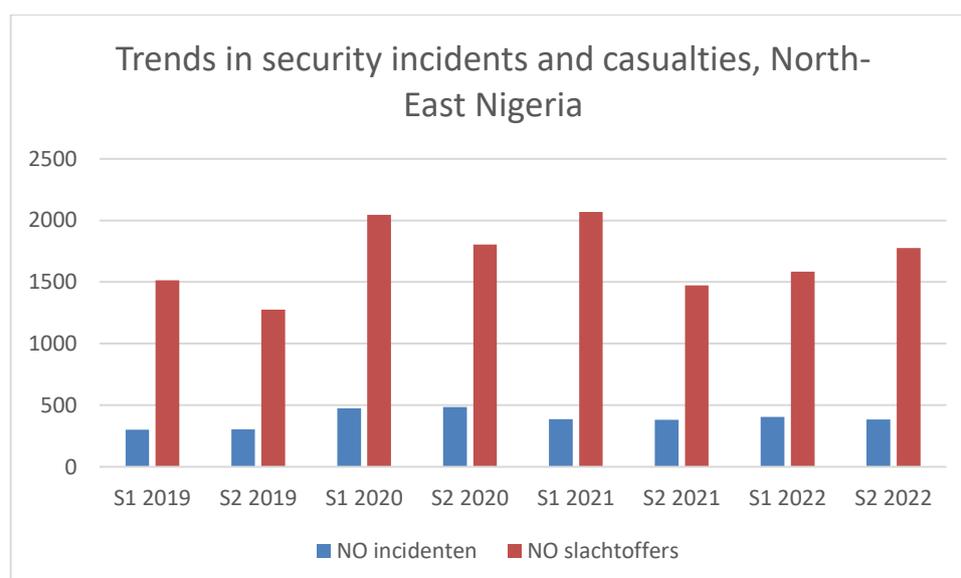
by ACLED come from public, secondary reporting. Data for numbers of casualties can be subjective and, according to ACLED, are the least accurate component of conflict data. ACLED states that it uses the most conservative estimates available. In addition, ACLED only records fatalities. Information about numbers of injured and victims of looting and kidnapping is not included.<sup>142</sup>

All the graphs first show the trends in numbers of violent incidents and fatalities per half-year during the period 2019-2022. The purpose of this is to provide insight into developments during the reporting period, but also in relation to previous years. Subsequently, an indication is given of which type of perpetrator is responsible for the most incidents and fatalities during the reporting period. Finally, developments with regard to violence against civilians are also presented, both during the reporting period and in comparison with the years preceding it.

When examining the graphs, it is important to keep in mind that the scale differs for each geopolitical region. For example, the graphs for violent incidents and casualties of violence in the northern geopolitical zones have scales calibrated in thousands, whereas those for the southern geopolitical zones have scales calibrated in hundreds.

### 1.2.3.1 North-East Nigeria

The North-East Nigeria geopolitical zone consists of the following states: Adamawa (4.5 million inhabitants), Bauchi (7.5 million inhabitants), Borno (5.7 million inhabitants), Gombe (3.6 million inhabitants), Taraba (3.3 million inhabitants), and Yobe (3.4 million inhabitants).<sup>143</sup>



Documentation): Sudan, year 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 23 March, 2021, p. 3.

<sup>142</sup> ACLED, *ACLED Codebook*, January 2021, [ACLED Codebook v1 January-2021.pdf \(acleddata.com\)](https://acleddata.com), accessed 18 January 2023, pp. 32-33.

<sup>143</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

Figure 3: Trends in numbers of incidents and casualties per half-year for the period 2019-2022 in North-East Nigeria. Source: ACLED.

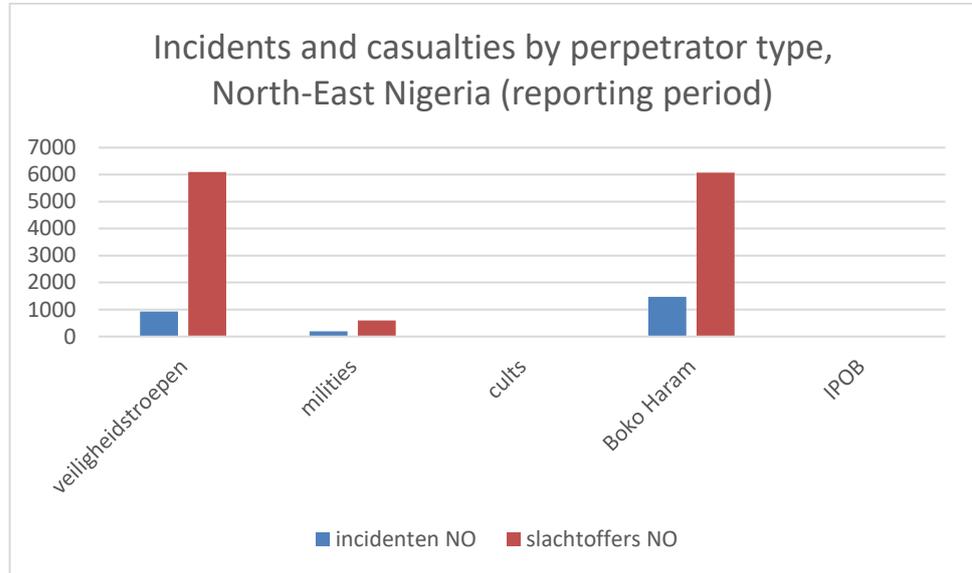


Figure 4: Numbers of incidents and casualties by perpetrator type in North-East Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

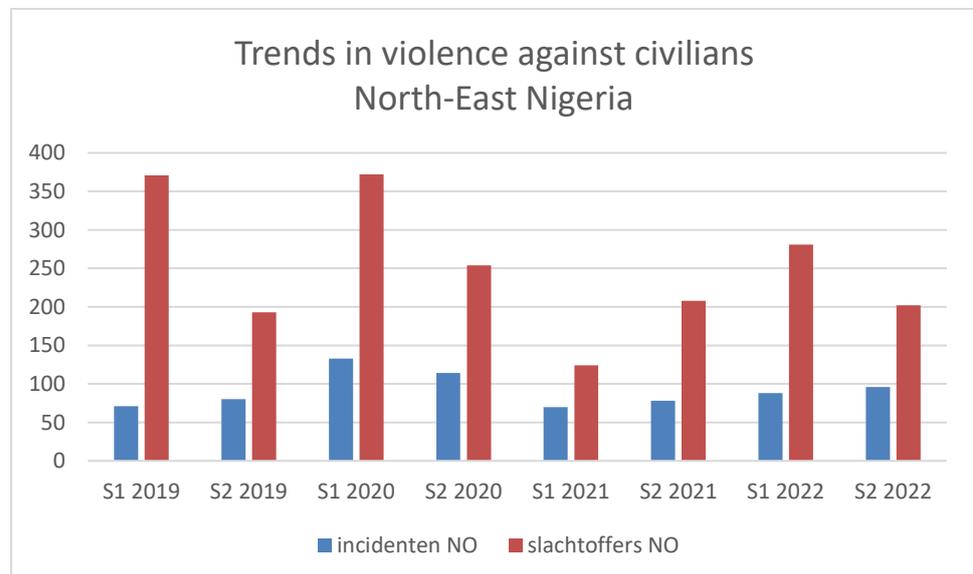


Figure 5: Trends in numbers of incidents and victims of violence against civilians in North-East Nigeria per half-year. Source: ACLED.

### 1.2.3.2 North-Central Nigeria

The North-Central Nigeria geopolitical zone consists of the following states: Benue (5.8 million inhabitants), FCT (2.7 million inhabitants), Kogi (4.1 million

inhabitants), Kwara (3.3 million inhabitants), Nasarawa (2.6 million inhabitants), Niger (6.2 million inhabitants) and Plateau (4.4 million inhabitants).<sup>144</sup>

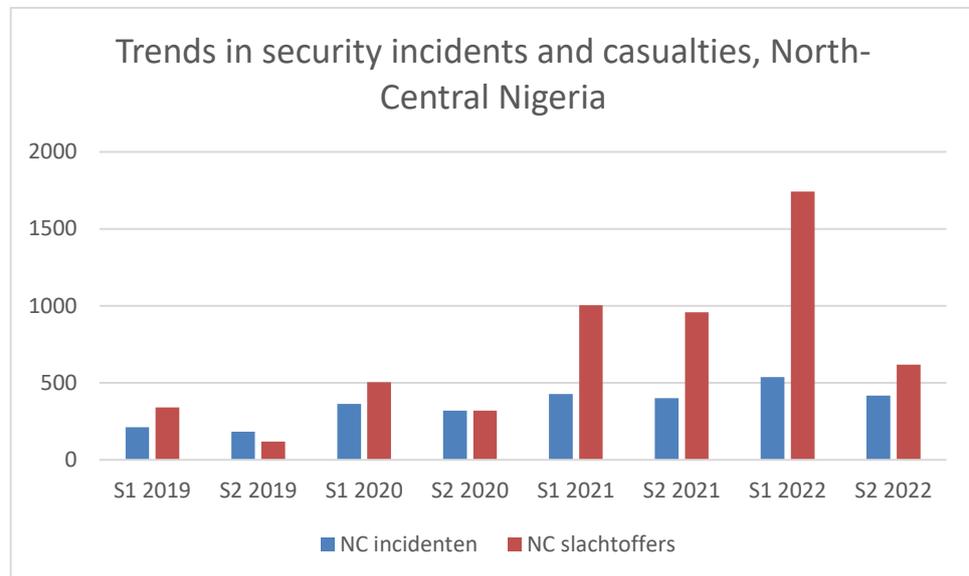


Figure 6: Trends in numbers of incidents and casualties per half-year for the period 2019-2022 in North-Central Nigeria. Source: ACLED.

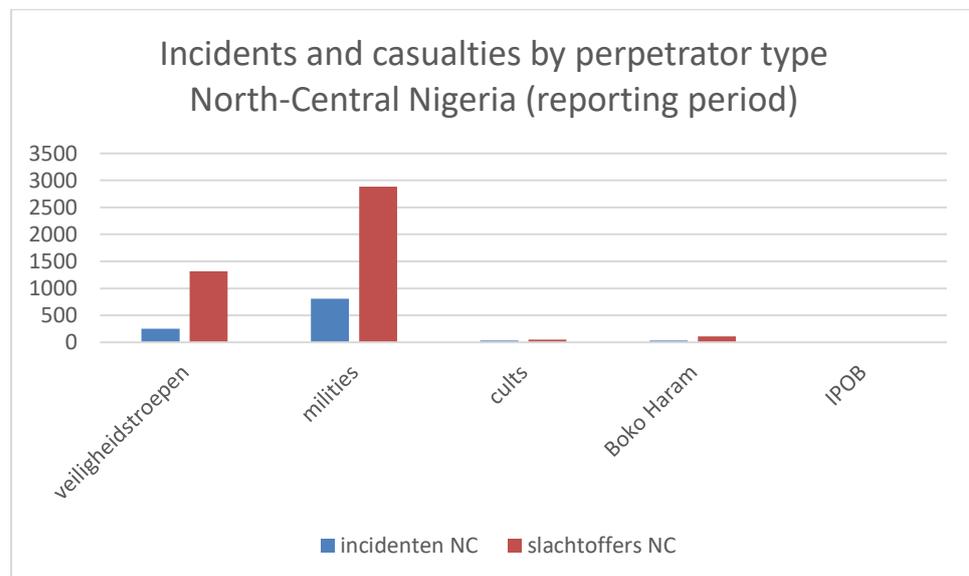


Figure 7: Numbers of incidents and casualties by perpetrator type in North-Central Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

<sup>144</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

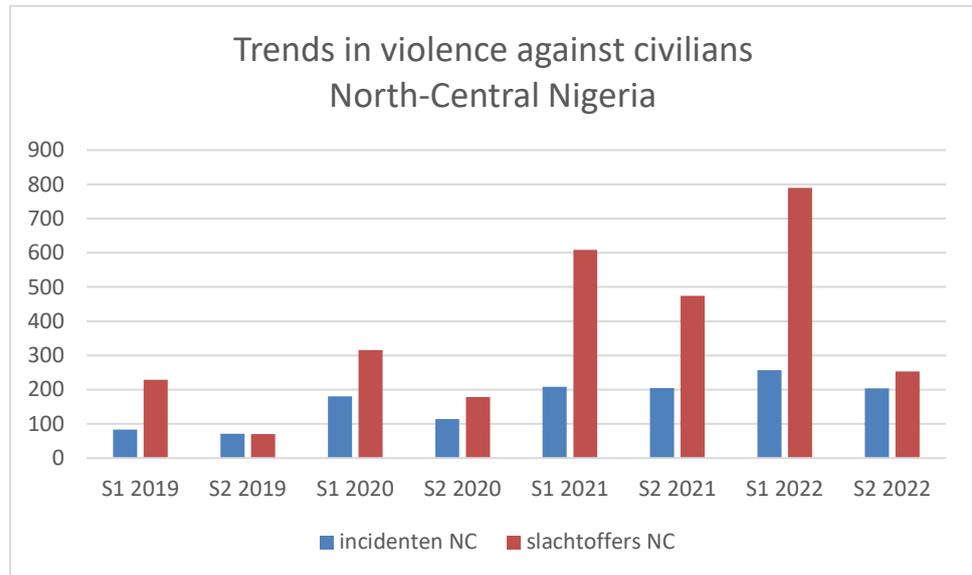


Figure 8: Trends in numbers of incidents and victims of violence against civilians in North-Central Nigeria per half-year. Source: ACLED.

### 1.2.3.3 North-West Nigeria

The North-West Nigeria geopolitical zone consists of the following states: Jigawa (6.8 million inhabitants), Kaduna (8.3 million inhabitants), Kano (14.2 million inhabitants), Katsina (9.3 million inhabitants), Kebbi (5.0 million inhabitants), Sokoto (5.8 million inhabitants) and Zamfara (5.3 million inhabitants).<sup>145</sup>

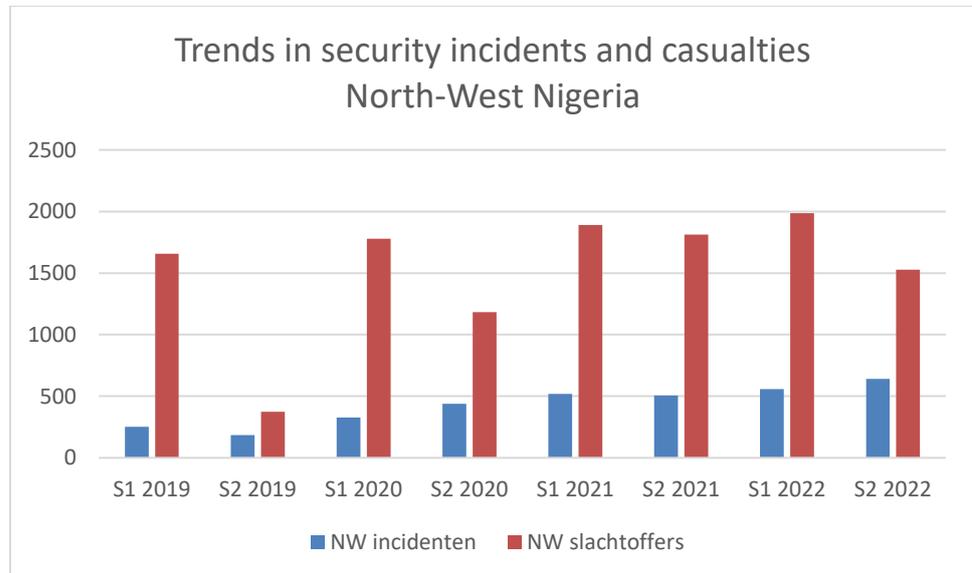


Figure 9: Trends in numbers of incidents and casualties per half-year for the period 2019-2022 in North-West Nigeria. Source: ACLED.

<sup>145</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

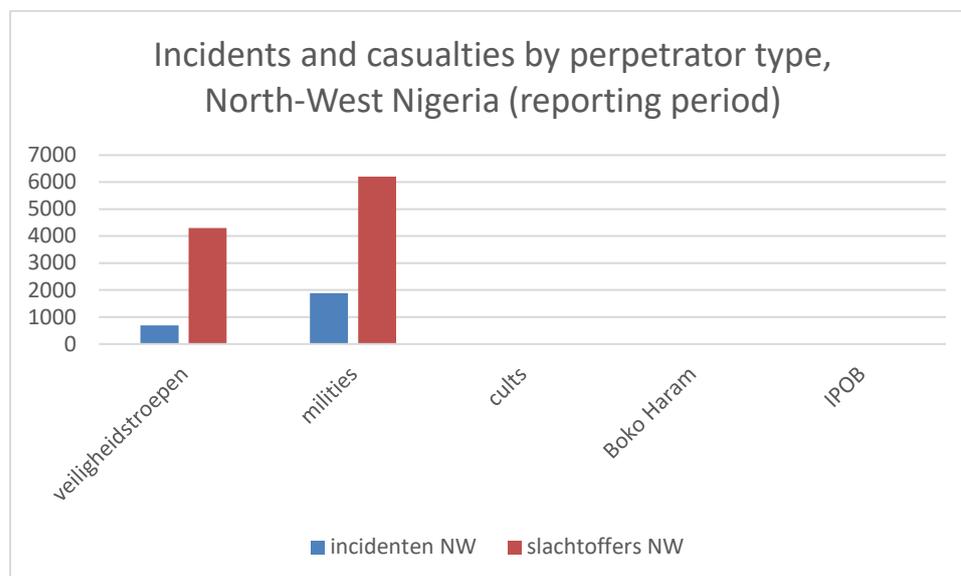


Figure 10: Numbers of incidents and casualties by perpetrator type in North-West Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

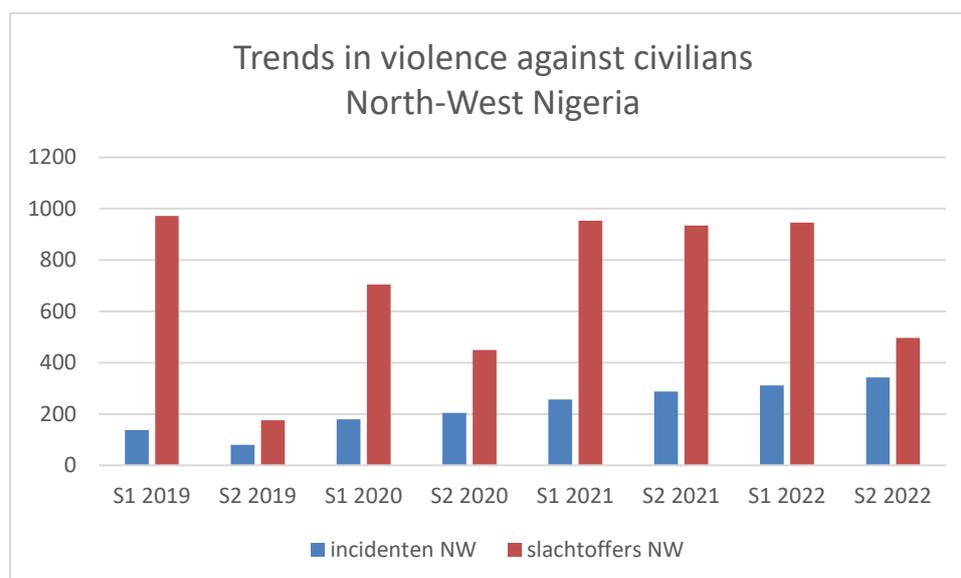


Figure 11: Trends in numbers of incidents and victims of violence against civilians in North-West Nigeria per half-year. Source: ACLED.

#### 1.2.3.4 South-East Nigeria

The South-East Nigeria geopolitical zone consists of the following states: Abia (3.8 million inhabitants), Anambra (5.6 million inhabitants), Ebonyi (3.0 million inhabitants), Enugu (4.4 million inhabitants) and Imo (5.2 million inhabitants).<sup>146</sup>

<sup>146</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

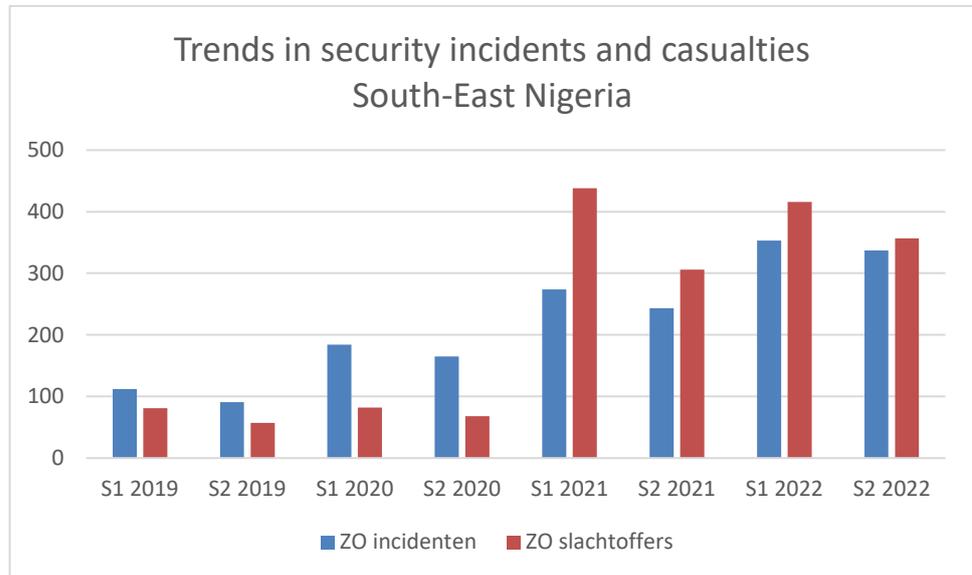


Figure 12: Trends in numbers of incidents and casualties per half-year for the period 2019-2022 in South-East Nigeria. Source: ACLED.

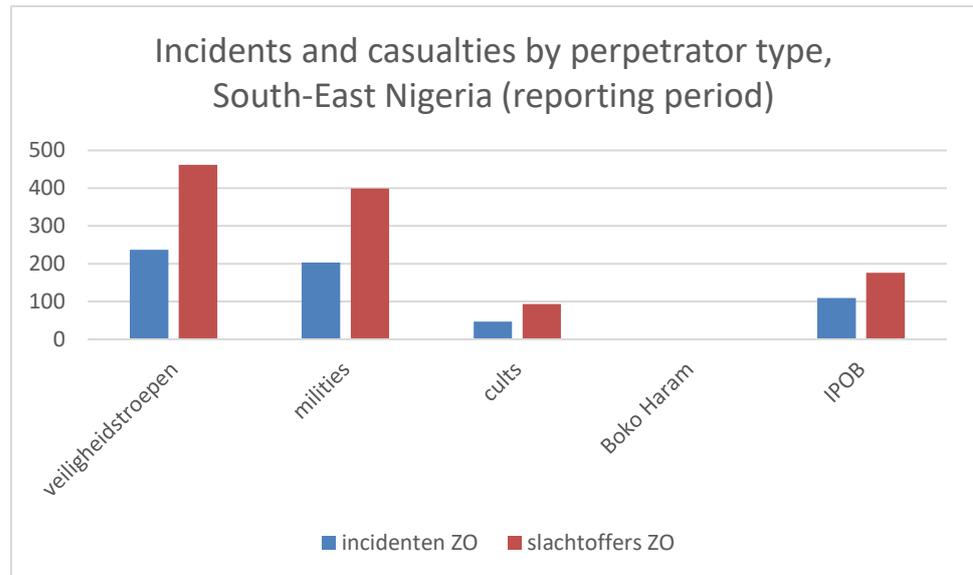


Figure 13: Numbers of incidents and casualties by perpetrator type in South-East Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

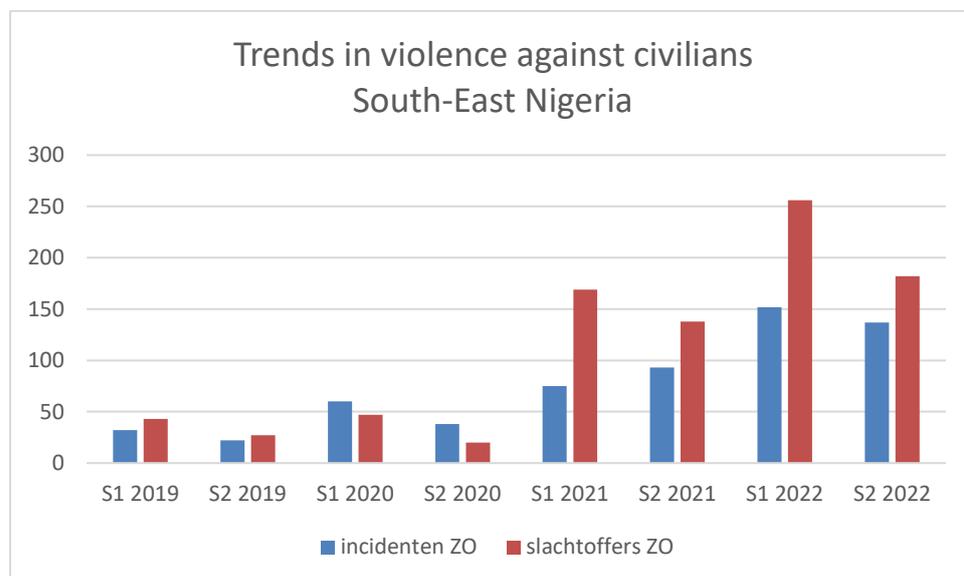


Figure 14: Trends in numbers of incidents and victims of violence against civilians in South-East Nigeria per half-year. Source: ACLED.

#### 1.2.3.5 South-South Nigeria

The South-South Nigeria geopolitical zone consists of the following states: Akwa Ibom (4.8 million inhabitants), Bayelsa (2.4 million inhabitants), Cross River (4.2 million inhabitants), Delta (5.3 million inhabitants), Edo (4.5 million inhabitants) and Rivers (7.0 million inhabitants).<sup>147</sup>

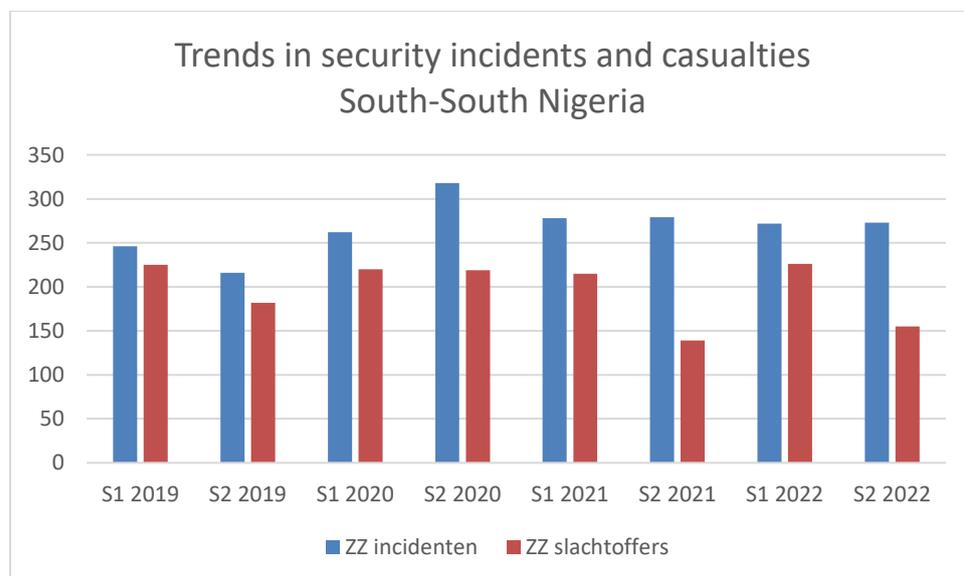


Figure 15: Trends in numbers of incidents and casualties per half-year for the period 2019-2022 in South-South Nigeria. Source: ACLED.

<sup>147</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

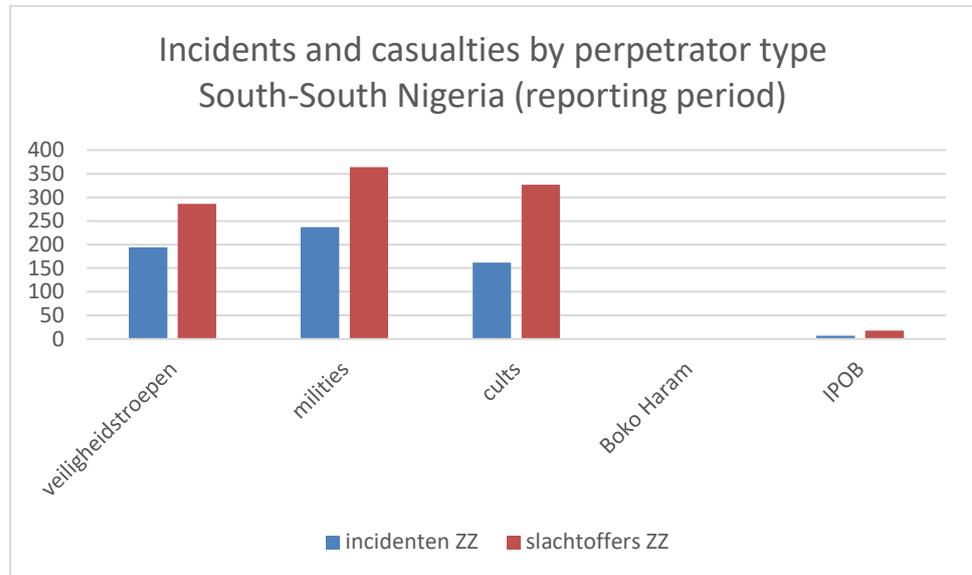


Figure 16: Numbers of incidents and casualties by perpetrator type in South-South Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

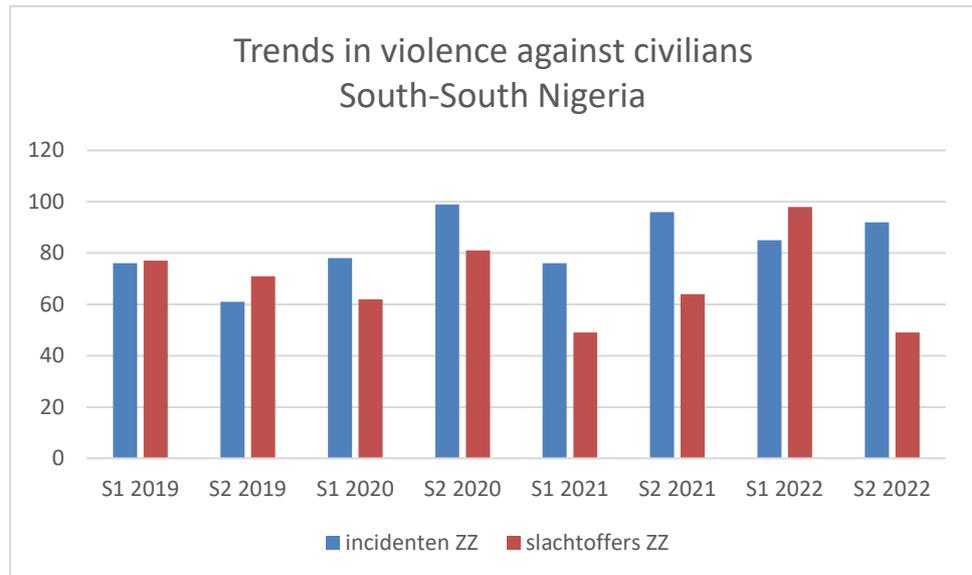


Figure 17: Trends in numbers of incidents and victims of violence against civilians in South-South Nigeria per half-year. Source: ACLED.

### 1.2.3.6 South-West Nigeria

The South-West Nigeria geopolitical zone consists of the following states: Ekiti (3.4 million inhabitants), Lagos (12.8 million inhabitants), Ogun (5.9 million inhabitants), Ondo (5.0 million inhabitants), Osun (4.2 million inhabitants) and Oyo (7.5 million inhabitants).<sup>148</sup>

<sup>148</sup> National Bureau of Statistics, *Demographic bulletin 2020*, p. 9-10.

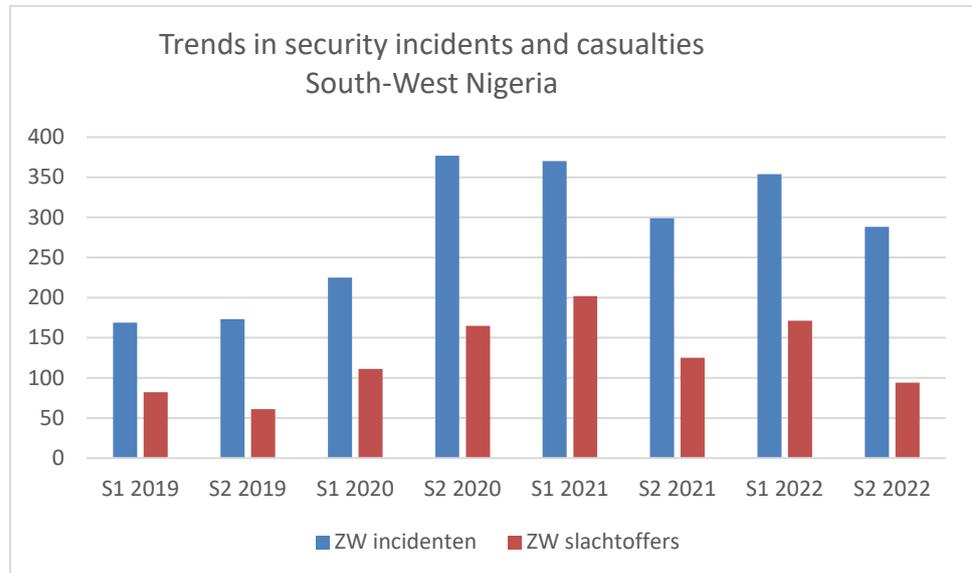


Figure 18: Numbers of incidents and casualties per half-year for the period 2019-2022 in South-West Nigeria. Source: ACLED.

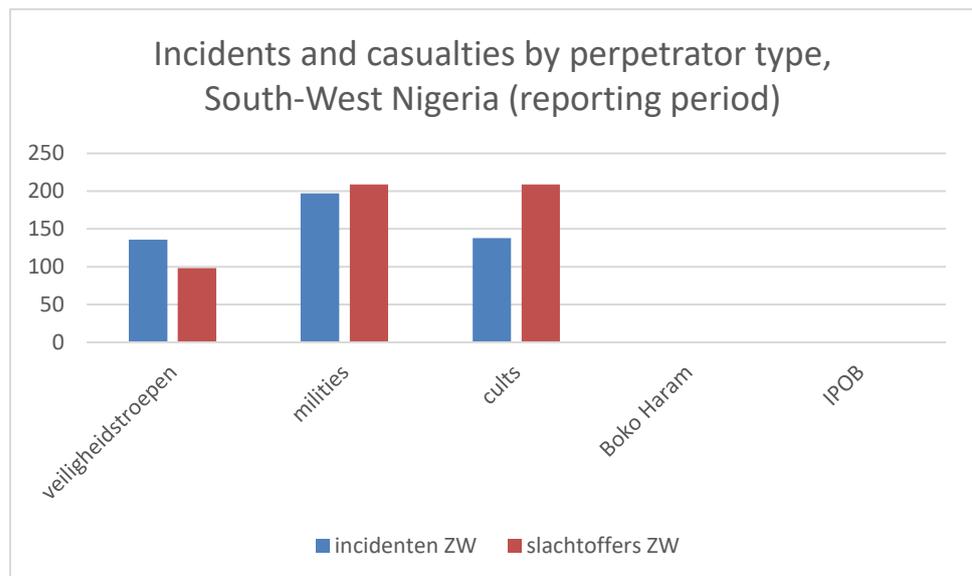


Figure 19: Numbers of incidents and casualties by perpetrator type in South-West Nigeria during the reporting period (1 April 2021 – 31 December 2022). Source: ACLED.

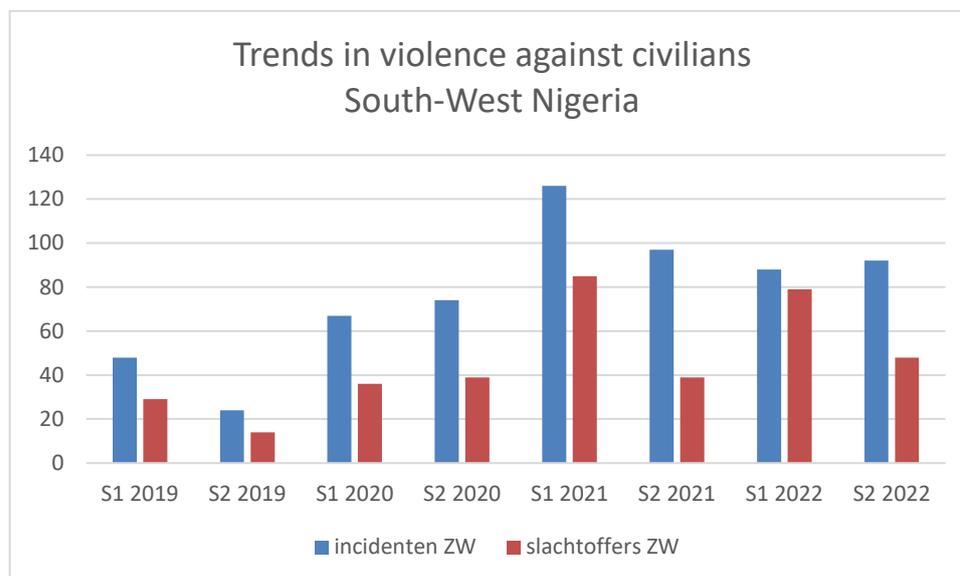


Figure 20: Trends in numbers of incidents and victims of violence against civilians in South-West Nigeria per half-year. Source: ACLED.

### 1.2.3.7 Major cities

According to a confidential source, the federal government and the states gave priority in terms of the security situation to the country's political centres, such as Abuja, Lagos, Kano and Port Harcourt.<sup>149</sup> Nevertheless, there were major security concerns in two of Nigeria's largest cities in 2022: Lagos and Abuja.

In Lagos, the authorities announced an operation against bandits in early October 2022 after the commercial centre of Lagos was partially closed in August due to a threat of attacks.<sup>150</sup>

Abuja, the national capital, has the reputation of being the best-protected city in Nigeria. Even so, there were several security incidents in 2022. As stated earlier, in July 2022, ISWAP carried out an attack on a prison in Kuje, a suburb of Abuja, fifty kilometres from the presidential palace.<sup>151</sup> A few weeks later, several soldiers were killed in an attack on a checkpoint on the boundary between the capital and Niger state.<sup>152</sup> On 28 September 2022, ten people, including three women, were kidnapped from the capital.<sup>153</sup> A month later, in October 2022, several Western embassies issued security alerts, and the US arranged for the family members of embassy staff to return to the US. The Nigerian authorities called the security alerts unnecessary hype, but the police did announce that they were increasing their preparedness.<sup>154</sup> On 7 December 2022, seven people were kidnapped in an attack on a residential area in Abuja. Two of them managed to escape.<sup>155</sup>

<sup>149</sup> Confidential source, 6 October 2022.

<sup>150</sup> BBC Monitoring, *Nigerian army launches operation in south-west region*, 11 October 2022; BBC Monitoring, *Nigeria's Lagos under partial lockdown over attack threat*, 18 August 2022.

<sup>151</sup> Institute for Security Studies, *Kuje prison break: is Nigeria out of security options?*, 11 July 2022; Humangle, *The Race To Protect Nigeria's Capital After Security Breaches*, 20 September 2022.

<sup>152</sup> Vanguard, *Terrorists attack Military checkpoint in Abuja, kill soldiers in shootout*, 29 July 2022; Humangle, *The Race To Protect Nigeria's Capital After Security Breaches*, 20 September 2022.

<sup>153</sup> BBC Monitoring, *Gunmen abduct 10 villagers in Nigerian capital*, 30 September 2022.

<sup>154</sup> Le Figaro, *Alerte aux attentats au Nigeria: sécurité renforcée dans tout le pays*, 28 October 2022; BBC Monitoring, *Nigeria terms US, UK terror advisories 'needless hype'*, 31 October 2022; BBC Monitoring, *US authorises departure of non-emergency staff from Nigeria*, 26 October 2022.

<sup>155</sup> BBC Monitoring, *Gunmen attack residential area in Nigerian capital*, 7 December 2022.

## 2 Identity, nationality and documents

This chapter deals with the obligation to provide identification and the different types of identifying documents. Progress on the introduction of a national identification obligation is considered. In addition, this chapter discusses how identifying documents can be obtained and whether this can be done fraudulently.

### 2.1 The identification obligation

The National Identity Management Commission Act of 2007 (the NIMC Act) makes it mandatory for all Nigerian nationals and foreigners legally residing in the country to have a National Identity Number (NIN). The purpose of the NIMC Act is to register all Nigerian nationals and foreigners legally residing in the country in the national identity database.<sup>156</sup> The number of NINs issued increased greatly in 2021 and 2022. The increase in NIN registrations can be attributed to the Nigerian government's announcement in December 2020 that it would block all SIM cards not linked to an NIN. Another factor that led to the high number of NIN registrations was an increase in the number of registration centres both within and outside Nigeria. In February 2021 there were 1,060 registration centres; in December of the same year there were 14,000. In March 2022, there were also 152 foreign registration centres in 38 different countries, including the Netherlands.<sup>157</sup> According to the NIMC, 92.63 million NINs had been issued as of 28 November 2022. The figures by region indicate an equal distribution of NINs across the north and south of the country.<sup>158</sup>

Nigeria does not have an identification obligation, and according to a confidential source fines are not handed out in practice if someone is not carrying an identity document.<sup>159</sup> However, the NIMC Act makes it mandatory to have a NIN when applying for various documents, such as a passport or a driving licence.<sup>160</sup> In practice, the NIN was only requested when applying for an 'enhanced e-passport': see 2.2.2. The NIN is also required when accessing various public and private services, such as opening a bank account, registering land ownership or accessing health care.<sup>161</sup>

#### 2.1.1 Applying for an NIN within Nigeria

The National Identity Management Commission (NIMC) is responsible for issuing the 11-digit NINs. These NINs are issued after registration in the national identity database, which involves the storage of the applicant's biometric and biographical

<sup>156</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2021, p. 35; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, p. 2; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 59.

<sup>157</sup> Nigerian Tribune, *Will NIMC Meet 148 Million NIN Enrollment Target By 2024?*, 9 July 2022; NIMC, *Commissions Diaspora Centre in the United Arab Emirates*, 23 March 2022; NIMC, *NIMC Enrolment Centres*, accessed 1 August 2022.

<sup>158</sup> Website NIMC, *Enrolment Dashboard November 2022*, accessed 16 January 2023.

<sup>159</sup> Confidential source, 21 September 2022; Confidential source, 19 October 2022; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, p. 3.

<sup>160</sup> Confidential source, 21 September 2022; National Assembly of the Federal Republic of Nigeria, *National Identity Management Commission Act 2007*, 25 May 2007, p. 599.

<sup>161</sup> Confidential source, 21 September 2022; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, p. 3.

data.<sup>162</sup> When registering, applicants must provide one of the following documents for identification:

- Old national identity card;
- Driving licence;
- Temporary or permanent voter's card;
- Passport;
- Certificate of origin;
- Attestation letter from a prominent community ruler;
- Birth certificate;
- Declaration of age;
- Attestation letter from religious/traditional ruler;
- Health insurance card (National Health Insurance Scheme (NHIS) ID card);
- Government staff ID card;
- Registered/recognised private organisation staff ID card;
- School ID card;
- Tax clearance certificate;
- Valid immigration documents;
- Refugee certificate issued by the Nigerian Commission for Refugees (NCFRMI);
- Refugee ID card;
- Refugee Factsheet.<sup>163, 164</sup>

Minors (up to sixteen years) can apply for an NIN, but one of the parents or the guardian must be present. The following must be submitted with the application:

- The NIN slip of one of the parents or the guardian
- Birth certificate or an official/statutory age declaration
- Documents proving that the guardian has custody of the child (if the guardian is applying for an NIN for the child).<sup>165</sup>

After the application for an NIN, a transaction slip is issued as proof of registration. After a maximum of five working days, the applicant can collect a paper slip with his or her NIN number: the NIN slip. This NIN slip counts as valid proof of identity.<sup>166</sup>

### 2.1.2 *Applying for an NIN abroad*

NIN applications abroad are handled by the NIMC's commercial partners.<sup>167</sup> In the Netherlands, the application is handled by Knowledge Square.<sup>168</sup> The requirements in the Netherlands are:

- A completed NIN application form;
- Proof of payment (the cost of a NIN application in the Netherlands is 47.50 euros);
- Nigerian passport;
- BVN (bank verification number) (if the applicant has a bank account).<sup>169</sup>

<sup>162</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2021, p. 34; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, p. 2; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 59; National Assembly of the Federal Republic of Nigeria, *National Identity Management Act 2007*, 25 May 2007, p. 595; NIMC, *How to Enrol (Adults)*, accessed 2 August 2022.

<sup>163</sup> NIMC, *How to Enrol – Adults*, last accessed 3 August 2022.

<sup>164</sup> Since the previous country report, three documents have been added that can be provided as identification with the NIN application: the refugee certificate, the refugee ID card and the refugee factsheet.

<sup>165</sup> NIMC, *How to Enrol (Minors)*, accessed 11 July 2022.

<sup>166</sup> NIMC, *How to Enrol (Minors)*, accessed 11 July 2022.

<sup>167</sup> NIMC, *NIMC Enrolment Centres*, accessed 1 August 2022.

<sup>168</sup> Knowledge Square, *Europe*, accessed 1 August 2022 - <https://iq-online.net/book-eu/>.

<sup>169</sup> Knowledge Square, *Europe*, accessed 1 August 2022 - <https://iq-online.net/book-eu/>.

### 2.1.3 *Problems with introducing the NIMS*

The introduction of the National Identity Management System (NIMS) and the collaboration between the NIMC and private organisations to increase the number of NIN registrations have encountered a number of problems. One of the risks of working with private partners was that it was not known whether these partners had the capacity to protect citizens' personal data properly.<sup>170</sup> With the introduction of the NIMS and the collection of biometric data, a great deal of identity fraud was committed by cybercriminals.<sup>171</sup> Various partners also sabotaged the project because their sole focus was on making a profit.<sup>172</sup> For example, many organisations promised Nigerians a quick NIN application and charged money for this, even though the application is supposed to be free.<sup>173</sup>

## 2.2 **Identifying documents**

There are numerous different documents in Nigeria that are used for identification. The most important of these are the National Electronic Identity Card ('e-ID card'), passport, driving licence and birth certificate.<sup>174</sup> Any Nigerian can apply for and obtain these documents if the conditions are satisfied.<sup>175</sup>

These documents are necessary to access services such as health care and education.<sup>176</sup> In some areas, such as several municipalities outside Maiduguri, the absence of civil authorities hinders access to government services. This affects, for example, applications for birth certificates, identity cards and property documents.<sup>177</sup>

### 2.2.1 *National identity card*

The most important identity document in Nigeria is the e-ID card issued by the NIMC to people aged sixteen and over who have completed an NIN registration.<sup>178</sup> Although this document is not yet mandatory, people living in Nigeria are encouraged to apply for one.<sup>179</sup> After registration in the national identity database, the applicant will be notified within twelve months when their e-ID card is ready to be collected.<sup>180</sup> If a NIN has been applied for, it is therefore not necessary to submit a separate application for an e-ID card. Both the NIN and the e-ID card can be applied for free of charge within Nigeria.<sup>181</sup>

<sup>170</sup> Cipesa, *Ecosystem Approach to Digital Identification Enrolment in Nigeria: Risks and Opportunities*, April 2022, p. 4.

<sup>171</sup> Africa China Reporting, *Data for fraud: How the biometric system exposes Nigerians to cyber thieves*, 7 April 2022; NIMC, *Fraud Alert*, accessed 2 August 2022; Cipesa, *Ecosystem Approach to Digital Identification Enrolment in Nigeria: Risks and Opportunities*, April 2022, p. 14.

<sup>172</sup> Cipesa, *Ecosystem Approach to Digital Identification Enrolment in Nigeria: Risks and Opportunities*, April 2022, p. 14.

<sup>173</sup> The Sun, *Red alert ...NIN swindlers on the prowl*, 12 July 2022; NIMC, *Fraud Alert*, accessed 2 August 2022; The Guardian Nigeria, *NIN Registration: How private centres fleece applicants, risk bank accounts*, 26 March 2022.

<sup>174</sup> Immigration and Refugee Board of Canada, *Nigeria: Land transfers, including land rights, land registration, requirements, and procedures to transfer land, official land transfer documents, and fraud in land transfers; land inheritance, including legislation (2019–February 2022)*, 11 May 2022; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, pp. 5-6; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>175</sup> Confidential source, 19 September 2022.

<sup>176</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Nigeria*, 29 September 2021.

<sup>177</sup> UN Office for the Coordination of Humanitarian Affairs, *Nigeria Current developments affecting the humanitarian response BAY states as of 1 April 2022*, 1 April 2022.

<sup>178</sup> Confidential source, 19 September 2022; European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, pp. 2-3; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 59.

<sup>179</sup> European Asylum Support Office, *Nigeria: Identification Documents Management System*, 24 January 2019, p. 3.

<sup>180</sup> NIMC, *About the e-ID Card*, accessed 3 August 2022; NIMC, *How to Enrol (Minors)*, accessed 11 July 2022.

<sup>181</sup> NIMC, *Fraud Alert*, accessed 6 July 2022, <https://nimc.gov.ng/fraud-alert/>.

e-ID cards are not issued to minors under the age of sixteen.<sup>182</sup> Once a child turns sixteen and qualifies for an e-ID card, an SMS is automatically sent to the child, parent or guardian inviting him or her to come and collect the e-ID card.<sup>183</sup>

The e-ID card gives citizens access to various government services, such as health care, pensions, voter registration and voter passes, tax payments and receipts, driving licences, public transport, mobile SIM cards and insurance.<sup>184</sup>

The MWS NIMC Mobile ID App was released during the reporting period; this is a new app in which an individual can look up his/her identity card online and have it checked.

#### 2.2.1.1 *The MWS NIMC MobileID App*

At the beginning of 2021, the NIMC released improved versions of both the NIN slip and the new MobileID app.<sup>185</sup> The digital identity card can be looked up via the app and verified by scanning a QR code.<sup>186</sup> This QR code can be scanned via the app belonging to the person being verified or via the new NIN slip, which has a QR code on the card. The app is rarely used in practice because of all the problems associated with its use, such as messages saying that the NIN has not been linked, login errors and problems with printing out the NIN slip.<sup>187</sup>

#### 2.2.2 *The passport*

The issuing of passports within Nigeria is carried out by the Nigerian Immigration Service (NIS). The NIS website contains information about the types of passport that a person can apply for and the conditions for applying for a passport.<sup>188</sup> According to the website, there are three types of passport: the enhanced e-passport, the service passport and the diplomatic passport. The enhanced e-passport is a newer version of the standard passport and is valid for ten years instead of five. This enhanced e-passport cannot be applied for everywhere in the country and an NIN is a condition for applying for this passport.<sup>189</sup>

A lack of passport booklets led to a delay in the issuing of passports, both within and outside Nigeria, during the reporting period.<sup>190</sup>

#### 2.2.2.1 *Applying for a passport abroad*

Outside Nigeria, the Nigerian diplomatic mission is responsible for issuing passports.<sup>191</sup> At the embassy in The Hague it is only possible to apply for a standard e-passport, for which an NIN is not necessary.<sup>192</sup> Since July 2022, it has been

<sup>182</sup> NIMC, *About the e-ID Card*, accessed 11 July 2022; NIMC, *How to Enrol (Minors)*, accessed 11 July 2022.

<sup>183</sup> NIMC, *How to Enrol (Minors)*, accessed 11 July 2022.

<sup>184</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>185</sup> Biometricupdate.com, *NIMC says new digital identity verification channels can solve Nigerian passport backlog*, 18 November 2021.

<sup>186</sup> Biometricupdate.com, *NIMC says new digital identity verification channels can solve Nigerian passport backlog*, 18 November 2021.

<sup>187</sup> Confidential source, 19 September 2022; Daily Trust, *How NIMC App Is Killing Us Quietly*, 21 March 2022.

<sup>188</sup> Nigerian Immigration Service, *Types of Passports*, accessed 7 July 2022.

<sup>189</sup> Confidential source, 19 September 2022; Nairametrics, *FG launches enhanced e-passport for Nigerians in UK, US with ten years validity*, 8 July 2022; The Niche Nigeria, *Nigeria launches 10-year validity passport for diasporans*, 11 July 2022.

<sup>190</sup> The Cable, *Immigration: Scarcity of passport booklets will end by March 2022*, 1 January 2022; Vanguard, *NIS suspends processing of new passports to clear backlog*, 18 May 2021; Premium Times Nigeria, *2021: The year travelling Nigerians found it difficult to get passports*, 3 January 2022; The Cable, *Immigration: Scarcity of passport booklets will end by March 2022*, 1 January 2022; Vanguard, *1.5 million Nigerians in Italy need passport — Diaspora organization*, 27 December 2021.

<sup>191</sup> Nigerian Immigration Service, *Passport: Applying from outside Nigeria*, accessed 8 November 2022; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 59.

<sup>192</sup> Embassy of Nigeria, The Netherlands, *Passport*, accessed 4 August 2022.

possible to apply for an enhanced e-passport from the United States and the United Kingdom.<sup>193</sup>

### 2.2.3 *Birth certificate*

The legal framework for the registration of births was last amended in 1992 by the *Births, Deaths, Etc. (Compulsory Registration) Act*. Since then, responsibility for birth registrations has been centralised and transferred to the National Population Commission (NPC).<sup>194</sup> Births can only be registered through one of the country's 4,000 NPC offices. Birth certificates issued by hospitals, churches or mosques are not recognised by the government as original birth certificates.<sup>195</sup>

The most recent population study, the National Demographic and Health Survey (NDHS) from 2018, which was also cited in the previous country report, found that only 43 percent of children under the age of five were registered.<sup>196</sup> The percentage of birth registrations still seems to be on the low side. According to the latest MICS survey (a population survey conducted by UNICEF and the National Bureau of Statistics (NBS)), 57.3 percent of children under the age of five were registered.<sup>197</sup>

#### 2.2.3.1 *Birth registration procedures*

There are two procedures for registering a birth. The first procedure takes place when a child is born in a health care facility such as a hospital. If the child is born in a health care facility, the doctor will provide a paper slip on which the birth is registered. This paper slip is needed by the parents when they register the birth at an NPC office. The second procedure is used if the child is not born in a health care facility. In this case, the parents must go to an NPC registration centre and fill in a form (the Live Birth Registration Form) with information about the birth, the child, the parents and a witness. The presence of an informant at the time of registration is mandatory. The child does not have to be present, although the child's presence is preferred.<sup>198</sup> Births must be registered within sixty days. According to the law there is a fine if a birth is registered later, but this fine is not enforced in practice.<sup>199</sup> Nevertheless, there are reports of officials charging for the birth certificate even within the sixty days when a birth certificate is supposed to be free.<sup>200</sup>

#### 2.2.3.2 *Birth certificates and attestations of birth*

Two documents can be issued in relation to birth registration: a birth certificate and an attestation of birth. The birth certificate is only issued to citizens under the age of eighteen, whereas citizens over the age of eighteen receive an attestation of birth.<sup>201</sup> In addition, anyone who was born before 1992 and applies for a birth certificate after 1992 will only be issued with an attestation of birth. The reason for this is that the NPC was founded in 1992 and therefore does not issue birth certificates to anyone born before 1992.

### *Birth registration in adulthood*

<sup>193</sup> Nairametics, *FG launches enhanced e-passport for Nigerians in UK, US with ten years validity*, 8 July 2022; The Niche Nigeria, *Nigeria launches 10-year validity passport for diasporans*, 11 July 2022.

<sup>194</sup> Danish National ID Centre, *Nigeria: Issuance and appearance of the Nigerian Birth Certificate*, 13 April 2021, p. 1.

<sup>195</sup> Danish National ID Centre, *Nigeria: Issuance and appearance of the Nigerian Birth Certificate*, 13 April 2021, p. 1.

<sup>196</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, March 2021, p. 39; National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, pp. 17-18.

<sup>197</sup> National Bureau of Statistics (NBS) and United Nations Children's Fund (UNICEF), *2021 Multiple Indicator Cluster Survey (MICS) & National Immunization Coverage Survey (NICS), Survey Finding Report*, August 2022, p. 325.

<sup>198</sup> Danish National ID Centre, *Nigeria: Issuance and appearance of the Nigerian Birth Certificate*, 13 April 2021, p. 1.

<sup>199</sup> UNICEF, *Data: Nigeria: Birth Registration*, accessed 14 July 2022.

<sup>200</sup> The Cable, *Undercover: With N500, you can obtain birth certificate for a non-existent Nigerian child*, 22 November 2022; ICIR Nigeria, *Nigerians still paying for birth certificates, stakeholders alert FG*, 9 December 2021.

<sup>201</sup> Danish National ID Centre, *Nigeria: Issuance and appearance of the Nigerian Birth Certificate*, 13 April 2021, p. 1.

Citizens aged eighteen and over (see 3.10.1 for the age of majority) cannot receive a birth certificate. Instead of a birth certificate, they must apply for an attestation of birth. First, they must apply for an attestation of birth through the court. Following this, the applicant must have a sworn affidavit ratified by the State High Court. Once the applicant has both documents, an attestation of birth application form can be completed and submitted to an NPC office.<sup>202</sup> No information was found in the consulted sources about the maximum age at which an attestation of birth can be applied for.

Both the birth certificate and attestation of birth are considered to be valid identification documents. The attestation of birth has the same legal status as the birth certificate both within and outside Nigeria.<sup>203</sup>

#### 2.2.4 *Driving licence*

A driving licence is also considered to be a valid identity document. According to the website of the Federal Road Safety Corps (FRSC) - the authority that issues driving licences - it is currently also possible to look up a digital driving licence via the app. It can also be looked up offline.<sup>204</sup>

#### 2.2.5 *Minors travelling out of the country*

As described earlier, minors under the age of sixteen cannot apply for a national e-ID card. To apply for a passport or ECOWAS certificate (a certificate that allows free movement between ECOWAS countries), minors under the age of sixteen need a letter of consent from their parents or guardian.<sup>205</sup> In principle, it is therefore not possible for a minor to apply for a travel document without parental consent. The law does not state that a minor needs parental consent when leaving Nigeria. However, a letter of consent from the parents can avoid questioning by the authorities and delays when leaving the country.<sup>206</sup>

### 2.3 **Fraud**

Despite measures to combat document fraud, such as the implementation of the National Identity Management System and the collection of biometric data in the database, document fraud is still widespread in Nigeria.<sup>207</sup> Documents often forged include birth certificates, marriage certificates, passports and international driving licences.<sup>208</sup> There are several companies and 'agents' in Nigeria that issue easily and inexpensively forged documents that are used when applying for passports, among other things.<sup>209</sup>

There are many known cases abroad of Nigerians possessing fake driving licences without being aware of it.<sup>210</sup> These licences are, it seems, fake despite being applied

<sup>202</sup> Danish National ID Centre, *Nigeria: Issuance and appearance of the Nigerian Birth Certificate*, 13 April 2021, p. 4.

<sup>203</sup> Antarch Consulting, *Authentication of Birth Certificate in Nigeria For Use Abroad*, 10 March 2022.

<sup>204</sup> Federal Road Safety Corps, *The NDLC Digital Driver Licence*, accessed 12 July 2022.

<sup>205</sup> Nigerian Immigration Service, *ECOWAS Guidelines*, accessed 29 September 2022.

<sup>206</sup> Immigration and Refugee Board of Canada, *Nigeria: Requirements and procedures for a child to leave the country with one parent (2018–November 2020)*, 20 October 2020, pp. 1-2.

<sup>207</sup> Confidential source, 19 September 2022; Confidential source, 21 October 2022; The Cable, *Undercover: With N500, you can obtain birth certificate for a non-existent Nigerian child*, 22 November 2022; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 57.

<sup>208</sup> Confidential source, 19 September 2022; Immigration and Refugee Board of Canada, *Nigeria: Requirements and procedures to obtain an International Driving Permit (IDP); content, appearance and security features of the permit; prevalence of fraudulent IDPs; samples (2019–October 2021)*, 1 November 2021; Australia, *DFAT Country Information Report Nigeria*, December 2020, p. 60.

<sup>209</sup> Confidential source, 19 September 2022; Australia, *DFAT Country Information Report Nigeria*, December 2020, p. 61.

<sup>210</sup> The African Courier, *How to verify the genuineness of your Nigerian driving licence online*, 16 April 2021.

for at the FRSC.<sup>211</sup> The fraudulent driving licences were issued by employees working with intermediaries who promised driving licence applicants a stress-free application process if they paid more than the FRSC's standard charge.<sup>212</sup> According to a confidential source, it is possible to find out whether a document is fake or not. For example, all birth certificates have a serial number that can be checked in the archive.<sup>213</sup> According to a Nigerian law firm, fake international driving licences are clearly distinguishable from original driving licences.<sup>214</sup>

<sup>211</sup> The Federal Road Safety Corps is the official body responsible for issuing driving licences.

<sup>212</sup> The African Courier, *How to verify the genuineness of your Nigerian driving licence online*, 16 April 2021.

<sup>213</sup> Confidential source, 21 October 2022.

<sup>214</sup> Immigration and Refugee Board of Canada, *Nigeria: Requirements and procedures to obtain an International Driving Permit (IDP); content, appearance and security features of the permit; prevalence of fraudulent IDPs; samples (2019-October 2021)*, 1 November 2021.

## 3 Human rights

### 3.1 Introduction

The degree of protection of citizens by the authorities is limited, especially outside the main cities (see also 1.2.3.7 Major cities). This chapter examines the position of social and religious groups. By way of introduction, the organisation of the Nigerian legal system is explained, and the situation with regard to oversight and the judicial process is described. Freedom of expression is also considered.

#### 3.1.1 *Legal system*

Nigeria is a federal state with a pluralistic legal system. On certain matters, laid down in the 'concurrent legislative list', states can adopt their own legislation, as long as it does not conflict with the constitution. Federal legislation on matters on the concurrent legislative list must first be formally adopted by a state before it takes effect in that state.<sup>215</sup>

Nigeria's Criminal Code Act<sup>216</sup> applies throughout Nigeria, except where it deviates from the Penal Code (Northern States) Federal Provisions Act, which applies to the states of the former Northern Region.<sup>217</sup> The Criminal Code is based on British law, and the Penal Code is inspired by the Indian and Sudanese penal codes. The Penal Code was introduced in 1960 because of the major contradictions between British law and the Islam-based customary law in the North.<sup>218</sup>

The constitution also allows the federal government and the states to establish courts based on customary law or Islamic law.<sup>219</sup> Traditional courts of this type exist alongside the ordinary courts.<sup>220</sup> Courts based on customary law are present in almost all 36 states. In 1999, twelve of the northern states<sup>221</sup> introduced Sharia Penal Codes.<sup>222</sup> Sharia penal law applies to Muslims and anyone who chooses to be prosecuted on the basis of it.<sup>223</sup> Many opt for Sharia courts, especially in civil cases, because they are faster and cheaper, there is often less corruption than in the ordinary courts, and cases are heard in the Hausa language.<sup>224</sup>

The decisions of customary law courts and Islamic courts may not violate the constitution either. Appeals about the constitutionality of judgments pronounced by

<sup>215</sup> Mondaq, *Nigeria: The Exclusive Legislative List And The Concurrent Legislative List - A Case For Restructuring Or Constitutional Defect?*, 28 November 2021; Confidential source, 18 October 2022.

<sup>216</sup> To avoid confusion, the English terms are used for the different codes below.

<sup>217</sup> The former Northern Region now consists of the following states: Nasarawa, Plateau, Benue, Kogi, Kwara, Jigawa, Kano, Kaduna, Katsina, Kebbi, Niger, Sokoto, Zamfara, Bauchi, Gombe, Borno, Yobe, Adamawa and Taraba.

<sup>218</sup> New York Law School Journal of International and Comparative Law, *The Northern Nigerian Penal Code: A Reflection of Diverse Values in Penal Legislation*, Volume 5, number 1 (1983), pp. 88-91.

<sup>219</sup> US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 1; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 2.

<sup>220</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp. 17-18.

<sup>221</sup> The states in question are Borno, Gombe, Jigawa, Kano, Kaduna, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara, Source: The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, pp. 13 and 25; Confidential source, 28 October 2022.

<sup>222</sup> BBC News, *Nigeria Sharia architect defends law*, 21 March 2002; US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 1.

<sup>223</sup> Bertelsmann Stiftung, *BTI 2022 Country Report - Nigeria*, 23 February 2022, p. 7; The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 13; Confidential source, 28 October 2022.

<sup>224</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp. 17-18.

traditional courts may be made to ordinary courts<sup>225</sup>, but if a Sharia court has jurisdiction in a particular case, an ordinary court may not intervene.<sup>226</sup> The execution of a sentence imposed by a Sharia court must be approved by the governor. In the past, the authorities have often refrained from carrying out corporal punishment for procedural reasons, but the constitutionality of such punishments has never been challenged in court. It therefore remains possible for the death penalty to be carried out as a result of a judgment by a Sharia court.<sup>227</sup>

The Supreme Court has a Sharia panel for appeals in Sharia cases. Ordinary judges sit on this panel. These judges are not required to be trained in Sharia law, although usually they are. In addition, they can seek advice from Sharia experts.<sup>228</sup>

### 3.1.2 *Freedom of expression*

Journalists and activists stated that they regularly faced threats, intimidation and sometimes violence.<sup>229</sup>

In July 2022, BBC Africa Eye published a report on the background to the security situation in North-West Nigeria.<sup>230</sup> The Nigeria Broadcasting Commission then fined four television channels five million naira each (approximately 11,000 euros) in August 2022 for broadcasting the report. Nigeria's Minister of Information and Culture called the report a 'glorification of terrorism'.<sup>231</sup> Two Nigerian NGOs, the Socio-economic Rights and Accountability Project (SERAP) and the Centre for Journalism Innovation and Development (CJID), took the Nigerian authorities to court in order to have these fines overturned. The organisations said that the work of independent media was of public interest, and that fining media outlets for informing the public had a disproportionately negative effect on their work and the work of other journalists and Nigerians.<sup>232</sup> At the end of the reporting period, no progress had been made in the legal proceedings because the television channels had chosen to pay the fines.<sup>233</sup>

## 3.2 **Oversight and the judicial process**

In 2022, Nigeria was ranked 118th (out of 140 countries) in the *Rule of Law Index* of the World Justice Project.<sup>234</sup>

### 3.2.1 *Options for reporting a crime*

In Nigeria it is necessary to go to a police station to report a crime. The report may be made orally, with the police officer taking the details down in writing. In this case the person reporting the crime has little or no influence on how the report is formulated. It is also possible for a person to write the report in person, but in this case he or she will generally need a lawyer. It was a common occurrence for a police officer to ask for money to help prepare the report.<sup>235</sup> In general, the person who

<sup>225</sup> US Commission on International Religious Freedom, *Policy Update: Violence in Nigeria*, September 2022, p. 1-2; US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 1.

<sup>226</sup> Confidential source, 28 October 2022.

<sup>227</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p.7.

<sup>228</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp. 17-18.

<sup>229</sup> US Department of State: *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 22.

<sup>230</sup> Youtube: BBC Africa Eye, *The bandit warlords of Zamfara*, 25 July 2022.

<sup>231</sup> This Day, *NBC Fines DSTV, TSTV, NTA, Trust TV N20m over Documentary on Banditry*, 5 August 2022.

<sup>232</sup> BBC Monitoring, *Groups sue Nigeria for fining stations over BBC documentary*, 7 August 2022.

<sup>233</sup> Confidential source, 21 January 2023.

<sup>234</sup> World Justice Project, *Rule of Law Index 2022*, *WJP Rule of Law Index | Global Insights (worldjusticeproject.org)*, accessed 17 January 2023..

<sup>235</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022.

made the report did not receive written confirmation of the report. However, he or she was given a reference number and told which police officer was responsible for the case.<sup>236</sup>

There was an emergency number, 999, for reporting a crime while it was in progress. This number could be called from anywhere in the country. Calls to it were not always answered.<sup>237</sup> In addition, the police had serious capacity problems (see also 1.2.2.1 and 1.2.2.6).

#### *Handling of reports*

Several confidential sources said that, due to a lack of confidence in the legal system, people often did not report crimes.<sup>238</sup> According to various confidential sources, whether a report is handled with sufficient diligence depends on three things: financial resources, connections, and the degree of publicity surrounding the case.<sup>239</sup> Sometimes the police asked for money because they themselves did not have the resources, such as petrol, to conduct an investigation. Money could also be requested in order to prioritise a particular investigation. People with money and connections, for example in politics or government, could often find ways to cover up a matter.<sup>240</sup> For example, individuals accused of a crime could use their resources and connections to have the case transferred to Abuja by filing a counter-charge there. This was possible because the Nigerian police are federal. In such cases, those with less knowledge and resources were at an immediate disadvantage because the local police were subordinate to the police in Abuja. This practice is called the 'Abuja card'.<sup>241</sup>

Human rights and advocacy organisations operating in fields such as women's or LGBTIQ+ issues were trying to build up networks of contacts within the police, the judiciary and the legal profession through awareness-raising activities.<sup>242</sup> Increasing use was also made of social media to draw attention to abuses in order to put pressure on the police to take action.<sup>243</sup>

#### *The judiciary*

Although the constitution provides for an independent judiciary, the judiciary was subject to pressure from the executive and the legislature.<sup>244</sup> In addition, the legal system in Nigeria lacks financial resources and personnel. There are too few courts and judges to meet the demand. For example, the chief judge of the federal high court stated in December 2021 that the court had 128,000 cases to handle with 75 judges at that time. There are often long periods of pre-trial detention in overcrowded prisons, while at the same time suspects are sometimes released without proper prosecution. This has led to a high level of distrust in the legal system.<sup>245</sup>

#### *Protection*

The Nigerian police force is federal, with subdivisions at state and local level. This means that anyone who is not satisfied with the progress of his or her case can seek

<sup>236</sup> Confidential source, 18 October 2022.

<sup>237</sup> Confidential source, 18 October 2022.

<sup>238</sup> Confidential source, 18 October 2022; Confidential source, 28 October 2022; Confidential source, 19 October 2022.

<sup>239</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022; Confidential source, 28 October 2022.

<sup>240</sup> Confidential source, 18 October 2022.

<sup>241</sup> Confidential source, 19 October 2022.

<sup>242</sup> Confidential source, 28 October 2022; Confidential source, 19 October 2022.

<sup>243</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>244</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p.16.

<sup>245</sup> International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022.

recourse at a higher level, for example in Abuja. In practice, however, this was only possible for those with the requisite knowledge, contacts and resources. In practice, therefore, this possibility has usually been of benefit mainly to Nigerians with connections, influence and money.<sup>246</sup>

The police have a Public Complaint Rapid Response Unit (NPF-PCRRU). If someone is dissatisfied with the way their case is being handled by the police, they can submit a complaint to this unit. The PCRRU can be reached by telephone and on social media.<sup>247</sup> It can then recommend to the local police station that the relevant investigating officer be replaced. In this context too, if the person to whom the complaint relates has more influence and resources than the person submitting the complaint, the complaint will have little effect.<sup>248</sup>

#### *Assistance from NGOs or international organisations*

There are NGOs that can provide legal advice and psychosocial assistance and offer their network for support. These organisations are mainly located in the big cities and are often overwhelmed with demand for their services.<sup>249</sup> According to various sources, it is often helpful to mobilise the public through social media in order to put pressure on the authorities.<sup>250</sup>

### 3.2.2 *Judicial process*

#### 3.2.2.1 *Access to a lawyer*

The constitution provides for the right to a lawyer.<sup>251</sup> In practice, suspects sometimes lack access to legal assistance.<sup>252</sup> This may be because a suspect is unaware of his or her rights and is not informed by the police of this right.<sup>253</sup> In addition, legal assistance is expensive and poor people have very limited access to it.<sup>254</sup> Subsidised legal aid exists and there are organisations that provide pro bono lawyers, but there is insufficient funding for such services.<sup>255</sup> If a case receives a lot of publicity and attention on social media, there is a chance that organisations that provide legal aid will contact the suspect themselves.<sup>256</sup>

In any case, having a lawyer was no guarantee that the rights of the suspect would be respected. For example, courts sometimes decided to hear cases without the presence of a lawyer if the latter failed to appear in court too many times. The only circumstances in which this did not happen was in cases involving capital offences.<sup>257</sup> *The Nigeria Lawyers*, a website for investigative journalism about the legal profession, magistracy and courts, reported in 2018 that suspects were sometimes threatened or assaulted even in the presence of a lawyer. If the lawyer then said anything, they risked being kicked out of the police station or being

<sup>246</sup> Confidential source, 19 October 2022.

<sup>247</sup> PCRRU, *Welcome | Public Complaint Rapid Response Unit (PCRRU)*, accessed 10 November 2022; Confidential source, 18 October 2022.

<sup>248</sup> Confidential source, 18 October 2022.

<sup>249</sup> Confidential source, 18 October 2022.

<sup>250</sup> Confidential source, 18 October 2022; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>251</sup> Nigeria, *Constitution of the Federal Republic of Nigeria*, 1999, Section 36(6); Confidential source, 18 October 2022; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>252</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>253</sup> Confidential source, 18 October 2022.

<sup>254</sup> International Crisis Group, *Managing Vigilantism in Nigeria: A Near-term Necessity*, 21 April 2022.

<sup>255</sup> Confidential source, 18 October 2022; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>256</sup> Confidential source, 18 October 2022.

<sup>257</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp.18-19.

assaulted themselves. A confidential source stated that this remained true during the reporting period.<sup>258</sup>

### 3.2.2.2 *Prosecution of public officials for torture, serious assault or rape*

The previous country report on Nigeria examined police violence by the Special Anti-Robbery Squad (SARS). Although this police unit was disbanded after large-scale protests during the previous reporting period, some of the practices that SARS was known for continued to exist. Police units such as the anti-cult unit or the anti-kidnapping unit were popular because they had been set up to deal with problems that were adversely affecting the population. Because of this popularity, they often got away with human rights violations. These units were sometimes also used for cases that had nothing to do with cults or kidnapping, because they were seen as the only units that actually took action.<sup>259</sup>

Government officials responsible for acts such as assault, torture or rape were rarely prosecuted.<sup>260</sup> In general, people did not risk reporting such cases for fear of repercussions. It was assumed that the police would side with the most influential person.<sup>261</sup> And even if there were no repercussions, the case was unlikely to be dealt with seriously. The person who had reported the crime was also sometimes put under pressure to settle out of court.<sup>262</sup> Factors that increased the likelihood of a charge of assault, torture or rape being taken seriously by an authority were the socio-economic position of the person filing the charge and the degree of publicity surrounding the case.<sup>263</sup>

## 3.3 **Religious groups**

Around 50% of Nigerians identified as Muslim and 48% as Christian.<sup>264</sup>

This section first considers the government's treatment of dissidents, including the Islamic Movement of Nigeria (IMN). This is followed by an examination of violence against religious groups by non-state actors. Finally, the question of whether the authorities offered protection to people accused of blasphemy is considered.

### 3.3.1 *Discrimination and violence against dissidents perpetrated by the government*

#### 3.3.1.1 *Legal framework*

Section 38 of the Constitution prohibits discrimination on the basis of religion and provides for the freedom to choose, practise, propagate and change religion.<sup>265</sup> Despite these provisions, the Nigerian Criminal Code (applied in the southern states), the Penal Codes (applied in the northern states), and the Sharia Penal Code

<sup>258</sup> The Nigerian Lawyers, *Police Brutality Of Lawyers In Nigeria: A Dangerous Omen For Our Democracy And A Sign Of The Failure Of The National Leadership Of The Nigerian Bar Association*, 13 July 2018, [Police Brutality Of Lawyers In Nigeria: A Dangerous Omen For Our Democracy And A Sign Of The Failure Of The National Leadership Of The Nigerian Bar Association. - TheNigeriaLawyer](#), accessed 23 January 2023; Confidential source, 19 October 2022.

<sup>259</sup> Confidential source, 19 October 2022.

<sup>260</sup> Confidential source, 18 October 2022; Confidential source, 28 October 2022; Confidential source, 18 October 2022.

<sup>261</sup> Confidential source, 18 October 2022; Confidential source, 28 October 2022; Confidential source, 19 October 2022.

<sup>262</sup> Confidential source, 18 October 2022.

<sup>263</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022; Confidential source, 28 October 2022.

<sup>264</sup> Pew Research, *The countries with the 10 largest Christian populations and the 10 largest Muslim populations*, 1 April 2019.

<sup>265</sup> Nigeria, *Constitution of the Federal Republic of Nigeria*, 1999.

(applied in twelve northern states) contain laws that criminalise blasphemy.<sup>266</sup> The Nigerian Criminal Code and the Penal Codes provide for a prison term of up to two years for insulting someone's religion.<sup>267</sup> In the Sharia Penal Code, blasphemy can carry the death penalty.<sup>268</sup>

During the reporting period, several individuals were charged with and convicted of blasphemy. Some examples are given below of individuals who were persecuted by state actors in Nigeria during the reporting period. The position of the Shia IMN is then discussed.

#### 3.3.1.2 *Blasphemy cases under the Penal Codes*

In June 2021, Mubarak Bala, an atheist and president of the Humanist Association of Nigeria, was charged with 'causing a breach of the public peace by posting blasphemous content on social media'.<sup>269</sup> He had already been held in detention for fifteen months before the official charges were made. On 21 December 2020, the Abuja high court had demanded his immediate release on bail, but this ruling was ignored by the authorities in Kano.<sup>270</sup> In April 2022, under the Kano State Penal Code, he was sentenced by the high court to 24 years in prison after pleading guilty to eighteen charges of causing a breach of the public peace by posting blasphemous content on social media.<sup>271</sup>

In May 2022, the Christian woman Rhoda Jatau was arrested and charged with blasphemy in Bauchi state after forwarding a message on Whatsapp condemning the death of Deborah Samuel (see 3.3.3 Protection of religious groups by the authorities). This message was regarded as blasphemous by others.<sup>272</sup> She was charged under the Penal Code.<sup>273</sup>

#### 3.3.1.3 *Blasphemy cases under the Sharia Penal Code*

In June 2021, the Department of State Security (DSS) arrested Ahmad Abdul for allegedly insulting Allah in a song.<sup>274</sup> He was released on bail later in the month after apologising.<sup>275</sup>

In addition, in July 2021, Sheikh Abduljabara Kabara was arrested and charged by a Sharia court with blasphemy and incitement because his sermons during a televised

<sup>266</sup> US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 2.

<sup>267</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 25; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 3.

<sup>268</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 25; Voice of America, *Nigeria Activists Concerned as Secular Court Upholds Islamic Court Trial for Blasphemy*, 19 August 2022.

<sup>269</sup> Al Jazeera, *Nigerian atheist jailed for blasphemy over Facebook posts*, 5 April 2022; BBC News, *Nigeria atheist Mubarak Bala jailed for blaspheming Islam*, 5 April 2022.

<sup>270</sup> US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 3; The Guardian Nigeria, *Nigerian humanist jailed for 24 years after pleading guilty to blasphemy*, 5 April 2022.

<sup>271</sup> BBC News, *Nigeria atheist Mubarak Bala jailed for blaspheming Islam*, 5 April 2022; DW, *Nigeria sentences atheist to 24 years for blasphemy*, 5 April 2022; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 3.

<sup>272</sup> Christian Post, *Muslim mob attempt to kill Christian woman on trial for sharing WhatsApp message*, 6 October 2022; ICIR, *Bauchi woman accused of sharing blasphemous message on WhatsApp now in prison*, 2 July 2022; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 3.

<sup>273</sup> Christian Post, *Muslim mob attempt to kill Christian woman on trial for sharing WhatsApp message*, 6 October 2022; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 3.

<sup>274</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24.

<sup>275</sup> The Guardian Nigeria, *Kano singer arrested for blasphemy released on bail*, 22 June 2021; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 4.

debate were alleged to be 'mortifying' to the companions of the Prophet Mohammed.<sup>276</sup>

Yahaya Sharif-Aminu was sentenced to death by a Sharia court on 10 August 2020 for blasphemy. In January 2021, the ordinary court in Kano ordered the Sharia court to retry the blasphemy case against Yahaya Sharif-Aminu.<sup>277</sup> His lawyer's request for the case to be heard in a secular court was rejected by the federal court Kano in August 2022. According to the federal court, Islamic law does not conflict with the constitution and Sharia courts are therefore competent to hear blasphemy cases.<sup>278</sup>

#### 3.3.1.4 *Islamic Movement of Nigeria*

Less than 5% of the Nigerian population identifies as Shiite.<sup>279</sup> The Islamic Movement of Nigeria (IMN) is a Shia political group that seeks to establish an Islamic republic similar to that of Iran. In this reporting period, security forces again used violence during IMN protests and commemorations, and dozens of arrests were made.

Following the banning of the movement in Kano, it has also been banned nationally since July 2019, as a result of which members are prohibited from meeting and organising activities.<sup>280</sup> The group's leader, Sheikh Ibrahim El-Zakzaky, and his wife were acquitted of charges in July 2021 after six years in prison and released.<sup>281</sup> The court ruled that the charges brought against them (they were accused of playing a role in the death of a soldier in 2015) amounted to abuse of judicial process.<sup>282</sup> Sheikh El-Zakzaky and his wife had their passports seized by the authorities after their release, and these had not yet been returned during the reporting period.<sup>283</sup>

In January, March and May 2021, there were a number of protests demanding the release of IMN leader Sheikh Ibrahim El-Zakzaky. There were clashes with the security forces and several protesters were injured.<sup>284</sup>

Media articles reported that during a May 2021 protest, police officer Ezekiel Adama was killed by IMN protesters.<sup>285</sup> The IMN denied this. During this protest 49 arrests were made. In addition, violence was used by the authorities during the *Arbaeen*<sup>286</sup> in September 2021.<sup>287</sup> One demonstrator was killed and 57 people were arrested. In

<sup>276</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 28; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 4.

<sup>277</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24; Voice of America, *Nigeria Activists Concerned as Secular Court Upholds Islamic Court Trial for Blasphemy*, 19 August 2022.

<sup>278</sup> Voice of America, *Nigeria Activists Concerned as Secular Court Upholds Islamic Court Trial for Blasphemy*, 19 August 2022; Reuters, *Nigeria's sharia blasphemy law not unconstitutional, court rules*, 17 August 2022.

<sup>279</sup> Pew Research Center, *Mapping the Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population*, 7 October 2009, p. 10.

<sup>280</sup> Human Rights Watch, *Nigeria: Court Bans Shia Group*, 30 July 2019.

<sup>281</sup> Freedom House, *Nigeria Freedom in the World 2022 Country Report*, February 2022; Sahara Reporters, *UPDATE: Nigerian Shiites Leader, El-Zakzaky, Wife Released From Kaduna Prison After 5-Year Illegal Incarceration*, 28 July 2021

<sup>282</sup> Sahara Reporters, *UPDATE: Nigerian Shiites Leader, El-Zakzaky, Wife Released From Kaduna Prison After 5-Year Illegal Incarceration*, 28 July 2021; Premium Times Nigeria, *TIMELINE: Ibrahim El-Zakzaky's long road to 'freedom'*, 2 August 2021.

<sup>283</sup> The Guardian Nigeria, *Shiites protest, demand El-Zakzaky's international passports release*, 18 September 2022; Daily Trust, *Group Seeks Release Of Sheikh Zakzaky, Wife's Passports*, 12 March 2022.

<sup>284</sup> US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 1.

<sup>285</sup> US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 1; PM News, *Protesters stab ASP Ezekiel Adama to death in Abuja*, 7 May 2021.

<sup>286</sup> *Arbaeen* takes place 40 days after *Ashura*. *Ashura* is a religious commemoration by the Shiites of the martyrdom of Al-Husayn ibn Ali, the grandson of the Prophet Mohammed.

<sup>287</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24; ARTICLE 19, *Nigeria: Killing of peaceful protesters must be investigated*, 1 October 2021.

April 2022, one person was killed and several people were injured when the police opened fire during a pro-Palestinian demonstration organised by the IMN.<sup>288</sup> During the Shia religious commemoration of *Ashura* in Zaria in August 2022, six IMN members were killed by security forces.<sup>289</sup>

### 3.3.2 *Violence against religious groups by non-state actors*

During the reporting period, non-state actors were frequently guilty of violence against religious places of worship, religious leaders and religious gatherings.<sup>290</sup> Several sources reported an increase in the number of incidents involving religious violence in 2021 and 2022, including an increase in ransom kidnappings that also targeted religious institutions such as religious primary schools.<sup>291</sup>

On the basis of ACLED data, Al Jazeera wrote that of all recorded religious violence from 2020 to July 2022, six attacks were carried out by jihadist groups such as JAS, ISWAP and Ansaru, thirty attacks were attributed to armed bandits and 61 other attacks were carried out by gunmen who could not be identified.<sup>292</sup>

#### 3.3.2.1 *Converts*

There were no known cases of converts being prosecuted by the state during the reporting period. However, converts from Islam to Christianity could experience social problems, such as rejection by family members and discrimination in gaining access to family property such as land, the family business or an inheritance.<sup>293</sup>

#### 3.3.2.2 *Attacks on Christians*

The number of Christian victims of violence increased markedly during the reporting period.<sup>294</sup> ACLED reported a 21% increase in violent incidents targeting Christians in 2021 compared to 2020. Over the first half of 2022, ACLED recorded a 25% increase since 2021 in violence specifically targeting Christians.<sup>295</sup> In 2022 in particular, there was a sharp increase in attacks on church buildings and people associated with them.<sup>296</sup> The Christian advocacy group Open Doors ranked Nigeria

<sup>288</sup> Sahara Reporters, *BREAKING: One Killed, Many Injured As Lawless Policemen Open Fire On Shiites During Rally In Kaduna*, 29 April 2022.

<sup>289</sup> The Punch Nigeria, *Shiites, security agents clash in Kaduna, six killed*, 9 August 2022; Nigerian Tribune, *6 Shiite Members Killed During Ashura Day In Kaduna*, 8 August 2022; Sahara Reporters, *BREAKING: Identities, Photos Of Baby Boy, Six Shiite Members Killed During Religious Procession By Nigerian Security Operatives In Kaduna*, 9 August 2022.

<sup>290</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24; US Commission on International Religious Freedom, *Policy Update: Violence in Nigeria*, September 2022, p. 3.

<sup>291</sup> Amnesty International, *Nigeria: Escalating attacks targeting children endanger right to education*, 2 December 2021; The Guardian, *More than 200 children remain abducted in Nigeria amid 'kidnap epidemic'*, 10 August 2021; Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022; US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 25; US Commission on International Religious Freedom, *Policy Update: Violence in Nigeria*, September 2022, p. 1.

<sup>292</sup> Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022.

<sup>293</sup> Confidential source, 19 October 2022; Immigration and Refugee Board of Canada, *Nigeria: Treatment of people who enter interfaith marriages in Lagos State, including a Christian woman who marries a Muslim man, who subsequently converts to Christianity; cases of couples who were traced through word of mouth within the Muslim community when they resettled in cities such as Port Harcourt or Ibadan (2015–March 2022)*, 24 May 2022; Open Doors, *The 2022 World Watch List*, 7 January 2022, p. 16.

<sup>294</sup> Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022; BBC News, *Are attacks on Christians in Nigeria on the rise?*, 11 June 2022; Open Doors, *The 2022 World Watch List*, 7 January 2022, p. 16; ACLED, *Fact Sheet: Attacks on Christians Spike in Nigeria Alongside Overall Rise in Violence Targeting Civilians*, 21 July 2022.

<sup>295</sup> ACLED, *Fact Sheet: Attacks on Christians Spike in Nigeria Alongside Overall Rise in Violence Targeting Civilians*, 21 July 2022.

<sup>296</sup> Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022; BBC News, *Are attacks on Christians in Nigeria on the rise?*, 11 June 2022.

number 7 among countries where Christians are persecuted, the highest ranking Nigeria has been given by Open Doors.<sup>297</sup>

Although Christians frequently were victims of violence, it is not always possible to say how many attacks specifically targeted Christians, since religion, ethnicity and the struggle for land and resources are closely linked.<sup>298</sup> Muslims and Christians were both perpetrators and victims of violence.<sup>299</sup> Tensions between farmers and nomadic herders contributed to an increase in violence on both sides.<sup>300</sup> Also, although Boko Haram's violence is certainly partly religiously motivated, not all the violence used by this group has religious motives.<sup>301</sup> Thus Boko Haram attacked not only Christians, but anyone they considered to be opponents of Boko Haram or supporters of the government, such as journalists, teachers, schoolchildren and health workers.<sup>302</sup> The increase in the number of Christian victims since 2020 should be seen as part of the increase in violence against all citizens, regardless of their religion.<sup>303</sup>

### 3.3.3 *Protection of religious groups by the authorities*

On several occasions during the reporting period, people who had been accused of blasphemy were killed by third parties. The authorities were unable to offer protection to the victims.<sup>304</sup> In addition, robust legal action was rarely taken against those engaging in this violence.<sup>305</sup>

In September 2021, a pastor was killed by a gang in Kano for allegedly being involved in converting a Muslim to Christianity.<sup>306</sup>

In May 2022, a female student, Deborah Samuel, was killed by civilians in Sokoto state after being accused of blasphemy.<sup>307</sup> Samuel was killed after she sent a WhatsApp voice message to classmates that they deemed insulting to the Prophet Mohammed.<sup>308</sup> The authorities limited the charges against two alleged perpetrators of Deborah's death to 'conspiracy and inciting public disturbance', which enabled them to be released on bail.<sup>309</sup>

On 4 June 2022, Ahmad Usman was stoned to death and burned by a mob in Abuja over charges of blasphemy.<sup>310</sup>

<sup>297</sup> Open Doors, *The 2022 World Watch List*, 7 January 2022, p. 16.

<sup>298</sup> Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022; US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 2; Council of Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022.

<sup>299</sup> US Commission on International Religious Freedom, *Policy Update: Violence in Nigeria*, September 2022, pp. 2-3; US Department of State, *2021 Report on International Religious Freedom: Nigeria*, 2 June 2022, p. 2.

<sup>300</sup> BBC News, *Are attacks on Christians in Nigeria on the rise?*, 11 June 2022.

<sup>301</sup> Council of Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022.

<sup>302</sup> European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, pp. 62-64, 72.

<sup>303</sup> BBC News, *Are attacks on Christians in Nigeria on the rise?*, 11 June 2022; Al Jazeera, *No church in the wild: Armed groups on Nigerian clergy abduction spree*, 30 August 2022.

<sup>304</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24.

<sup>305</sup> Confidential source, 19 October 2022; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 4.

<sup>306</sup> US Commission on International Religious Freedom, *Annual Report; USCIRF – Recommended for Countries of Particular Concern (CPC): Nigeria*, April 2022, p. 24.

<sup>307</sup> Human Rights Watch, *Student in Nigeria Murdered Over Blasphemy Allegation*, 16 May 2022.

<sup>308</sup> BBC News, *Nigeria student killing: Round-the-clock curfew in Sokoto after protests*, 14 May 2022; Human Rights Watch, *Student in Nigeria Murdered Over Blasphemy Allegation*, 16 May 2022.

<sup>309</sup> Reuters, *Nigeria court charges two students over 'blasphemy' death*, 16 May 2022; US Commission on International Religious Freedom, *Policy Update: Blasphemy Laws in Nigeria*, October 2022, p. 4.

<sup>310</sup> Council of Foreign Relations, *Escalating Violence Is Putting Nigeria's Future on the Line*, 9 June 2022; Reuters, *Nigerian man burned to death after argument with Muslim cleric*, 5 June 2022.

## 3.4 Cults

### 3.4.1 *Leaving a cult*

Sources reported that leaving a cult is extremely difficult and can lead to the person being threatened, assaulted or killed.<sup>311</sup> According to a confidential source, membership of a cult is seen as something taken on for life, not something that a person can get out of. Leaving the cult can therefore be seen as entailing the danger that the cult's secrets will be revealed.<sup>312</sup>

As many cults are present in multiple states, sources reported that when a person leaves a cult, it is difficult for him or her to settle elsewhere.<sup>313</sup> According to a confidential source, it is possible for individuals who do not follow the rules or who have refused to join a cult to settle in another state. However, they have to live cautiously and stay under the radar. In addition, the problems that such individuals may face depend on the position that they held within the cult.<sup>314</sup>

### 3.4.2 *Victims of cult-related violence*

In addition to the violence that cult members might experience during initiation rituals and when leaving a cult, members who did not follow the rules could also experience violence.<sup>315</sup>

In addition, violence between and within cults regularly led to the death of cult members.<sup>316</sup> Cults were engaged in a constant struggle for power in particular areas.<sup>317</sup> In addition to these territorial power struggles, cults also engaged in retaliatory killings and general crime.<sup>318</sup> Civilians were regularly victims of this. As well as falling victim to general crimes such as robberies and kidnappings, civilians also regularly died during fights between cults and between cults and security forces.<sup>319</sup>

The graphs below based on data from ACLED<sup>320</sup> show that there was an increase in the number of civilian deaths from cult-related violence in 2022. There was both an increase in the number of incidents involving civilians and an increase in the proportion of civilians in the total number of casualties.

<sup>311</sup> Confidential source, 19 October 2022; Confidential source, 21 September 2022; Confidential source, 2 November 2022; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55.

<sup>312</sup> Confidential source, 19 October 2022; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55.

<sup>313</sup> Confidential source, 21 September 2022; Confidential source, 2 November 2022.

<sup>314</sup> Confidential source, 2 November 2022.

<sup>315</sup> Confidential source, 21 September 2022; Confidential source, 2 November 2022.

<sup>316</sup> Confidential source, 19 October 2022; Confidential source, 2 November 2022; Australia, *DFAT Country Information Report Nigeria*, 3 December 2020, p. 44; Vanguard, *We kill rivals, cut off their hands for rituals — self-confessed cultist*, 6 August 2022.

<sup>317</sup> BBC News, *The ultra-violent cult that became a global mafia*, 13 December 2021; Confidential source, 19 October 2022; Vanguard, *We kill rivals, cut off their hands for rituals — self-confessed cultist*, 6 August 2022.

<sup>318</sup> PIND, *Niger Delta Annual Conflict Report: January to December 2021*, 16 February 2022, p. 4.

<sup>319</sup> Confidential source, 19 October 2022; Confidential source, 19 October 2022; Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9.

<sup>320</sup> ACLED data export tool, [Data Export Tool - ACLED \(acleddata.com\)](https://acleddata.com).

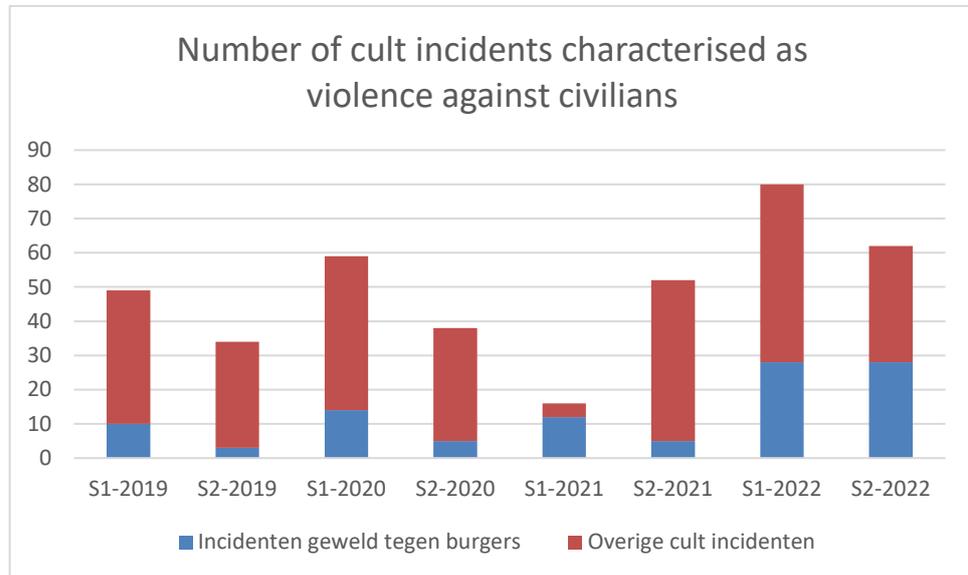


Figure 21: Trends in cult-related violence, including the proportion of incidents characterised as violence against civilians, during the reporting period and in previous years (01-01-2019 to 31-12-2022). Source: ACLED.<sup>321</sup>

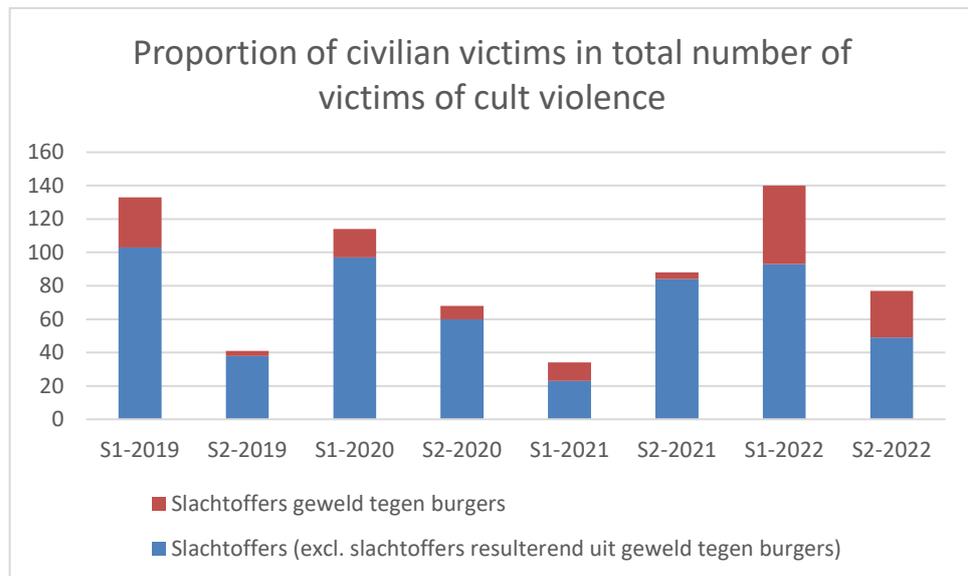


Figure 22: Trends in the proportion of civilians in the total number of victims of cult-related violence during the reporting period and in previous years (01-01-2019 to 31-12-2022). Source: ACLED.

### 3.4.3 Protection against cults by the authorities

Both the Criminal Code and the Penal Code prohibit membership of an illegal organisation.<sup>322</sup> In addition, local authorities have introduced various laws to reduce

<sup>321</sup> These graphs have not been used to show the exact numbers, but to show that the proportion of civilians in the total number of fatalities has increased.

<sup>322</sup> Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 42; Sam O. Smah, *Contemporary Nigerian Cultist Groups: Demystifying the 'Invisibilities'*, IFRA-Nigeria Working Papers Series 76, IFRA-Nigeria, 2019, p. 10.

cult violence.<sup>323</sup> For example, cults are banned in various states.<sup>324</sup> Lagos state introduced legislation in December 2021 stipulating a minimum prison sentence of 21 years for convicted cult members and fifteen years for anyone found guilty of complicity.<sup>325</sup> Other states with laws against cults include Edo, River, Bayelsa and Kwara.<sup>326</sup>

During the reporting period, dozens of cult members were arrested and convicted on the basis of these laws.<sup>327</sup> Several states have also established departments within the police to combat cult violence.<sup>328</sup> In Edo state, for example, an anti-cult unit has been set up within the police.<sup>329</sup>

Despite the measures taken by states to combat cult violence, enforcement with regard to cults was weak and a culture of impunity prevailed.<sup>330</sup> An important factor contributing to this was that cult members were used by influential people, especially politicians, to commit political and other forms of violence.<sup>331</sup>

### 3.5 Deserters

Nigeria does not have military service. Under the Armed Forces Act, desertion and absence without leave carry a prison sentence of up to two years.<sup>332</sup> Mutiny is a capital offence.<sup>333</sup>

According to confidential sources, many convictions in the armed forces take place in secret and are therefore not known to the outside world.<sup>334</sup> According to an article by Olasupo Thompson, the Nigerian state reacted to deserters and mutineers with death sentences, dismissals, demotions and prison terms.<sup>335</sup>

During the reporting period, numerous officers and military personnel were convicted of offences such as desertion and absence without leave. In May 2021, the news medium The Punch obtained a document with a list of 3,040 military personnel

<sup>323</sup> Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9.

<sup>324</sup> Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 42; European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 38; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 43.

<sup>325</sup> Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 42; BBC News, *Sylvester Oromoni: Nigerians demand justice over Downen College death*, 6 December 2021; Premium Times Nigeria, *10 top things to know about Lagos Anti-cultism Law*, 5 December 2021.

<sup>326</sup> Sam O. Smah, *Contemporary Nigerian Cultist Groups: Demystifying the 'Invisibilities'*, IFRA-Nigeria Working Papers Series 76, IFRA-Nigeria, 2019, p. 11; Confidential source, 2 November 2022; This Day, *Secret Societies: Dangers to Governance*, 18 October 2022; The Punch Nigeria, *Bayelsa sets 20-year jail for cultists*, 27 March 2018; Nextier SPD, *Ending Cultism and Gang Wars*, 12 November 2021, p. 42.

<sup>327</sup> Vanguard, *War against cultism in Lagos: 456 suspected cultists arrested in 2021*, 24 January 2022; This Day, *Police Arrest 30 for Alleged Cultism in Edo*, 8 July 2022; Nigeria Watch, *Eleventh Report on Violence in Nigeria (2021)*, 2022, p. 9; Vanguard, *Borno High Court jails 17, sentences each to 6 years imprisonment for cultism, conspiracy*, 21 October 2021.

<sup>328</sup> Confidential source, 2 November 2022; Premium Times Nigeria, *After Buhari's order, police set up anti-cultism squad in Ogun*, 2 April 2022; The Guardian Nigeria, *Three suspected cultists killed, 10 others arrested in Delta*, 30 September 2021.

<sup>329</sup> Confidential source, 19 October 2022; Confidential source, 19 October 2022.

<sup>330</sup> Confidential source, 2 November 2022; European Union Agency for Asylum, *Nigeria - Security situation*, June 2021, p. 38; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 46.

<sup>331</sup> Confidential source, 2 November 2022; Confidential source, 19 October 2022; Confidential source, 18 October 2022; Nextier SPD, *Nigeria Security Situation Analysis Report*, 2022, p. 43; European Union Agency for Asylum, *Country Guidance: Nigeria; Common analysis and guidance note*, October 2021, p. 55; BBC News, *The ultra-violent cult that became a global mafia*, 13 December 2021.

<sup>332</sup> Nigeria, *Armed Forces Act*, 6 July 1994, Sections 59 and 60.

<sup>333</sup> Nigeria, *Armed Forces Act*, 6 July 1994, Sections 52; Confidential source, 18 October 2022.

<sup>334</sup> Confidential source, 22 September 2022; Confidential source, 18 October 2022.

<sup>335</sup> Olasupo Thompson, *Mutiny, Desertion and State Response in the Nigeria Armed Forces and its Implications*, *Ife Social Sciences Review*, 30 June 2021, 29(1), p. 25.

who had been dismissed from the Nigerian armed forces.<sup>336</sup> The period to which the dismissals related was unclear. Hundreds of these military personnel were dismissed for desertion and more than a thousand for absence without leave.<sup>337</sup> In addition, between October 2021 and April 2022, the Nigerian armed forces tried more than 277 officers and military personnel before military courts for various offences.<sup>338</sup> According to a confidential source, mutiny and desertion were likely to be among the charges against officers and military personnel.<sup>339</sup> The punishments imposed by the military courts ranged from prison sentences, dismissal, demotion, and loss of income to being given a warning.<sup>340</sup>

### 3.6 LGBTQI+

As described in previous country reports, the rights of the LGBTQI+ community in Nigeria are restricted in various ways.

**3.6.1** *Perception and behaviour of family and society with regard to LGBTQI+ people.*  
LGBTQI+ people face societal discrimination on a daily basis. Some LGBTQI+ people keep their sexual orientation or gender identity secret out of shame and fear of being stigmatised. People who belong to or are perceived as belonging to the LGBTQI+ community may experience physical and mental violence and harassment from family and others, as well as extortion, blackmail, eviction, exclusion from education, dismissal and difficulties in accessing medical care.<sup>341</sup>

LGBTQI+ people or those who are regarded as such are regularly sent to religious 'conversion facilities' as soon as their orientation becomes known.<sup>342</sup> In a survey of LGBTQI+ by The Initiative for Equal Rights (TIER), 49% of those surveyed had undergone 'conversion therapy' themselves, and a further 36% of those who had not undergone it knew someone who had. Such practices were usually initiated by family and often carried out by religious leaders. According to the survey, practices ranged from the physically harmless – such as conversation (33%), prayers and laying on of hands (59%) – to the physically harmful, such as 'corrective' rape (5%), beatings (19%), fasting and medication (28%). More than 8% were also forced into marriage in order to conceal their orientation. However, according to the LGBTQI+ advocacy organisation The Initiative for Equal Rights, conversion practices always had negative mental and emotional consequences.<sup>343</sup>

**3.6.2** *Criminalisation of LGBTQI+ people*  
Section 42 of the Constitution of the Federal Republic of Nigeria of 1999 prohibits discrimination, but does not refer in this context to sexual orientation or gender identity.<sup>344</sup> Matters relating to sexuality do not fall exclusively within the purview of federal law: states are able to make and apply their own laws (see also 3.1.1 Legal

<sup>336</sup> The Punch Nigeria, *Army dismisses 3,040 soldiers for desertion, murder, rape, drunkenness*, 30 May 2021.

<sup>337</sup> The Punch Nigeria, *Army dismisses 3,040 soldiers for desertion, murder, rape, drunkenness*, 30 May 2021.

<sup>338</sup> Leadership, *Nigeria: Army Tried 227 Personnel in 7 Months, Begins Trial of 29 Others*, 23 June 2022.

<sup>339</sup> Confidential source, 22 September 2022.

<sup>340</sup> Leadership, *Nigeria: Army Tried 227 Personnel in 7 Months, Begins Trial of 29 Others*, 23 June 2022.

<sup>341</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.17; Confidential source, 28 October 2022.

<sup>342</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.19; Them, *Nigerian Police Jail 5 Gay Men as Anti-LGBTQ+ Persecution Continues*, 14 July 2021.

<sup>343</sup> The Initiative for Equal Rights, *The nature, extent and impact of conversion practices in Nigeria*, 2022, pp. 42, 45 and 107.

<sup>344</sup> Nigeria, *Constitution of the Federal Republic of Nigeria*, 1999, Section 42.

system).<sup>345</sup> In the northern states, where Sharia law exists, laws against LGBTIQ+ people are enforced by the morality police (*hisbah*).<sup>346</sup>

#### *Northern Nigeria*

The Penal Code (Northern States) Federal Provisions Act states in Section 284 that anyone who has 'carnal intercourse against the order of nature' with 'a man, woman or an animal' may be sentenced to up to fourteen years imprisonment and a fine. Section 405(2)(e) defines a 'vagabond' as, among other things, 'any male person who dresses or is attired in the fashion of a woman in a public place or who practices sodomy as a means of livelihood or as a profession'. In some states, such as Katsina and Kano, this definition is supplemented by 'any female person who dresses or is attired in the fashion of a man in a public place'. Vagabonds may be sentenced to two years in prison. Section 405(3)(e) prohibits cross-dressing.<sup>347</sup> In addition, the state of Kano has a Prostitution and Immoral Acts (Prohibition) Law that criminalises cross-dressing by men in addition to prostitution. This is not Sharia law and therefore applies to anyone in the Kano jurisdiction.<sup>348</sup> Borno state has the Prostitution, Lesbianism, Homosexuality, Operation of Brothels and Other Sexual Immoralities (Prohibition) Law, which predates the Sharia legislation. This law imposes the death penalty for same-sex intercourse (Section 7), and one year of imprisonment or a fine of 25,000 naira for anyone who 'screens, conceals, harbours or accommodates a prostitute, lesbian or homosexual person' (Section 10).<sup>349</sup>

Although there are minor differences between the different states, Sharia penal law in all states where it is applicable prohibits 'sodomy' (*lihat*, Sections 129 and 130) and lesbianism (*sihaq*, Sections 133 and 134). Penalties for sodomy can vary depending on the marital status of the man; in some states, only married men face the death penalty for sodomy. Lesbianism carries the sentence of death by stoning in Kano and Katsina states; in other states it is punishable by up to fifty lashes with the cane and up to six months of imprisonment.<sup>350</sup>

#### *Southern Nigeria*

The states of southern Nigeria generally rely on the Criminal Code Act for their state laws.<sup>351</sup> The Criminal Code criminalises sexual intercourse between two men (Section 2.14), attempted sexual intercourse (Section 2.15), and 'indecent' acts between two men (Section 2.17).<sup>352</sup> Lagos state has its own Criminal Law of Lagos State (2011). This criminalises 'indecent acts' (Section 134) and 'indecent practices' (Section 136). These 'acts' and 'practices' are not defined in law and are therefore subject to interpretation and abuse by the authorities and judges.<sup>353</sup>

<sup>345</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 6; Confidential source, 28 October 2022.

<sup>346</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 14; Confidential source, 28 October 2022.

<sup>347</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 9; Confidential source, 28 October 2022.

<sup>348</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 15; Confidential source, 28 October 2022.

<sup>349</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 16; Confidential source, 28 October 2022.

<sup>350</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, pp. 13, 14; The Human Dignity Trust, *Nigeria*, accessed 1 September 2022; Confidential source, 28 October 2022.

<sup>351</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 6; Confidential source, 28 October 2022.

<sup>352</sup> Nigeria, *Criminal Code Act*, 1990.

<sup>353</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 8; Confidential source, 28 October 2022.

The federal Same Sex Marriage Prohibition Act (SSMPA), which has been in force since 2014, prohibits a marriage or cohabitation agreement between two people of the same sex; performing and witnessing such a marriage or agreement are both offences. This law also prohibits the visiting of gay clubs and the public expression of a same-sex amorous relationship.<sup>354</sup> In April 2022, an amendment to the SSMPA was introduced in the Nigerian parliament making cross-dressing a criminal offence. The proposed penalty was a fine of USD 1,200 or six months in prison.<sup>355</sup> The amendment had not yet been adopted at the end of the reporting period.

### 3.6.3

#### *Investigation and convictions*

Relatively few cases against LGBTQI+ people have actually come before a court. Since the SSMPA entered into force in 2014, no convictions have been made on the basis of this federal law.<sup>356</sup> In the case against 57 men who were arrested during a party in 2018 (see also the previous country report), the judge decided that there was insufficient evidence. However, the case can be reopened at any time should further evidence be presented.<sup>357</sup>

However, convictions were made on the basis of legislation at state level, on the basis of the Penal Code and by Sharia courts in northern Nigeria. For example, a transgender sex worker in Delta state was arrested and charged after seeking protection from a gang rape.<sup>358</sup> The Initiative for Equal Rights reported in 2017 that convictions had been made on the basis of the Sharia Penal Codes. A confidential source indicated that this information was still current during the reporting period, but that precise information was difficult to provide, as access to information about what happened in Sharia courts was harder to obtain than in the case of civil courts.<sup>359</sup> In the past, arrests have been made under Sharia law, with individuals being sent to 'correction centres' for 'reorientation'.<sup>360</sup> In June 2022, three men, including a seventy-year-old, were arrested for homosexual acts in the northern state of Bauchi. They were sentenced to death by stoning by a Sharia court.<sup>361</sup> The governor needs to ratify this sentence in order for it to be executed. This had not yet happened by the end of the reporting period.<sup>362</sup>

The reason why few or no LGBTQI+ cases go to court is that it is not generally in the interests of either the police or the suspects. Police officers generally prefer to be bribed, and members of the LGBTQI+ community almost always cooperate in order to keep their sexual orientation secret. The arresting of LGBTQI+ people is seen by the police as very lucrative, as the penalties for homosexual behaviour are high and those who are arrested are very willing to pay. In general, especially in the south, action is mainly taken when a politician wants to make a statement. This was true, for example, in the case of the 57 men mentioned above.<sup>363</sup>

<sup>354</sup> Nigeria, Same Sex Marriage Prohibition Act, 2014.

<sup>355</sup> Voice of America, *Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill*, 19 May 2022; BBC News, *The Nigerians worried about a bill to outlaw cross-dressing*, 3 August 2022; The Daily Post, *Reps move to ban cross-dressing, offenders to face 6 months imprisonment*, 5 April 2022.

<sup>356</sup> Global Citizen, *LGBTQ+ Nigerians are celebrating Pride month in defiance of anti-gay law*, 27 June 2022.

<sup>357</sup> Confidential source, 28 October 2022.

<sup>358</sup> No Strings, *Cross-dressing Nigerian sex worker 'Amarachi' released from jail*, 4 July 2022.

<sup>359</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 14; Confidential source, 28 October 2022.

<sup>360</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria, February 2022*, updated 12 August 2022, 2.4.7; Them, *Nigerian Police Jail 5 Gay Men as Anti-LGBTQ+ Persecution Continues*, 14 July 2021.

<sup>361</sup> Reuters, *Nigerian Islamic court orders death by stoning for men convicted of homosexuality*, 1 July 2022; Global Citizen, *LGBTQ+ Nigerians Fear Violence After Sharia Court Death Sentence*, 21 July 2022.

<sup>362</sup> Global Citizen, *LGBTQ+ Nigerians Fear Violence After Sharia Court Death Sentence*, 21 July 2022; Confidential source, 28 October 2022.

<sup>363</sup> Confidential source, 28 October 2022.

### 3.6.4 *Vigilantism and abuse of power*

According to human rights organisations, the main consequence of the anti-LGBTQI+ legislation is that police and civilians feel emboldened to take the law into their own hands. Members of the LGBTQI+ community are more likely to be victims of violence - including sexual assault and rape - torture, extortion and blackmail, perpetrated by civilians and vigilantes as well as by the police.<sup>364</sup> Between 2015 and 2021, the number of reported human rights violations against LGBTQI+ people rose from 172 cases in 2014 to 520 in 2021.<sup>365</sup> Individuals who reported LGBTQI+-related violence at the hands of civilians ran the risk of themselves subsequently falling victim to assault and/or extortion by the police.<sup>366</sup>

According to a confidential source, people arrested for being in a same-sex relationship were often assaulted by those who made the arrest. This could be the police, but also a vigilante group or the hisbah. Confinement in a cell by the police was sometimes the only way to prevent someone from being beaten to death. This was more common in the north than in the south.<sup>367</sup>

In Bayelsa state, a man was attacked in May 2022 after it became known that he had made a gay porn video. He was publicly stripped and beaten up, then taken to prison.<sup>368</sup> According to a confidential source, the men who were sentenced to death in Bauchi (see also 3.6.3 Investigation and convictions) were also badly beaten up when they were arrested.<sup>369</sup> Following the Bauchi case, a well-known Nigerian actor came out on social media in July 2022. He had already said in 2021 that he was homosexual, but had later retracted this. Now he stated that after previously going public he had been arrested, beaten by the police for three hours and forced to deny his homosexuality.<sup>370</sup> Human rights groups fear that the ruling in Bauchi will lead to an increase in homophobia and homophobic violence.<sup>371</sup>

### 3.6.5 *Protection*

The federal Violence Against Persons (Prohibition) Act (VAPP) aims to protect individuals against violence in both the public and private spheres.<sup>372</sup> In practice, the law did not provide any protection for LGBTQI+ people. First of all, the law had not yet been transposed into state legislation in Kano and Katsina.<sup>373</sup> In addition, the law was not yet being applied in cases involving the LGBTQI+ community, mainly

<sup>364</sup> Global Citizen, *LGBTQ+ Nigerians are celebrating Pride month in defiance of anti-gay law*, 27 June 2022; OkayAfrica, *An inside look into the underground queer party scene in Nigeria*, 13 August 2022; Voice of America, *Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill*, 19 May 2022; UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.6, 2.4.8, 2.5.1 and 2.5.3; Confidential source, 28 October 2022.

<sup>365</sup> The Initiative for Equal Rights, *2015 Report On Human Rights Violations*, 2016, p. 12; The Initiative for Equal Rights, *2021 Report On Human Rights Violations*, 2022, p. 8; Confidential source, 28 October 2022.

<sup>366</sup> Global Citizen, *LGBTQ+ Nigerians are celebrating Pride month in defiance of anti-gay law*, 27 June 2022; Voice of America, *Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill*, 19 May 2022; OkayAfrica, *An inside look into the underground queer party scene in Nigeria*, 13 August 2022; Voice of America, *Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill*, 19 May 2022; UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.6, 2.4.8, 2.5.1 and 2.5.3; Confidential source, 28 October 2022.

<sup>367</sup> Confidential source, 28 October 2022.

<sup>368</sup> No Strings, *Sad reality: Nigerian police officer who acts gay porn languishes in jail*, 11 June 2022; Confidential source, 28 October 2022.

<sup>369</sup> Confidential source, 28 October 2022.

<sup>370</sup> PinkNews, *Popular Nigerian social media personality Uche Maduagwu, who previously denied he was gay, has bravely come out in a candid post on Instagram*, 9 July 2022; Vanguard, *'I'm 100% gay, will forever remain one,' Uche Maduagwu brags*, 5 July 2022.

<sup>371</sup> Global Citizen, *LGBTQ+ Nigerians Fear Violence After Sharia Court Death Sentence*, 21 July 2022.

<sup>372</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 17; Confidential source, 28 October 2022.

<sup>373</sup> Partners West Africa Nigeria, *VAPP Tracker*, accessed 17 November 2022.

because these cases rarely made it to court. However, the law was used by LGBTQI+ advocacy groups in awareness-raising campaigns.<sup>374</sup>

On 31 July 2022, six people were arrested for blackmailing gay people they identified through a dating app. The suspects arranged dates via the app, and then assaulted the victims and held them hostage until they paid a ransom or gave up their PIN codes. Because homosexual behaviour is a criminal offence under the SSMPA, it was risky for the victims to come forward as witnesses. Despite this, no exemption from prosecution under the SSMPA was granted.<sup>375</sup>

### 3.6.6 *Discriminatory punishment in the event of prosecution for a civil offence*

The literature that was consulted for this country report did not contain any specific information about cases in which an individual's orientation or gender identity had resulted in more severe punishment for civil offences. A confidential source stated that if in the context of the investigation of a civil offence an offender was caught expressing homosexuality, the focus of the police sometimes shifted, as extortion of LGBTQI+ people was very lucrative. For example, a search of a telephone might have brought to light gay porn or a text conversation that showed an amorous relationship with someone of the same sex.<sup>376</sup>

### 3.6.7 *Distinction between different subcategories*

The sources about LGBTQI+ rarely made a distinction between subcategories. When a specific group was mentioned, it was generally gay men.<sup>377</sup> There was very little information about the state's treatment of transgender and intersex people who are open about their sex, sexual orientation or gender identity. Transgender people were more vulnerable because the change in the expression of their gender identity is so visible.<sup>378</sup> The available information suggested that there was little difference in the perception and treatment of lesbians, gays and bisexuals.<sup>379</sup> Under Sharia law, the penalties for lesbian acts and relationships are generally less severe than those for homosexual acts and relationships between men (see also 3.6.2 Criminalisation of LGBTQI+ and Appendix 7.3 Overview of legislation on LGBTQI+ in northern states).

#### *Transgender people*

Nigeria is not a signatory to any of the international conventions on the protection of transgender people.<sup>380</sup> Transgender people and intersex people are not explicitly mentioned in the constitution or other federal laws; however, being transgender is criminalised by vagrancy laws that prohibit cross-dressing. In the state of Bauchi, being transgender is explicitly prohibited.<sup>381</sup>

Nigeria has no legislation regarding gender or sex reassignment. This makes it difficult for transgender people to legalise their status. The *Births, Deaths, Etc.*

<sup>374</sup> Confidential source, 28 October 2022.

<sup>375</sup> BBC News, *No Nigeria amnesty guarantees for gay dating app victims*, 3 August 2022; PinkNews, *Nigerian police investigating gay dating app scam could prosecute victims*, 13 August 2022.

<sup>376</sup> Confidential source, 28 October 2022.

<sup>377</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 3.1.1.

<sup>378</sup> Confidential source, 28 October 2022.

<sup>379</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.11.

<sup>380</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 17; Confidential source, 28 October 2022.

<sup>381</sup> UK Government, *Guidance, Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 2.4.3; The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 17; Confidential source, 28 October 2022.

(*Compulsory Registration*) Act does not allow for amendments with regard to gender. The same applies to the National Identity Management Commission (NIMC) Act, which requires every Nigerian citizen aged sixteen or older to have an identity document: this law offers no possibilities for changing gender identity or sex.<sup>382</sup>

#### *Intersex people*

The intersex community experienced discrimination in accessing health care. According to a confidential source, in the case of intersex children, the doctor, in consultation with the parents, would sometimes decide to amputate part of the genitalia; this is also known as intersex genital mutilation.<sup>383</sup>

Intersex people could be accused of witchcraft for having both male and female genitalia.<sup>384</sup> In 2017 (before the reporting period), an intersex person was beaten to death by bystanders in Edo state.<sup>385</sup> A BBC report on intersex people in Nigeria showed that these persons feel misunderstood and experienced discrimination from family members and other members of society when they decided (later in life) to adopt a different gender identity from the one assigned to them at birth.<sup>386</sup> According to a confidential source, this information was still valid during the reporting period.<sup>387</sup> Like transgender people, intersex people experienced problems when changing their sex on official documents.<sup>388</sup>

In 2021, the organisation Intersex Nigeria was set up. This organisation provides psychosocial support to intersex people and their families and engages in advocacy.<sup>389</sup>

#### *LGBTQI+ advocacy groups*

Membership of an LGBTQI+ organisation carries a ten-year prison term under the SSMPA.<sup>390</sup> Despite this, a large number of LGBTQI+ organisations were active in Nigeria. The International Lesbian, Gay, Bisexual Trans and Intersex Association (ILGA) states that it has the following members in Nigeria:

- Achievers Improved Health Initiative
- Access to Good Health Initiative
- Africa Rainbow
- African Focus For Youth Development
- Alliance Rights Nigeria
- Community Health Initiative for Youth in Nigeria
- Centre for the Right to Health (associate member)
- Changing Attitude Nigeria
- Concerned Women International Development Initiative
- Creme de la Creme House of Fame Foundation Nigeria
- Equilibrium Initiative For Youth Rights And Health Nigeria
- Global Women's Health, Rights and Empowerment Initiative (GWHREI)
- House of Rainbow
- INCREASE
- Initiative for Gender Equality and Sexual Reproductive Health

<sup>382</sup> The Initiative for Equal Rights, *Compendium of laws discriminating against persons based on sexual orientation and gender identity expression in Nigeria*, 1 December 2017, p. 17; Confidential source, 28 October 2022.

<sup>383</sup> Confidential source, 28 October 2022.

<sup>384</sup> Confidential source, 28 October 2022.

<sup>385</sup> The Guardian Nigeria, *Who do we blame when an intersex teenager is attacked?*, 20 September 2017; Confidential source, 28 October 2022.

<sup>386</sup> BBC News, *Dis na wetin intersex pipo dey suffer for Nigeria*, 30 September 2019.

<sup>387</sup> Confidential source, 28 October 2022.

<sup>388</sup> Confidential source, 28 October 2022.

<sup>389</sup> Intersex Nigeria, *Service*, accessed 13 September 2022.

<sup>390</sup> Nigeria, Same Sex Marriage Prohibition Act, 2014.

- Improved Sexual Health and Rights Advocacy Initiative
- Initiative for the Advancement of Improved Health and Development
- International Centre for Total Health and Rights Advocacy Empowerment
- Intersex Nigeria (Center for Healthcare Development and Youth Empowerment)
- Levites Initiative for Freedom and Enlightenment
- Male Attitude Network
- No Hate Initiative Nigeria
- Pride Health Initiative for Dignity and Rights
- Queer Alliance Nigeria
- Save the Dream Initiative
- Society for Equal Health and Right
- Society to Heighten Awareness of Women and Children Abuse (associate member)
- The Initiative for Equal Rights
- Total Health Empowerment and Development Initiative
- WaveMakers Initiative for Health and Youth Empowerment
- Women Initiative for Sustainable Empowerment and Equality
- Women's Health and Equal Rights Initiative
- Youth Health and Right Initiative for Advocacy and Empowerment
- Initiative for Community Empowerment and Vulnerable Support<sup>391</sup>

Many of these organisations are registered as human rights organisations, or as organisations that provide services to people living with HIV. The Nigerian government sees homosexuality as a sexual behaviour, not an orientation. It therefore recognises men who have sex with men (MSM) as a target group for such services.<sup>392</sup>

Like LGBTQI+ people, LGBTQI+ organisations can experience problems with the wider community. For example, it can be difficult to rent an office because the landlord does not want to accommodate an LGBTQI+ organisation. A new law, the Economic and Financial Crimes Commission (EFCC) Act, introduced in order to tackle Internet fraud, makes it mandatory for landlords to screen new tenants. This makes LGBTQI+ organisations even more vulnerable, because the landlord is more likely to discover what an organisation's activities are, and will therefore inform the police.<sup>393</sup>

#### *Services by advocacy organisations*

As during the previous reporting periods, these organisations provided legal support and health care services to LGBTQI+ people. They also investigated human rights violations, provided information about homosexuality to non-LGBTQI+ communities, provided safety training to LGBTQI+ people, managed LGBTQI+ media platforms, provided psychosocial support to LGBTQI+ people and mediated between LGBTQI+ people and their families.<sup>394</sup> Emergency shelters (safe houses) also exist for LGBTQI+ people who have been kicked out by their families. In general, these shelters have insufficient resources.<sup>395</sup>

#### *Places where LGBTQI+ people can openly express their orientation to some extent, and possible consequences*

<sup>391</sup> ILGA, member organisations, accessed 14 November 2022.

<sup>392</sup> Confidential source, 28 October 2022.

<sup>393</sup> Confidential source, 28 October 2022.

<sup>394</sup> Confidential source, 28 October 2022.

<sup>395</sup> UK Government, *Guidance: Country policy and information note: sexual orientation and gender identity or expression, Nigeria*, February 2022, updated 12 August 2022, 9.2.1.

In the big cities such as Lagos there are a few cafés, restaurants and hotels where the owners and the clientele have no problem with the presence of LGBTQI+ people.<sup>396</sup> According to a source, the number of LGBTQI+ events is increasing<sup>397</sup>, but always behind closed doors for security reasons and because of the risk of being arrested.<sup>398</sup>

## 3.7 Women

The position of single women in Nigeria changed very little over the reporting period; during this period, as before, women experienced significant discrimination in education, employment and inheritance, as well as gender-based violence.<sup>399</sup> For example, women were not paid the same as men for the same work, and women who were heads of households often had difficulties getting commercial loans or obtaining tax deductions and discounts.<sup>400</sup> In addition, women were often excluded from inheriting, as a result of which widows usually lost all possessions to their in-laws on the death of their partner.<sup>401</sup> Little protection was offered by the authorities against this.<sup>402</sup>

### 3.7.1 Single women

Nigeria has one of the highest percentages of single mothers in the world.<sup>403</sup> A January 2021 article stated that 9.5% of the Nigerian population were single mothers; 75% of these were between the ages of 15 and 24.<sup>404</sup> The latest NDHS population survey from 2018 showed that 14.7 percent of rural households and 21.8 percent of urban households were headed by women.<sup>405</sup> Although single mothers in Nigeria were more affluent and better educated compared to global patterns, most single women were teenage mothers and lived in rural areas.<sup>406</sup>

Single women were more common in the south than in the north; in the North-West, for example, 2.9% of the population consisted of single mothers, whereas in the South-South the percentage was 20.3%. Among the Fulani (2.9%), Hausa (3.8%) and Yoruba (10.8%), single motherhood was less common than among other ethnic

<sup>396</sup> Confidential source, 28 October 2022.

<sup>397</sup> Global Citizen, *LGBTQ+ Nigerians Are Celebrating Pride Month in Defiance of Anti-Gay Law*, 27 June 2022.

<sup>398</sup> Global Citizen, *LGBTQ+ Nigerians Are Celebrating Pride Month in Defiance of Anti-Gay Law*, 27 June 2022; Confidential source, 28 October 2022.

<sup>399</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; Freedom House, *Freedom in the World 2022 - Nigeria*, 28 February 2022; Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, *Sexuality Research and Social Policy*, volume 19, 37–49 (2022), 6 January 2021.

<sup>400</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>401</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; Freedom House, *Freedom in the World 2022 - Nigeria*, 28 February 2022.

<sup>402</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; Freedom House, *Freedom in the World 2022 - Nigeria*, 28 February 2022; Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, *Sexuality Research and Social Policy*, volume 19, 37–49 (2022), 6 January 2021.

<sup>403</sup> Confidential source, 13 December 2022; Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, *Sexuality Research and Social Policy*, volume 19, 37–49 (2022), 6 January 2021.

<sup>404</sup> Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, *Sexuality Research and Social Policy*, volume 19, 37–49 (2022), 6 January 2021.

<sup>405</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

<sup>406</sup> Confidential source, 13 December 2022; Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, *Sexuality Research and Social Policy*, volume 19, 37–49 (2022), 6 January 2021; Alawode, O.A., *Analysis of Non-Marital Fertility in Nigeria and Implications for Intervention and Future Research*. *Social Sciences*, volume 10, no. 7: 256, 2021.

groups. Single motherhood was most common among the Ekoi, where 25.6% of the population were single mothers. The situation for single women was difficult throughout Nigeria, although this varied greatly according to region and ethnic group.<sup>407</sup> Educational attainment was closely related to the percentage of single women. For example, among the Ekoi, the population group with the highest percentage of single women, the percentage of highly educated women is higher than among the Fulani or Hausa, where the proportion of single women is significantly lower.<sup>408</sup>

A confidential source reported that single women had more difficulties in the north than in the south, where it was easier for a single woman to express herself. Protection from family, a good education and a 'protective father' made it easier for a single woman to cope. It was also easier for women to cope in urban areas. In rural areas it was difficult due to social pressure, since many people - such as parents and relatives - have a say in the woman's way of life. Relationship mediation often took place to ensure that a woman did not remain single for long.<sup>409</sup>

The coronavirus crisis led to decreased incomes and fewer opportunities to earn money. Research findings from the International Rescue Committee and other organisations regarding the impacts of the coronavirus crisis on women show that almost 73% of the female respondents experienced problems in meeting their basic needs.<sup>410</sup>

### 3.7.2 *Baby factories*

Baby factories were described in the previous country report.<sup>411</sup> These baby factories, often disguised as orphanages, religious centres or health centres, sold new-born babies of pregnant women, mostly unmarried girls. These girls were sometimes held against their will and raped.<sup>412</sup> The babies were then sold for adoption, child labour, child trafficking or sacrificial rituals.<sup>413</sup> Baby factories were also reported in this reporting period.<sup>414</sup> In June 2022, police in South-East Nigeria dismantled a baby factory; 35 girls between the ages of fourteen and seventeen were freed.<sup>415</sup>

### 3.7.3 *Women with children born outside marriage*

Women with children born outside marriage are increasingly common in Nigeria.<sup>416</sup> This is particularly true among celebrities and in cities in the south, such as Lagos or Port Harcourt, there is a trend towards 'baby mamas' or 'baby daddies': women or men who have children without being married.<sup>417</sup>

<sup>407</sup> Confidential source, 22 November 2022; Confidential source, 13 December 2022; Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, Sexuality Research and Social Policy, volume 19, 37-49 (2022), 6 January 2021.

<sup>408</sup> Adewoyin, Y., Awelewa, O.F., Uzoma, I.E. et al., *Prevalence Pattern and Sociodemographic Correlates of Single Motherhood in Nigeria*, Sexuality Research and Social Policy, volume 19, 37-49 (2022), 6 January 2021.

<sup>409</sup> Confidential source, 13 December 2022.

<sup>410</sup> Clingain, C., Jayasinghe, D., Hunt, A. and Gray Meral, A., *Women's economic empowerment in the face of Covid-19 and displacement: restoring resilient futures. HPG commissioned report*, October 2021, p. 18.

<sup>411</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2022, pp. 74-75.

<sup>412</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>413</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>414</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; OOCR, *Nigeria: Dozens of Underage Girls Rescued From a 'Baby Factory'*, 27 June 2022.

<sup>415</sup> OOCR, *Nigeria: Dozens of Underage Girls Rescued From a 'Baby Factory'*, 27 June 2022.

<sup>416</sup> Confidential source, 13 December 2022; Alawode, O.A., *Analysis of Non-Marital Fertility in Nigeria and Implications for Intervention and Future Research*. Social Sciences, volume 10, no. 7: 256, 2021.

<sup>417</sup> Confidential source, 13 December 2022; Deede's Blog, *The Rising Baby Mama Syndrome in Nigeria* | Joe Heman, accessed 15 December 2022; YouTube: TVC, *Why Is Babymama Becoming A New Trend In Nigeria?*, 3 February 2022.

In this respect too, there are many differences on the basis of region, ethnic group and educational attainment.<sup>418</sup> While women with children born out of wedlock and single women were more common in the south, there were also some communities in the south where women faced stigmatisation. For example, in Imo state, unplanned early pregnancy is seen as a disgrace to the family, as Igbo customary law regards children born outside marriage as illegitimate.<sup>419</sup> In rural areas, women with children born outside marriage experienced more problems in accessing basic services and obtaining sufficient financial resources to support their family. As described above with regard to the position of single women, women with children born outside marriage also had to deal with the control over a woman's life exerted by relatives and other members of society. A confidential source reported that this could also be experienced by women in urban areas, but that if they were financially independent they were able to avert the influence of family and society.<sup>420</sup>

Victims of sexual exploitation and women who returned from migration to Europe with a child contended with a particularly high level of discrimination, stigmatisation and exclusion (see also 6.4.2 Human trafficking).<sup>421</sup>

#### 3.7.4 *Gender-based violence*

Gender-based violence was common in the reporting period. Much of the violence happened within the family, but it was also common in schools and universities. In the social debate on this issue it was normal to blame the victim.<sup>422</sup>

In North-East Nigeria in particular, there was an increase in sexual and gender-based violence. Boko Haram committed sexual and gender-based violence against women and girls during the reporting period, including rape and forced marriage.<sup>423</sup> In addition to Boko Haram, there were also reports of members of the CJTF committing sexual violence against women and girls.<sup>424</sup> Médecins Sans Frontières reported an increase in the state of Zamfara in North-West Nigeria, at the hands of various armed groups.<sup>425</sup>

##### 3.7.4.1 *Legal framework*

The federal Violence Against Persons (Prohibition) Act (VAPP, see also 3.6.5 Protection) prohibits violence against women and girls, including female circumcision.<sup>426</sup> The maximum sentence for rape or sexual assault is life

<sup>418</sup> Human Rights Watch, *Nigeria: Child Marriage Violates Girls' Rights*, 17 January 2022; Confidential source, 13 December 2022; Alawode, O.A., *Analysis of Non-Marital Fertility in Nigeria and Implications for Intervention and Future Research*. Social Sciences, volume 10, no. 7: 256, 2021.

<sup>419</sup> Human Rights Watch, *Nigeria: Child Marriage Violates Girls' Rights*, 17 January 2022.

<sup>420</sup> Confidential source, 13 December 2022.

<sup>421</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022; Plan International, *Protect our Education: Making Schools in Conflict Safer for Girls*, September 2021, p. 4.

<sup>422</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp. 38-39; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>423</sup> Amnesty International, *Amnesty International Report 2021/22; The State of the World's Human Rights*, 29 March 2022, p. 276; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 24; UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10.

<sup>424</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10; Protection Sector northeast Nigeria, *2021 Annual Report*, 11 March 2022, p. 22.

<sup>425</sup> Médecins Sans Frontières, *Escalating violence in Nigeria's Zamfara state is fueling a humanitarian crisis*, 28 June 2021

<sup>426</sup> BioMed Central, *Opportunities and challenges in preventing violence against adolescent girls through gender transformative, whole-family support programming in Northeast Nigeria*, 12 May 2022; ICIR Nigeria, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Global Citizen, *Everything You Need to Know About the Law That Could Reduce Gender-Based Violence in Nigeria*, 27 August 2021; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, pp. 38-39.

imprisonment.<sup>427</sup> In addition, victims are legally entitled to various types of support, such as medical, psychosocial and legal assistance. The law also contains provisions to protect the identity of victims. Since the law had not yet been adopted in all states (see also 3.6.5 Protection), in some states legislation that usually prescribed lesser sentences continued to govern the handling of prosecutions of gender-based violence.<sup>428</sup>

The Criminal and Penal Codes criminalise rape, but domestic violence is not a criminal offence under Section 55 of the Penal Code as long as the violence does not result in 'excessive injury'.<sup>429</sup>

At the state level, a law was passed in Akwa Ibom in September 2021 providing for free medical care to child victims of sexual violence.<sup>430</sup> In Lagos, in the same month, the Domestic and Sexual Violence Response Team (DSVRT), which is dedicated to combating sexual and domestic violence in Lagos, was transformed into a separate agency.<sup>431</sup>

#### *Implementation of the VAPP*

The national anti-trafficking agency, NAPTIP, (see also 6.2 Efforts by the authorities), has also been mandated since 2016 to implement the VAPP. Despite its efforts, in practice the agency lacked sufficient resources and capacity to do this.<sup>432</sup> The agency has a national hotline, 627, on which gender-based violence and exploitation can be reported. The language of this hotline is English. In urgent cases, the hotline can transfer the call to the police, but the effectiveness of the police is limited (see also 1.2.2.6 Increase in militias and vigilantism). As things stood, little use was made of the hotline during the reporting period. There is also a national register of persons guilty of sexual violence. NAPTIP relies on notifications from states to include offenders in the registry.<sup>433</sup> In March 2022, four judges were appointed in Abuja who will only hear cases relating to gender-based violence. The aim of this was to improve the quality of prosecution of offenders and protection of victims of gender-based violence.<sup>434</sup>

Gender desks and referral centres for gender-based violence have existed for several years.<sup>435</sup> According to various sources, the effect of the gender desks at the police was only relative, since, for example, the desks lacked sufficient resources to conduct investigations.<sup>436</sup> According to a confidential source, gender officers were often no more professional or less prejudiced than other police officers.<sup>437</sup>

<sup>427</sup> Schweizerische Flüchtlingshilfe (SFH), *Nigéria: lois discriminatoires et accès à la justice pour les femmes victimes de violence liée au genre*, 3 November 2021, p. 5; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 38.

<sup>428</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 38.

<sup>429</sup> Equality Now, *Nigeria: The Penal Code*, 4 November 2021, accessed 24 November 2022.

<sup>430</sup> Amnesty International, *Amnesty International Report 2021/22; The State of the World's Human Rights*, 29 March 2022, p. 279; Daily Post, *Bill on free, compulsory treatment for victims of sexual abuse passed into law in Akwa Ibom*, 24 September 2021.

<sup>431</sup> Amnesty International, *Amnesty International Report 2021/22; The State of the World's Human Rights*, 29 March 2022, p. 279; The Nation Online, *DSVA's one year report card*, 6 September 2022; Domestic and Sexual Violence Agency – DSVA, accessed 24 November 2022; Confidential source, 19 October 2022.

<sup>432</sup> Confidential source, 18 October 2022; Confidential source, 5 October 2022.

<sup>433</sup> Confidential source, 17 October 2022.

<sup>434</sup> The Punch Nigeria, *FCT opens special courts for gender-based violence*, 23 March 2022.

<sup>435</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10; Confidential source, 19 October 2022; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>436</sup> Confidential source, 19 October 2022; Confidential source, 19 October 2022.

<sup>437</sup> Confidential source, 19 October 2022.

There were 31 referral centres for gender-based violence in Nigeria. Some states had several, while others had none. If a victim had the means to get to such a centre, she was able to access high-quality help. A confidential source stated that after these centres it was often the case that no further shelter was available, which meant that the women usually had no choice but to return to their husbands.<sup>438</sup>

#### 3.7.4.2 Practice in relation to gender-based and domestic violence

Due to an increase in awareness and advocacy relating to gender-based and domestic violence, the number of reports increased, according to a confidential source.<sup>439</sup> However, conviction rates for such cases were low and the sentences were often light.<sup>440</sup> In general, domestic violence was seen as a family matter and police officers often refused to get involved, especially if the alleged abuse was not incompatible with local customary norms.<sup>441</sup> Victims who reported sexual or gender-based violence to the police said that they often experienced victim-blaming, contemptuous treatment, financial extortion, gender stereotyping and lack of empathy from the police. The police would also sometimes encourage victims and perpetrators to resolve the case out of court. Obstacles such as cost, stigmatisation, lack of protection and assistance for victims and lengthy legal processes prevented victims from seeking justice.<sup>442</sup> In practice, therefore, the ability to make use of the law was mainly confined to the elite, with their money and connections.<sup>443</sup>

During the COVID pandemic, The Initiative for Equal Rights also saw an increase in reports of domestic violence in the LGBTQI+ community which was similar to the trend in heterosexual relationships. This led to greater insecurity for victims from the LGBTQI+ community, as the victims often had nowhere to go for protection due to the ban on same-sex relationships (see also 3.6.5 Protection). This issue continued to apply during the reporting period.<sup>444</sup>

Victims of sexual violence did not always receive proper follow-up care. They avoided hospitals due to a lack of professional care and financial support.<sup>445</sup> Also, some victims of sexual assault were misdiagnosed, leading to damage to the body's reproductive organs.<sup>446</sup>

<sup>438</sup> Confidential source, 19 October 2022.

<sup>439</sup> Confidential source, 18 October 2022.

<sup>440</sup> Amnesty International, *Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria*, November 2021; Schweizerische Flüchtlingshilfe (SFH), *Nigéria: lois discriminatoires et accès à la justice pour les femmes victimes de violence liée au genre*, 3 November 2021, p. 7; Global Citizen, *Everything You Need to Know About the Law That Could Reduce Gender-Based Violence in Nigeria*, 27 August 2021; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 38; ICIR Nigeria, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021.

<sup>441</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 39; Confidential source, 19 October 2022; Confidential source, 19 October 2022.

<sup>442</sup> Amnesty International, *Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria*, November 2021, p. iii; Schweizerische Flüchtlingshilfe (SFH), *Nigéria: lois discriminatoires et accès à la justice pour les femmes victimes de violence liée au genre*, 3 November 2021, p. 7; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 39; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>443</sup> Amnesty International, *Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria*, November 2021; Schweizerische Flüchtlingshilfe (SFH), *Nigéria: lois discriminatoires et accès à la justice pour les femmes victimes de violence liée au genre*, 3 November 2021, p. 7; Global Citizen, *Everything You Need to Know About the Law That Could Reduce Gender-Based Violence in Nigeria*, 27 August 2021; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 38; Bertelsmann Stiftung, *BTI 2022 Country Report Nigeria*, 23 February 2022, p. 11; Confidential source, 19 October 2022.

<sup>444</sup> The Initiative for Equal Rights, *2021 Report On Human Rights Violations*, 2022, p. 17; Confidential source, 28 October 2022.

<sup>445</sup> UN Commission on the Status of Women, *Statement submitted by Adolescent Breast and Pelvic Cancer Awareness Initiative, a non-governmental organization in consultative status with the Economic and Social Council*, 29 November 2021, p. 2.

<sup>446</sup> UN Commission on the Status of Women, *Statement submitted by Adolescent Breast and Pelvic Cancer Awareness Initiative, a non-governmental organization in consultative status with the Economic and Social Council*, 29 November 2021, p. 2.

#### 3.7.4.3 Prosecution of gender-based violence by public officials

There was still little investigation and prosecution of perpetrators of gender-based violence and assault by actors such as members of the police, the SARS, the military and the CJTF.<sup>447</sup> Police oversight mechanisms, including the Police Service Commission and the National Human Rights Commission, proved ineffective in investigating police misconduct. The various commissions of inquiry set up at the federal, state and military level have also proved ineffective and have not led to better justice for victims.<sup>448</sup>

In August 2021, a high court in Abuja awarded compensation to women who were victims of sexual and gender-based violence at the hands of officers in the capital.<sup>449</sup> As indicated in 3.2.1 on options for reporting a crime, victims were most likely to be heard if they were well-off or had high-ranking connections. This was even more the case if they were victims of gender-based or other violence at the hands of government officials.<sup>450</sup>

#### 3.7.4.4 Options for escaping gender-based violence

##### *Settling elsewhere*

There are generally no restrictions on freedom of movement in Nigeria, except in areas where there is a high level of insecurity (see also 1.2.2.10 Freedom of movement and freedom of settlement). According to a researcher cited by the Immigration and Refugee Board (IRB) of Canada, single women who move from home can face stigmatisation, insecurity, economic hardship, family problems, trauma and other problems. This makes it difficult for single women to settle elsewhere successfully.<sup>451</sup> As a result, they are often dependent on family or friends.<sup>452</sup> However, a woman who does not bring in her own income is seen as an extra burden, which means that she cannot always turn to family or friends.<sup>453</sup> In the case of victims of trafficking or sexual exploitation who are being sought by the smugglers or traffickers, stigma and fear of reprisals may be additional reasons for family members or friends not to take in a victim.<sup>454</sup>

There are no government benefits, subsidies or other forms of financial assistance for single women with or without children. Access to public services such as health care, education, public transport, childcare and social assistance is therefore limited.<sup>455</sup> The extent to which female-led households can cope depends on factors such as the woman's skills, her social network, her age (younger women can adapt more easily), the number of children (larger families present a greater challenge

<sup>447</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 11.

<sup>448</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 11; Confidential source, 18 October 2022; Confidential source, 19 October 2022.

<sup>449</sup> Amnesty International, *Amnesty International Report 2021/22; The State of the World's Human Rights*, 29 March 2022, p. 279.

<sup>450</sup> Confidential source, 5 October 2022; Confidential source, 18 October 2022; Confidential source, 19 October 2022.

<sup>451</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

<sup>452</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

<sup>453</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>454</sup> Confidential source, 5 October 2022.

<sup>455</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

when trying to find a home, schools and health facilities) and work experience.<sup>456</sup> In large cities such as Abuja and Lagos, there is a serious shortage of housing.<sup>457</sup> Especially in these places, single women reported discrimination in finding a place to live.<sup>458</sup>

### *Shelters*

Victims of gender-based violence and human trafficking depend almost entirely on the goodwill of their family and friends.<sup>459</sup> There is a shortage of shelters for victims of sexual exploitation and gender-based violence, and this is a major challenge in Nigeria.<sup>460</sup> Shelters often only take women in for a limited period of time.<sup>461</sup> Only in cases of extreme vulnerability will they do so for a longer time period.<sup>462</sup> Whether women succeed in building a new life afterwards often depends on their socio-economic position. Women usually have little choice but to return to their husbands.<sup>463</sup> In some states, the domestic violence shelters of the Ministry of Women Affairs and Social Development are also used for victims of human trafficking and women with psychiatric problems.<sup>464</sup> NAPTIP shelters are only used for victims of trafficking.<sup>465</sup>

### *Additional support*

Victims of violence are legally entitled to medical, psychological, social and legal assistance.<sup>466</sup> In practice, support from the authorities to victims was insufficient due to a lack of capacity and resources.<sup>467</sup> Programmes exist that provide pro bono lawyers for women and minors. These services too have insufficient capacity to meet demand.<sup>468</sup>

## **3.8**

### **FGM**

Female circumcision, also known as female genital mutilation/cutting (FGM/C, henceforth 'FGM') is a criminal offence in Nigeria. In practice, it is still performed in

<sup>456</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

<sup>457</sup> Voice of America, *Millions in Nigeria Struggle for Affordable Housing Amid Real Estate Boom*, 25 February 2022.

<sup>458</sup> BBC News, *The megacity where single women lie to rent flats*, 14 May 2021; Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021.

<sup>459</sup> Confidential source, 21 October 2022.

<sup>460</sup> Amnesty International, *Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria*, November 2021, p. iii; Confidential source, 19 October 2022; Confidential source, 19 October 2022.

<sup>461</sup> Confidential source, 19 October 2022; Confidential source, 20 October 2022.

<sup>462</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>463</sup> Confidential source, 19 October 2022.

<sup>464</sup> Confidential source, 17 October 2022.

<sup>465</sup> Confidential source, 5 October 2022.

<sup>466</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 37.

<sup>467</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 38; Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021; Amnesty International, *Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria*, November 2021, p. iii.

<sup>468</sup> Immigration and Refugee Board of Canada, *Nigeria: Situation and treatment of single women and of women who head their own households, including their ability to live on their own and access housing, income, education, health care, and support services, particularly in Port Harcourt, Abuja, Ibadan and Lagos; impact of COVID-19 (2019–October 2021)*, 10 November 2021; Confidential source, 19 October 2022; Confidential source, 18 October 2022.

Nigeria.<sup>469</sup> Nigeria has a great diversity of cultures and governments. This makes it impossible to provide a complete picture of the differences in the practice of FGM in the context of a country report.

Findings from research on FGM in Nigeria in 2021 show that FGM was most common among the Yoruba, with a rate of 33.7%. Other populations had rates as follows: Edo (32.6%), Igbo (22.4%), Ijaw (15.6%), Ibibio (11.5%), Fulani (7.3%), Hausa (6.7%), Kanuri (3.6%) and Tiv (1.9%). Among the other population groups, an average of 9.4% of women and girls had undergone FGM.<sup>470</sup>

FGM mainly occurred in southern Nigeria.<sup>471</sup> The percentages of FGM in the different geopolitical zones were: South-West 28.5%, South-East 21.7%, South-South 21.4%, North-Central 9.1%, North-West 8.2%, North-East 1.7%.<sup>472</sup>

### 3.8.1

#### *Prevalence trends*

During the coronavirus pandemic, the number of FGM cases increased sharply. This was mainly because girls were forced to stay at home due to the closure of schools and were married off early; and because former circumcisers took up this work again because they had experienced a drop in income.<sup>473</sup> Despite this increase during the coronavirus pandemic, recent figures show a decrease in the number of FGM cases.<sup>474</sup> Figure 23 gives an overview of trends between 2016/2017, 2018 and 2021. An important caveat here is that the MICS and NDHS studies used different research methods, which means that a one-to-one comparison cannot be made.

	MICS 2016/2017	NDHS 2018	MICS 2021
Girls aged 0-14 years	25.3%	19%	8%
Women aged 15-49 years	18%	20%	15%

Figure 23: Trends in prevalence of FGM in Nigeria between 2016/2017 and 2021. Sources: National Bureau of Statistics (NBS) and United Nations Children's Fund (UNICEF), *Multiple Indicator Cluster Survey 2021, Statistical Snapshot Report*; *Multiple Indicator Cluster Survey 2016-17, National Survey Finding Report*, February 2018; National Population Commission, *Nigeria Demographic and Health Survey 2018, October 2019*, p. 466.

A confidential source commented on these figures that some forms of FGM, such as when a woman's clitoris is massaged with Vaseline or hot water until the clitoris falls off or is pushed back into the body, are regarded by many as not constituting FGM and are therefore not registered.<sup>475</sup>

Several sources noted that FGM was more common in the north than previously thought. The exact cause of this was unclear, but possible explanations were either

<sup>469</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10; Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022; Freedom House, *Freedom in the World 2022 - Nigeria*, 28 February 2022; UNICEF, *UNICEF warns FGM on the rise among young Nigerian girls*, 6 February 2022.

<sup>470</sup> National Bureau of Statistics (NBS), *Nigeria, 2021 Multiple Indicator Cluster Survey (MICS) & National Immunization Coverage Survey (NICS), Survey Finding Report*, August 2022.

<sup>471</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10; Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022; Freedom House, *Freedom in the World 2022 - Nigeria*, 28 February 2022; UNICEF, *UNICEF warns FGM on the rise among young Nigerian girls*, 6 February 2022.

<sup>472</sup> National Bureau of Statistics (NBS), *Nigeria, 2021 Multiple Indicator Cluster Survey (MICS) & National Immunization Coverage Survey (NICS), Survey Finding Report*, August 2022.

<sup>473</sup> Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022; Reuters, *COVID creates 'fertile ground' for genital cutting in Africa*, 5 February 2021; Confidential source, 19 October 2022.

<sup>474</sup> Confidential source, 19 October 2022; National Bureau of Statistics (NBS) and United Nations Children's Fund (UNICEF), *Multiple Indicator Cluster Survey 2021, Statistical Snapshot Report*, August 2022, p. 68; *Multiple Indicator Cluster Survey 2016-17, National Survey Finding Report*, February 2018, p. ix.

<sup>475</sup> Confidential source, 18 October 2022.

poor recording or a recent increase in FGM in the north.<sup>476</sup> A source in a report from the Immigration and Refugee Board of Canada stated that many FGM victims were afraid to speak out about having undergone FGM because the community condemned FGM, or because FGM was criminalised. As a result, the statistics were not always representative.<sup>477</sup>

### 3.8.2 Different types of FGM

The World Health Organization (WHO) distinguishes four main types of genital mutilation that may or may not be practised in combination with the other types of mutilation

<sup>478</sup>

- Type I - clitoridectomy: The prepuce (the fold of skin that protects the clitoris) is removed, and often the clitoris itself is also partially or completely removed.
- Type II - excision: Partial or complete removal of the clitoris and inner labia, with or without excision, or removal, of the outer labia.
- Type III - infibulation: Narrowing and covering the vaginal opening by cutting and attaching together the inner and/or outer labia, with or without removal of the clitoris.
- Type IV - all other forms of female genital mutilation for non-medical purposes, such as pricking, piercing, incising or cauterising.

The table below shows the percentages of the different forms of FGM. As already mentioned above, a one-to-one comparison cannot be made between the NDHS study and the MICS study. A comparison between the MICS studies from 2016/2017 and 2021 shows the changes in the prevalence of different types of FGM.<sup>479</sup>

	<b>MICS 2016/2017</b>	<b>NIMC 2018</b>	<b>MICS 2021</b>
<b>Type I</b>	3.4%	10%	4.5%
<b>Type II</b>	61.8%	41%	61%
<b>Type III</b>	4.9%	6%	7.7%
<b>Type IV</b>	29.8%	44%	26.3%

Figure 24: Prevalence of different types of FGM in circumcised women between the ages of 15 and 49 in 2018 and 2021 Sources:

Sources: National Bureau of Statistics (NBS) and United Nations Children's Fund (UNICEF), *Multiple Indicator Cluster Survey 2021, Statistical Snapshot Report; Multiple Indicator Cluster Survey 2016-17, National Survey Finding Report*, February 2018; National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019.

<sup>476</sup> Confidential source, 17 November 2022; Confidential source, 18 October 2022; Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>477</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>478</sup> WHO, *Types of female genital mutilation*, accessed 14 November 2022.

<sup>479</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, p. 479; National Bureau of Statistics (NBS) and United Nations Children's Fund (UNICEF), *Multiple Indicator Cluster Survey 2021, Statistical Snapshot Report*, August 2022, p. 69.

### 3.8.3 *Factors influencing the prevalence of FGM*

The extent to which FGM occurs in a community depends on the state, the population group, the religion and the cultural environment.<sup>480</sup> The prevalence of certain types of FGM in each community also depends on these factors.<sup>481</sup> A 2021 study found that among the 15-49 age group, FGM was almost twice as common in urban as in rural areas (20% versus 11%). Among the 0-14 age group, the percentage in urban areas was also higher than in rural areas (10% versus 7%). In addition, FGM was more common in the higher economic classes than among the poorer population. Among women between the ages of 14 and 49, the rate of FGM was 8% in the poorest part of the population and 19% in the wealthiest economic class. Finally, daughters of women with higher education were less likely to be circumcised than daughters of women with no education (5.1% versus 10.6%).<sup>482</sup>

### 3.8.4 *Circumcisers*

Circumcisions were most often performed by traditional circumcisers, followed by traditional midwives and health care professionals.<sup>483</sup> During the reporting period, various sources indicated that medical FGM performed in hospitals is on the rise in some states, such as Ekiti, Osun and Oyo.<sup>484</sup>

While FGM was performed by women in almost all cases, in the South-West circumcision of both boys and girls was performed by men - so-called Oloolas. Circumcision is a family occupation that is passed on from father to son.<sup>485</sup> Various sources stated that they were not aware of any cases in which girls or women were forced to become circumcisers themselves after being circumcised.<sup>486</sup>

### 3.8.5 *Age at which FGM occurs*

According to a 2018 study, 86% of victims in the 15-49 age group were under the age of five at the time of circumcision.<sup>487</sup> Circumcision most often took place between eight and 41 days after the girl was born.<sup>488</sup> In some population groups, for example in the state of Imo, girls are only circumcised on the eighth day after birth. If the child is not available on that day, for example due to illness, circumcision will not take place.<sup>489</sup>

#### *FGM in adulthood*

It is important to emphasise that in some population groups circumcision does not take place until later in life. It is therefore possible that uncircumcised girls under the age of fourteen will still be circumcised at a later age. For example, a quarter of all circumcised women in the South-South region were over the age of fifteen when they were circumcised.<sup>490</sup> In the North-East, according to the 2018 NDHS study, 15 percent of the circumcised women were over the age of fifteen when they underwent FGM.<sup>491</sup> It is common among certain ethnic groups for women to be subjected to FGM while pregnant with their first child. They believe that if the baby

<sup>480</sup> Confidential source, 18 October 2022.

<sup>481</sup> Confidential source, 18 October 2022.

<sup>482</sup> National Bureau of Statistics (NBS), *Nigeria, 2021 Multiple Indicator Cluster Survey (MICS) & National Immunization Coverage Survey (NICS), Survey Finding Report*, August 2022.

<sup>483</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, p. 469.

<sup>484</sup> Daily Trust, *Ending Female Genital Mutilation In Nigeria*, 5 July 2022; Confidential source, 19 October 2022.

<sup>485</sup> Confidential source, 18 October 2022.

<sup>486</sup> Confidential source, 19 October 2022; Confidential source, 18 October 2022.

<sup>487</sup> Confidential source, 18 October 2022; National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, p. 465.

<sup>488</sup> Confidential source, 18 October 2022; Confidential source, 17 November 2022.

<sup>489</sup> Confidential source, 18 October 2022.

<sup>490</sup> Confidential source, 18 October 2022; Confidential source, 19 October 2022; National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, p. 476.

<sup>491</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019, p. 476.

touches the mother's clitoris, it will get hydrocephalus or die.<sup>492</sup> Uncircumcised women who marry a man from a population group where FGM is common are also sometimes circumcised during the wedding ceremony. If the woman refuses, she will be disinherited.<sup>493</sup>

According to a confidential source, female circumcision in later life is often seen as the moment when a girl comes of age. Uncircumcised women are therefore not allowed to discuss adult topics.<sup>494</sup>

No information was found about the percentage of women who are still subjected to FGM in adulthood if they were not circumcised as minors.<sup>495</sup>

It is rare for women who have already been circumcised to be circumcised a second time in a more severe form, but it can happen. For example, already circumcised women can be recircumcised among the Ikwo in Ebonyi state as part of an initiation ritual. This especially happens when a woman gets married.<sup>496</sup>

### 3.8.6 *Possibility of escaping FGM*

There was no single population group in which all girls and women had been circumcised.<sup>497</sup> Some of the contributing factors to girls and women not being circumcised were parental and community awareness of the dangers and risks of FGM; distance from the community; law and enforcement; and religious intervention.<sup>498</sup>

The main people who can prevent circumcision are the parents, traditional rulers and the head of the family.<sup>499</sup> Several sources name the father as the main person who decides whether or not a girl is circumcised.<sup>500</sup> After fathers, it is grandmothers and then mothers who are able to influence the decision to carry out FGM.<sup>501</sup> In communities where FGM is embedded in the culture, the role of parents is less important, and the main factors determining whether a girl is circumcised are the wider community and the family, such as the grandmother.<sup>502</sup> The expectations and social pressures to undergo FGM meant that some parents who did not support the practice still subjected their daughters to FGM to avoid social stigma.<sup>503</sup>

Since the vast majority of circumcisions take place before the girl reaches the age of five, the decision regarding circumcision does not lie with the child, but with the parents. For older girls, according to one source, it is possible to escape FGM, especially with the help of influential people in the community.<sup>504</sup> Girls and women can flee FGM by settling in an area where it does not occur. However, according to

<sup>492</sup> Confidential source, 18 October 2022; Confidential source, 18 October 2022.

<sup>493</sup> Confidential source, 18 October 2022.

<sup>494</sup> Confidential source, 18 October 2022.

<sup>495</sup> Confidential source, 18 October 2022.

<sup>496</sup> Confidential source, 18 October 2022.

<sup>497</sup> Confidential source, 18 October 2022.

<sup>498</sup> Confidential source, 18 October 2022; Confidential source, 17 November 2022.

<sup>499</sup> Confidential source, 18 October 2022.

<sup>500</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021; Confidential source, 18 October 2022; Confidential source, 17 November 2022.

<sup>501</sup> Confidential source, 18 October 2022; Confidential source, 18 October 2022.

<sup>502</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>503</sup> Confidential source, 18 October 2022.

<sup>504</sup> Confidential source, 18 October 2022.

an article, girls and women living further away from the community, in cities, were sometimes circumcised against their will.<sup>505</sup> A source in a report from the IRB stated that there were occasional cases of the grandmother travelling to the home of a family living in the city to say that the child had to undergo FGM.<sup>506</sup>

### 3.8.7

#### *Social views on FGM*

FGM is seen by many in Nigeria as part of the religion and culture. It is not condemned by all religious leaders.<sup>507</sup> The social position of an uncircumcised woman depends on the community in which she resides. In communities where FGM is an important element in social norms, uncircumcised women often face mockery, loss of respect, social condemnation and diminished marriage prospects.<sup>508</sup> Parents who refused to circumcise their daughter in a community where FGM was commonplace faced social exclusion and ostracism from both other family members and the community.<sup>509</sup>

#### *Protection by the authorities*

Section 6 of the VAPP from 2015 criminalises performing, aiding and inciting genital mutilation.<sup>510</sup> As mentioned earlier in 3.6.5. Protection, the VAPP has not yet been adopted in Kano and Katsina.<sup>511</sup> It is not possible for girls and women in these states to report FGM to the police.<sup>512</sup>

According to a confidential source, the introduction of the VAPP and government measures have contributed to the decline of FGM in Nigeria.<sup>513</sup> According to other sources, however, FGM has increasingly been practised in secret since the introduction of the VAPP.<sup>514</sup>

In practice, the authorities place more emphasis on awareness campaigns than on prosecuting perpetrators of FGM. During the reporting period, the government reviewed national policy on the elimination of FGM for the period 2021-2025 and

<sup>505</sup> Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022.

<sup>506</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>507</sup> Confidential source, 18 October 2022; Confidential source, 17 November 2022.

<sup>508</sup> Confidential source, 18 October 2022; Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>509</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>510</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 39.

<sup>511</sup> Partners West Africa Nigeria, *VAPP Tracker*, accessed 17 November 2022.

<sup>512</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>513</sup> Confidential source, 18 October 2022; Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021; Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022.

<sup>514</sup> Institute for War and Peace Reporting (IWPR), *Nigeria: FGM Rises Amid Pandemic*, 8 March 2022; Nigerian Tribune, *FGM Still A Running Battle In South-West, South-East Nigeria*, 27 September 2022; Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021; Nigerian Tribune, *400 Community Leaders In South West Nigeria Pledge Support For FGM Eradication*, 21 September 2022.

worked with other organisations such as UNICEF on awareness campaigns.<sup>515</sup> Those involved in law enforcement (such as the police, prosecutors and judges) received training in the effective implementation of the VAPP.<sup>516</sup>

Nevertheless, there was insufficient awareness and knowledge of the law among the population and among law enforcement agents, as a result of which hardly any cases were reported.<sup>517</sup> FGM was seen as a family matter. As a result, victims often were unsure about whether they should report it and police officers were reluctant to process a report.<sup>518</sup> The states that had adopted the VAPP often lacked sufficient resources to enforce the ban on FGM.<sup>519</sup> In addition, nobody was convicted of performing or inciting the practice during the reporting period.<sup>520</sup> For these reasons, several sources judged that the government lacked the willingness and capacity to stop the practice.<sup>521</sup>

### 3.8.8 *Shelter and support for victims of FGM*

The Ministry of Women Affairs and Social Development has a shelter for victims of FGM in almost every state.<sup>522</sup> In the states where it does not have shelters, it works with civil society organisations to provide support and shelter for victims of FGM. The ministry shelters suffer from a lack of financial resources and are largely dependent on donors. The two main organisations that girls can turn to in order to escape FGM are the International Federation of Women Lawyers (FIDA) and the Child Protection Networks (CPNs).<sup>523</sup>

In addition, various other civil society organisations are active in combating FGM, such as the Value Female Network, the Women Against Violence and Exploitation (WAVE) Foundation, Hacey Health Initiative, the No-FGM Campaign in Akwa Ibom state, SIRP in Enugu state and the Centre for Social Value and Early Childhood Development (CESVED).<sup>524</sup> The WAVE Foundation also offers a variety of services, including psychosocial assistance and pro bono legal services.<sup>525</sup>

<sup>515</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 39; Daily Trust, *Ending Female Genital Mutilation in Nigeria*, 5 July 2022; Confidential source, 18 October 2022; Confidential source, 17 November 2022.

<sup>516</sup> Confidential source, 18 October 2022.

<sup>517</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021; Confidential source, 18 October 2022; Nigerian Tribune, *FGM Still A Running Battle In South-West, South-East Nigeria*, 27 September 2022.

<sup>518</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>519</sup> Independent, *Stakeholders Call For Enforcement Of Laws To Protect Women Against FGM*, 18 May 2021; Nigerian Tribune, *FGM Still A Running Battle In South-West, South-East Nigeria*, 27 September 2022; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022, p. 39.

<sup>520</sup> Confidential source, 18 October 2022; Nigerian Tribune, *FGM Still A Running Battle In South-West, South-East Nigeria*, 27 September 2022.

<sup>521</sup> UN Committee Against Torture, *Concluding observations in the absence of the initial report of Nigeria*, 21 December 2021, p. 10; Bertelsmann Stiftung, *BTI 2022 Country Report Nigeria*, 23 February 2022, p. 11.

<sup>522</sup> Confidential source, 17 November 2022.

<sup>523</sup> Confidential source, 18 October 2022.

<sup>524</sup> Nigeria Health Watch, *Winning the Fight Against Female Genital Mutilation in Cross River State*, 18 July 2022; Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

<sup>525</sup> Immigration and Refugee Board of Canada, *Nigeria: Update to NGA200625 on prevalence of female genital mutilation/cutting (FGM/C), including ethnic groups in which FGM/C is prevalent; ability of parents to refuse FGM/C for their daughter; consequences for refusal; state protection and support services (2019–October 2021)*, 26 October 2021.

### 3.8.9 *Return of uncircumcised women to Nigeria*

As described above, women can still be circumcised at a later age, especially in the context of an upcoming marriage or pregnancy. The possibility therefore cannot be ruled out that an uncircumcised woman will still be expected to undergo circumcision when she returns from abroad.<sup>526</sup>

## 3.9 **Blood feuds and honour killings**

In the last country report no indications were found that blood feuds and honour killings occurred in Nigeria.<sup>527</sup> No concrete evidence of blood feuds or honour killings were found in this reporting period either. However, one source stated that blood feuds and honour killings mainly take place in the north and that most cases are not brought to justice.<sup>528</sup>

## 3.10 **Minors**

This section will deal with minors and in particular the shelter options for unaccompanied minors in Nigeria.

### 3.10.1 *Age of majority*

Under Section 277 of the Child's Right Act of 2003, the age of majority is reached at the age of eighteen.<sup>529</sup> However, in November 2022 this law had not yet been passed in Adamawa, Bauchi, Gombe, Kano and Zamfara.<sup>530</sup> In other legislation, such as the Criminal Procedure Act, a seventeen-year-old is considered to be an adult.<sup>531</sup>

#### *Legal capacity*

Section 18 of the Child's Right Act states that minors may not enter into contracts.<sup>532</sup> They are allowed to work in certain cases, such as during an internship, provided that this is in the interest of the child.<sup>533</sup> The Child's Right Act also states that minors cannot enter into a valid marriage.<sup>534</sup> Nevertheless, child marriages remained common during the reporting period, particularly in the northern states.<sup>535</sup> In the states that had not implemented the Child's Right Act, child marriage was justified on religious and traditional grounds; as a result, the onset of puberty was seen as the time when a girl is old enough to be married.<sup>536</sup>

### 3.10.2 *Legal authority over minors*

Under Section 83 of the Child's Right Act, both parents have custody of the child, and on the death of one parent, custody of the child passes to the other parent. The surviving parent may appoint someone who, in the event of death, will assume custody of the child.<sup>537</sup>

<sup>526</sup> Confidential source, 18 October 2022; Confidential source, 18 October 2022.

<sup>527</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2021, p. 89.

<sup>528</sup> Confidential source, 19 October 2022.

<sup>529</sup> Nigeria, *Child's Right Act*, 2003.

<sup>530</sup> The Guardian, *UNICEF lauds Fintiri for signing child protection law*, 8 November 2022; NAN, *32 states have passed Child's Rights Act*, says NCRIC, 20 October 2022.

<sup>531</sup> Nigeria, *Criminal Procedure Act*, 1999; Confidential source, 18 October 2022.

<sup>532</sup> Nigeria, *Child's Right Act*, 2003, Section 18.

<sup>533</sup> Nigeria, *Child's Right Act*, 2003; Confidential source, 18 October 2022.

<sup>534</sup> Nigeria, *Child's Right Act*, 2003, Sections 21 and 23.

<sup>535</sup> Human Rights Watch, *Nigeria: Child Marriage Violates Girls' Rights*, 17 January 2022; Confidential source, 18 October 2022.

<sup>536</sup> Human Rights Watch, *Nigeria: Child Marriage Violates Girls' Rights*, 17 January 2022; Confidential source, 18 October 2022.

<sup>537</sup> Nigeria, *Child's Right Act*, 2003.

If there is a divorce, custody of a child is settled through the court.<sup>538</sup> The Matrimonial Causes Act states that the interests of the child determine who gets custody.<sup>539</sup> The judge looks at a number of aspects to determine the interests of the child, such as housing, education, sex, age and the child's medical and psychological condition.<sup>540</sup> The court is authorised to appoint a guardian other than the parents if the parents are deemed unsuitable. The new guardian's consent is required for this.<sup>541</sup> The Ministry of Women Affairs and Social Development can also apply through the courts for foster care or adoption of a minor if the parents are deemed unsuitable.<sup>542</sup>

### 3.10.3 *Compulsory education*

Section 2 of the Universal Basic Education Act (2004) states that education is compulsory from primary school to the end of junior secondary school (from six to fifteen years of age).<sup>543</sup> According to the law, education is free during this period.<sup>544</sup> In practice, however, families were often charged school fees.<sup>545</sup>

### 3.10.4 *Foster care*

The Child's Right Act and other state laws provided for a system of foster care.<sup>546</sup> In practice, however, the government in Nigeria did not have a well-developed foster care system anywhere. Individuals could, however, submit an application to the court on an individual basis to take a foster child into their family.<sup>547</sup> Section 112 provides for the maintenance of a Fostered Children Register.<sup>548</sup> Under Section 113 of the Child's Right Act, state officials must regularly review the condition and well-being of each foster child. This includes, for example, making periodic visits to the child.<sup>549</sup> The fostering arrangement may be ended if the interests of the child are violated.<sup>550</sup> Implementation and supervision of the provisions of the Child's Right Act are weak in most states. For example, officials lack essential operational resources to ensure regular and high-quality supervision.<sup>551</sup> In addition, the lack of clear policy and bureaucratic obstacles have made the process of fostering very cumbersome.<sup>552</sup>

### 3.10.5 *Care for unaccompanied minors*

Who cares for unaccompanied minors, and where, differs from one state to another, and depends on the legislation adopted at state level.<sup>553</sup> At state level, there are various ministries, in particular the Ministries of Women Affairs and Social Development, which are set up to provide care to vulnerable children, including

<sup>538</sup> Chaman Law Firm, *The Custody of a Child under Nigerian Law*, 25 May 2022; Adesola Olanrewaju-Kadri, *Nigeria: Child Custody In Nigeria: A Fallout Of Irretrievable Breakdown Of Marriages*, 3 August 2022.

<sup>539</sup> Nigeria, *Matrimonial Causes Act, 1970*, Section 71.

<sup>540</sup> Resolution Law Firm, *Child Custody after Divorce and Child Maintenance in Nigeria*, accessed 15 November 2022; Chaman Law Firm, *The Custody of a Child under Nigerian Law*, 25 May 2022; Adesola Olanrewaju-Kadri, *Nigeria: Child Custody In Nigeria: A Fallout Of Irretrievable Breakdown Of Marriages*, 3 August 2022.

<sup>541</sup> Nigeria, *Child's Right Act, 2003*.

<sup>542</sup> Confidential source, 18 October 2022.

<sup>543</sup> Nigeria, *Compulsory, Free Universal Basic Education Act, 2004*, Section 2; US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Nigeria*, 28 September 2022.

<sup>544</sup> Nigeria, *Compulsory, Free Universal Basic Education Act, 2004*, Sections 2 and 3; US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Nigeria*, 28 September 2022.

<sup>545</sup> US Department of Labor, *2021 Findings on the Worst Forms of Child Labor: Nigeria*, 28 September 2022.

<sup>546</sup> Confidential source, 18 October 2022.

<sup>547</sup> Nigeria, *Child's Right Act, 2003*, Section 100, 2003.

<sup>548</sup> Nigeria, *Child's Right Act, 2003*.

<sup>549</sup> Nigeria, *Child's Right Act, 2003*, Section 113, 2003.

<sup>550</sup> Nigeria, *Child's Right Act, 2003*, Section 114, 2003.

<sup>551</sup> Confidential source, 18 October 2022; Confidential source, 18 October 2022.

<sup>552</sup> HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 April 2021.

<sup>553</sup> Confidential source, 18 October 2022; Confidential source, 18 October 2022; Confidential source, 21 October 2022.

orphans.<sup>554</sup> Minors who are no longer being looked after by their parents, for example because the parents have died, are usually cared for informally, in particular by relatives.<sup>555</sup> If no relatives are present or willing to take the child in, the child will end up in an orphanage or shelter if one is present in the state.<sup>556</sup> However, according to a confidential source, most orphans ended up on the streets because there was no one in the family or in the community to take care of the child. These children became dependent on third parties, who often abused them.<sup>557</sup> For example, they were at risk of being exposed to labour exploitation, sexual violence, human trafficking and irregular migration.<sup>558</sup> In the north, boys in particular ended up in Islamic schools, the *Almajiri* schools, where they had to support themselves. As a result, many ended up as beggars on the streets.<sup>559</sup>

The government and the relevant authorities have always preferred to place unaccompanied minors with relatives.<sup>560</sup> This was done through various family tracing programmes intended to reunite a child with family members. An assessment was carried out in this context of whether such reunification was in the best interests of the child.<sup>561</sup> These programmes were carried out by organisations such as SOS Children's Villages and the Child Protection Networks.<sup>562</sup> Organisations such as IOM and NAPTIP negotiated with relatives about taking in the minor.<sup>563</sup> On the basis of the assessment, the organisations or the Ministry of Women Affairs and Social Development could also decide to take the child into a shelter for a period of time before returning him or her to the family.<sup>564</sup> A minor was only placed in a shelter by the government if no other options remained.<sup>565</sup>

### 3.10.6 *Shelter for returnees*

There is no government agency specifically charged with providing shelter for returnees.<sup>566</sup> A 400-bed transit centre was opened in Lagos in 2022. The centre is run by IOM, the National Commission for Refugees, Migrants and Internally Displaced Persons (NCRFMI) and the Lagos State Emergency Management Agency (LASEMA). Returnees can stay there for two to twelve nights and have access to medical and psychosocial support and three hot meals a day.<sup>567</sup>

<sup>554</sup> Confidential source, 18 October 2022; ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Confidential source, 18 October 2022.

<sup>555</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022; HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 October 2021.

<sup>556</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022; Confidential source, 17 November 2022.

<sup>557</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022.

<sup>558</sup> ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Confidential source, 18 October 2022; HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 April 2021.

<sup>559</sup> Confidential source, 21 October 2022; ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021.

<sup>560</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022; IOM, Samuel Hall, *Development of a Monitoring Toolkit and Review of Good Practices for the Sustainable Reintegration of Child Returnees*, August 2021, p. 40; Confidential source, 17 November 2022.

<sup>561</sup> IOM, Samuel Hall, *Development of a Monitoring Toolkit and Review of Good Practices for the Sustainable Reintegration of Child Returnees*, August 2021, p. 40.

<sup>562</sup> IOM, Samuel Hall, *Development of a Monitoring Toolkit and Review of Good Practices for the Sustainable Reintegration of Child Returnees*, August 2021, p. 40; Confidential source, 18 October 2022; Confidential source, 21 October 2022.

<sup>563</sup> Confidential source, 21 October 2022.

<sup>564</sup> IOM, Samuel Hall, *Development of a Monitoring Toolkit and Review of Good Practices for the Sustainable Reintegration of Child Returnees*, August 2021, p. 40.

<sup>565</sup> Confidential source, 18 October 2022.

<sup>566</sup> Confidential source, 18 October 2022.

<sup>567</sup> IOM, EU and IOM Provide Safe and Secure Transit Centre for Returned Nigerian Migrants in Lagos State, 11 November 2021, EU and IOM Provide Safe and Secure Transit Centre for Returned | IOM Nigeria, accessed 18 January 2021; IOM Nigeria Facebook page, Facebook, 3 November 2022.

Vulnerable individuals can be accommodated in shelters run by the Ministry of Women Affairs and Social Development, or, in the case of victims of human trafficking, by NAPTIP (see also 6.5.1 Provision of shelter by NAPTIP).

### 3.10.7 *Care homes for minors*

In general, there was insufficient shelter capacity.<sup>568</sup> One source stated there was approximately one shelter per state.<sup>569</sup> In addition, most states in Nigeria did not have specific care homes for minors.<sup>570</sup> The shelters available were mostly intended for abandoned babies, young girls who were victims of gender-based violence and children with disabilities who were not taken care of by family. The available care homes for vulnerable children often excluded teenagers.<sup>571</sup> For example, only women and children under the age of fourteen were admitted to the shelters run by the Ministry of Women Affairs and Social Development. These were closed shelters, which meant that the residents' freedom of movement was limited.<sup>572</sup> Vulnerable minors could also be accommodated in a NAPTIP shelter.<sup>573</sup> There are also several orphanages in Nigeria. Some orphanages work with the Ministry of Women Affairs and Social Development. Others have been set up by NGOs or private individuals.<sup>574</sup>

### 3.10.8 *Conditions in care homes*

There was no overview of all available shelters or the quality of the facilities.<sup>575</sup> Sources did agree, however, that the functioning of the available shelters, including orphanages, was substandard and that they suffered from capacity and funding problems.<sup>576</sup> Care homes and orphanages, including those regulated by the government, depended heavily on donations and charity.<sup>577</sup> According to one source, the privately run orphanages functioned better than the government orphanages. Nevertheless, these orphanages also had to cope with limited capacity and lack of funding.<sup>578</sup> According to a confidential source, shelters that offered basic facilities were always overcrowded because the demand for these shelters was very high.<sup>579</sup>

### 3.10.9 *Education*

Children in care homes, including orphanages, usually attend public schools.<sup>580</sup> In the closed shelters run by NAPTIP and the Ministry of Women Affairs and Social Development, teachers come to the shelters to provide education.<sup>581</sup> The education provided at the shelters was described by a confidential source as minimal.<sup>582</sup>

<sup>568</sup> ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Confidential source, 18 October 2022; Confidential source, 21 October 2022; Confidential source, 18 October 2022.

<sup>569</sup> Confidential source, 18 October 2022.

<sup>570</sup> ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Confidential source, 21 October 2022.

<sup>571</sup> Confidential source, 18 October 2022.

<sup>572</sup> Confidential source, 18 November 2022.

<sup>573</sup> Confidential source, 20 October 2022; Confidential source, 18 October 2022; ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; Confidential source, 5 October 2022.

<sup>574</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022.

<sup>575</sup> Confidential source, 18 October 2022; Confidential source, 21 October 2022.

<sup>576</sup> Confidential source, 21 October 2022; ICIR, *How Nigeria's justice system frustrates cases of sexual violence against street children*, 19 December 2021; HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 April 2021.

<sup>577</sup> Confidential source, 21 October 2022; HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 October 2021; Confidential source, 17 November 2022.

<sup>578</sup> Confidential source, 18 October 2022.

<sup>579</sup> Confidential source, 21 October 2022.

<sup>580</sup> Confidential source, 17 October 2022; Confidential source, 18 October 2022; HumAngle, *Orphans, Vulnerable Children, Struggle With Nigerian Systems, Family Rejection*, 1 October 2022.

<sup>581</sup> Confidential source, 17 October 2022; Confidential source / 18 October 2022; Confidential source, 18 November 2022.

<sup>582</sup> Confidential source, 21 October 2022.

3.10.10 *Supervision of care homes*

In 2007 the Ministry of Women Affairs and Social Development published national guidelines for the treatment and care of orphans and vulnerable children.<sup>583</sup> All orphanages and care homes in Nigeria must be registered with this ministry.<sup>584</sup> These guidelines assigned primary responsibility for overseeing the welfare of orphans to the state Ministries of Women Affairs and Social Development.<sup>585</sup>

<sup>583</sup> Federal Ministry of Women Affairs and Development, *National Guidelines and Standards of Practice on Orphans and Vulnerable Children*, 2007.

<sup>584</sup> Confidential source, 18 October 2022.

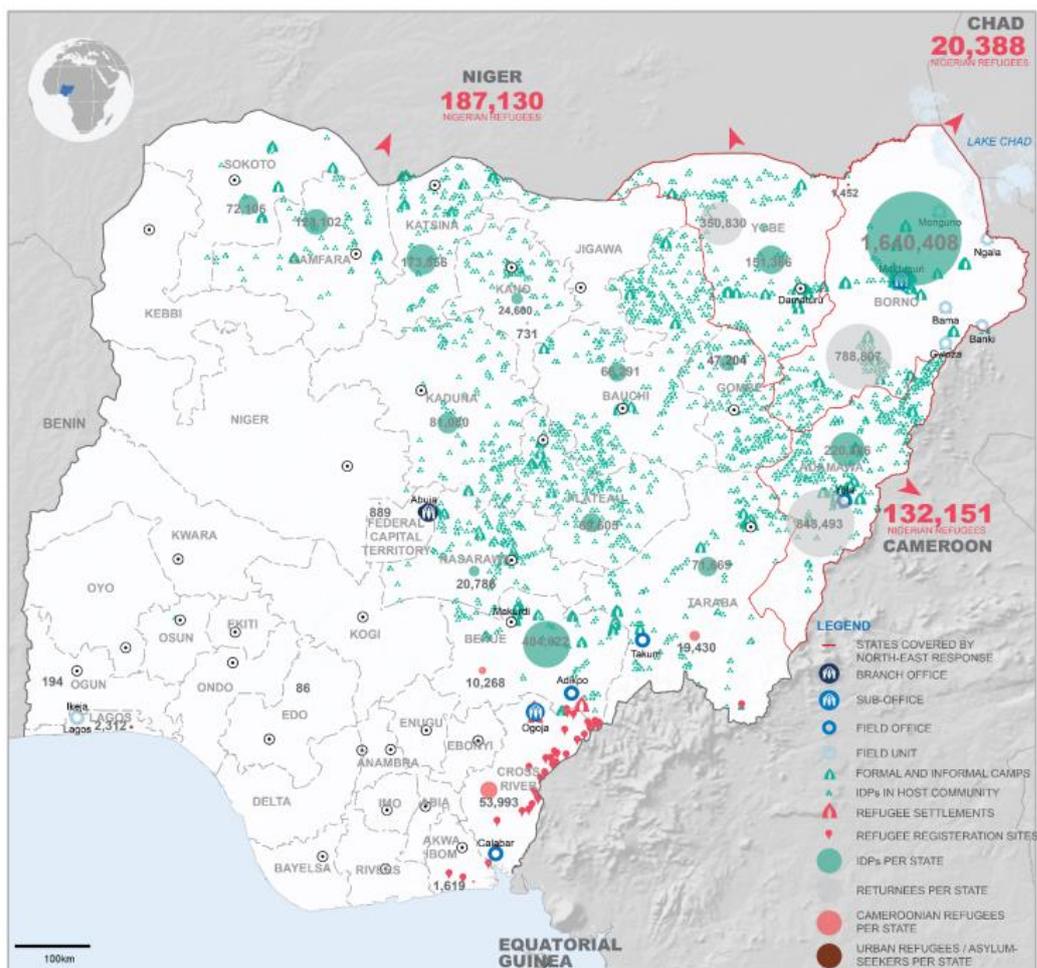
<sup>585</sup> Confidential source, 18 October 2022.

## 4 Refugees and displaced persons

### 4.1 Displaced persons and refugees in Nigeria

At the end of December 2022, there were more than 3 million displaced persons and 93,000 refugees in Nigeria. Most of the refugees came from Cameroon, Chad and Niger. Conversely, there were 187,000 Nigerian refugees in Niger, 20,000 Nigerian refugees in Chad and 132,000 Nigerian refugees in Cameroon.<sup>586</sup>

Most of the displaced persons were in North-East Nigeria. The refugees were mainly located in the border areas. For example, most of the Cameroonian refugees were in Cross River, Benue and Taraba. In addition, there were asylum-seekers and refugees in cities such as Lagos, Ijebu, Abuja and Kano. The refugees in the cities came from 41 countries; the greatest numbers were from the Democratic Republic of Congo, Niger, Central African Republic, Cameroon, Syria, Turkey and Mali.<sup>587</sup> The UNHCR image below maps the distribution of refugees and displaced persons within Nigeria.



<sup>586</sup> UNHCR, *Nigeria: All Population Snapshot as of 31 December 2022*, January 2022.

<sup>587</sup> UNHCR, *Nigeria: Urban Refugees & Asylum-seekers Dashboard as of 31 August 2022*, September 2022.

Figure 25: Overview of the presence of refugees and displaced persons in Nigeria on 31 December 2022 Source: UNHCR.

## 4.2 Living conditions for displaced persons

In October 2021, the governor of Borno state announced that all IDP camps in the state would close by 31 December that year.<sup>588</sup> At the end of 2021, five camps in Borno were closed, forcing 66,000 displaced people to look for another place to live.<sup>589</sup> These displaced persons received a support package from the authorities to rebuild their lives, but were no longer entitled to the aid they previously received in the camps.<sup>590</sup> According to a confidential source, the money they received to rebuild their lives was nowhere near sufficient.<sup>591</sup>

The closure of the IDP camps and the return or resettlement of displaced persons did not always take place in a safe, voluntary and dignified manner.<sup>592</sup> Also, international humanitarian organisations were not always involved in the return process.<sup>593</sup> For example, there was a lack of alternative safe places where displaced persons could go, and displaced persons were sent back to areas where fighting was still taking place, or where they lacked access to adequate basic services.<sup>594</sup> Another obstacle that returnees faced was land and housing disputes, since other displaced persons were often already living in the returnees' homes.<sup>595</sup> The closure of the IDP camps in Maiduguri resulted in some displaced persons being displaced for a second time or ending up in overcrowded camps in hard-to-reach areas.<sup>596</sup> This put further pressure on the already full camps, worsening conditions both in the camps and among the host communities.<sup>597</sup>

## 4.3 Living conditions for refugees

As in the previous reporting period, by far the largest group of refugees in Nigeria came from Cameroon. There were 86,000 Cameroonian refugees in Nigeria at the end of December 2022, an increase of 26,000 compared to the beginning of that year. The Cameroonian refugees were mainly located in the border areas of Cross River, Taraba, Benue and Akwa Ibom.<sup>598</sup> 73% of these refugees lived among host communities; 27% lived in UNHCR camps.<sup>599</sup>

<sup>588</sup> Amnesty International, *Report on the human rights situation covering 2021*, 29 March 2022, p. 280; Norwegian Refugee Council, *The world's most neglected displacement crises 2021*, 1 June 2022, p. 14.

<sup>589</sup> Norwegian Refugee Council, *The world's most neglected displacement crises 2021*, 1 June 2022, p. 14.

<sup>590</sup> FEWS NET, Famine Early Warning Systems Network, *Nigeria Food Security Outlook, February to September 2022*, February 2022, p. 2; Human Rights Watch, *Nigeria, Halt Closure of Displaced People's Camps; Ensure Rights, Wellbeing of Those Affected*, 21 December 2021.

<sup>591</sup> Confidential source, 21 October 2022.

<sup>592</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; Human Rights Watch, *Nigeria, Halt Closure of Displaced People's Camps; Ensure Rights, Wellbeing of Those Affected*, 21 December 2021.

<sup>593</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>594</sup> Norwegian Refugee Council, *The world's most neglected displacement crises 2021*, 1 June 2022, p. 14; US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; Amnesty International, *Report on the human rights situation covering 2021*, 29 March 2022, p. 280; Confidential source, 21 October 2022; Protection Cluster, *Protection Analysis Report; June 2021*, June 2021, p. 6.

<sup>595</sup> Confidential source, 21 October 2022; Protection Cluster, *Protection Analysis Report; June 2021*, June 2021, p. 17.

<sup>596</sup> UN Office for the Coordination of Humanitarian Affairs, *Nigeria: Current developments affecting the humanitarian response BAY states (As of 30 June 2022)*, 6 July 2022; Protection Cluster, *Protection Analysis Report; June 2021*, June 2021, p. 6.

<sup>597</sup> UN Office for the Coordination of Humanitarian Affairs, *Nigeria: Current developments affecting the humanitarian response BAY states (As of 30 June 2022)*, 6 July 2022.

<sup>598</sup> UNHCR, *Nigeria: Cameroonian Refugees Overview as of 31 December 2022*, 13 January 2023.

<sup>599</sup> UNHCR, *Nigeria: Cameroonian Refugees Overview as of 31 December 2022*, 13 January 2023.

The greatest need among Cameroonian refugees in Nigeria was for food, in the case of both refugees in camps and refugees in host communities. The price of food had increased by about 30 percent in June 2021 compared to early 2020, partly due to the effects of COVID-19. Challenges with regard to food security and adequate income led to alcohol use among young people, female-led households, paid sex and high rates of teenage pregnancy.<sup>600</sup>

In addition to the lack of food security and income, the refugee camps lacked water (only 40% of water requirements were met) and sanitary facilities.<sup>601</sup>

#### **4.4 Assistance from the authorities for displaced persons and refugees**

The Nigerian government cooperated with UNHCR and other civil society organisations in registering and providing assistance to refugees, returnees, asylum-seekers and others through the National Commission for Refugees, Migrants, and IDPs (NCFRMI).<sup>602</sup> For more information about the asylum procedures, see the previous country report.<sup>603</sup>

IDP and refugee camps have been established in all geopolitical regions of Nigeria, both for displaced persons and refugees fleeing violence and for those displaced as a result of flooding. There were both formal and informal IDP and refugee camps. The authorities mainly provided assistance to the camps in the North-East. However, this assistance was minimal, according to one source. The government often enlisted the help of international organisations such as IOM and UNHCR in setting up and managing IDP and refugee camps, because it lacked the capacity to set up and manage the camps itself.<sup>604</sup> Officials, members of the security forces, aid workers and other displaced persons were sometimes guilty of the sexual exploitation of displaced persons in both government-run and informal camps.<sup>605</sup>

#### **4.5 Entitlement to basic services**

In general, displaced persons and refugees experienced difficulties in accessing basic services, such as health care. It made no difference whether the displaced persons or refugees had an identity document.<sup>606</sup> Displaced women were almost twice as likely as non-displaced women to report having to pay for health care.<sup>607</sup> A lack of knowledge of refugee rights among members of the host communities and local officials contributed to the restriction of access to services such as health care.<sup>608</sup> Various organisations such as IOM and UNICEF used biometric data to prevent displaced persons from claiming a service or food package twice. Due to the use of

<sup>600</sup> UNHCR, *Nigeria: Cameroonian Refugees in Nigeria, update June 2021*, 5 August 2021; UNHCR, *Nigeria: Cameroonian Refugees in Nigeria, update October 2022*, 9 December 2022.

<sup>601</sup> UNHCR, *Nigeria: Cameroonian Refugees in Nigeria, update June 2021*, 5 August 2021.

<sup>602</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

<sup>603</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Nigeria*, March 2021, p. 100.

<sup>604</sup> Confidential source, 21 October 2022.

<sup>605</sup> US Department of State, *2022 Trafficking in Persons Report: Nigeria*, 29 July 2022; BFA Staatendokumentation, *Themenbericht der Staatendokumentation zu Nigeria: Zur sozioökonomischen Lage der und Gewalt gegen Frauen unter Hinzunahme der Informationen der FFM Nigeria 2019*, 3 December 2021, p. 43.

<sup>606</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022; International Rescue Committee (IRC), Overseas Development Institute (ODI), Humanitarian Policy Group (HPG), *Women's economic empowerment in the face of Covid-19 and displacement: Restoring resilient futures*, October 2021, p. 18.

<sup>607</sup> International Rescue Committee, ODI – Overseas Development Institute, HPG - Humanitarian Policy Group, *Women's economic empowerment in the face of Covid-19 and displacement: Restoring resilient futures*, October 2021, p. 18.

<sup>608</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nigeria*, 12 April 2022.

biometric data, an identification document was no longer necessary when receiving aid from these organisations.<sup>609</sup>

<sup>609</sup> Confidential source, 21 October 2022.

## 5 Returns

### 5.1 Problems with the authorities on return

Confidential sources who were consulted stated that they were not aware of any cases of returning migrants having problems with the authorities on arrival in Abuja or Lagos.<sup>610</sup> However, one confidential source stated that the authorities sometimes questioned people on their return if they had left the country as an irregular migrant or if they were victims of human trafficking. The treatment by the authorities in certain states could also differ from Abuja or Lagos.<sup>611</sup>

### 5.2 Shelters

In general, returnees were initially received by the Nigerian Immigration Service (NIS). Victims of human trafficking were in principle transferred to the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), but especially in the case of men, checks were not always made as to whether returnees were trafficking victims.<sup>612</sup>

Both NIS and NAPTIP offered temporary shelter.<sup>613</sup> NGOs and international organisations such as IOM supported the authorities in the reception and reintegration of returnees.<sup>614</sup>

As also described in 3.10.5 (Care for unaccompanied minors) and 6.5 (Shelter options for victims of human trafficking), there was not always room in a shelter and shelters were not available in all states. In addition, the authorities, including NAPTIP, lacked sufficient financial resources to provide basic necessities properly and ensure that returnees reintegrated successfully.<sup>615</sup>

### 5.3 Returnee documents

The documents held by a returnee did not affect the support he or she received from the authorities, unless the authorities did not believe that the returnee was a Nigerian national.<sup>616</sup> According to a confidential source, the services that returnees received, though minimal, were the same for every returnee.<sup>617</sup>

### 5.4 Settlement of returnees in another city

Returnees from abroad first arrived in Abuja or Lagos, or sometimes Kano, and were sent from there to their state of origin or to another location if they so desired.<sup>618</sup>

<sup>610</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>611</sup> Confidential source, 5 October 2022.

<sup>612</sup> Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>613</sup> Confidential source, 17 October 2022; Confidential source, 5 October 2022.

<sup>614</sup> Confidential source, 21 October 2022; Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p. 19-20.

<sup>615</sup> Confidential source, 5 October 2022.

<sup>616</sup> Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>617</sup> Confidential source, 17 October 2022.

<sup>618</sup> Confidential source, 5 October 2022; Confidential source, 21 October 2022; Confidential source, 20 October 2022; Confidential source, 18 October 2022.

However, the support that returnees received in a chosen state depended on the aid and organisations present in the state. NAPTIP shelters were not present in all states, so returnees were dependent on NGOs or the task forces at state level for support.<sup>619</sup>

Without the help and support of a social network, it was difficult for a returnee to cope independently. More than forty percent of the returnees surveyed by the IOM received financial support from family.<sup>620</sup> Returnees were often discriminated against because of their returnee status and were in constant need of support and protection. In some cases, returnees who were unable to pay their rent, even with the money they received from the IOM, were evicted from their homes and risked becoming homeless.<sup>621</sup>

A returnee may be worse off on arrival in Nigeria than before departure. Many returnees have gone through traumatic experiences and abuse. Furthermore, most migrants have borrowed money to make the crossing to Europe and return to Nigeria without having paid off the debt.<sup>622</sup> Although returnees receive a cash grant to support their reintegration, it is not sufficient to provide for basic needs for an extended period. Also, the delay between receiving the cash grant and receiving assistance in establishing their own income meant that many returnees struggled to make ends meet and the money was used for other purposes, such as paying rent. Those who received no help at all were even more vulnerable.<sup>623</sup>

Of the 105 returnees questioned by the Internal Displacement Monitoring Centre (IDMC) in a survey of the situation of returnees, few had achieved sustainable reintegration. Many faced unemployment, and some became displaced upon their return. 34% were considering migrating again as they were unable to make ends meet. The main barriers to reintegration among returnees were financial difficulties, stigma and shame.<sup>624</sup>

<sup>619</sup> Confidential source, 5 October 2022; Confidential source, 20 October 2022.

<sup>620</sup> Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p.3; Confidential source, 5 October 2022.

<sup>621</sup> Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p. 3.

<sup>622</sup> Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p. 2; Confidential source, 21 October 2022.

<sup>623</sup> Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p. 2.

<sup>624</sup> Internal Displacement Monitoring Centre, *Nigeria: returning migrants at risk of new displacement or secondary migration*, July 2021, p. 22; Confidential source, 21 October 2022.

## 6 Human trafficking

### 6.1 Introduction

Nigeria is a country of origin, transit and destination for victims of human trafficking.<sup>625</sup> Human trafficking often starts as human smuggling. Victims in a difficult socio-economic situation decide to travel to other African states, Europe or the Gulf States, hoping for a better life.<sup>626</sup> Both men and women are often under great pressure to generate income.<sup>627</sup> Some people have a reasonable idea of the dangers and what awaits them and choose to take the risk anyway, others have been pressured by family and/or smugglers to endure the hardships, and still others are lured with false promises of work.<sup>628</sup> According to various sources, men are generally more aware of the dangers than women, but there are many women who know that they will end up in sex work.<sup>629</sup> Both groups only discover along the way how great the hardships are. Often the conditions for repaying the smuggling fees are changed during the journey, and the victims are unable to go back.<sup>630</sup>

Migrants and victims came from all parts of Nigeria, but the states of Edo, Delta, Kano, Abia, Ebonyi, Imo and Kogi were the main states of origin.<sup>631</sup> The Nigerian authorities also named Benue as an emerging state of origin.<sup>632</sup> In 2020 and 2021, for the first time, the largest number of Nigerian human trafficking victims who had been freed worldwide did not come from Edo state<sup>633</sup>, although that state remained a major centre for human smuggling and trafficking.<sup>634</sup> In 2021, Benue topped the list of states where most freed trafficking victims came from, followed by Akwa Ibom, Ogun, Sokoto, Kano and Enugu. Edo and Delta, which in the past were the states that most victims came from, only ranked after these.<sup>635</sup>

According to a confidential source, the reason that women are smuggled is that women's economic opportunities are limited and customary law makes them vulnerable. For example, when a man dies, his entire estate passes to his eldest son. As a result, second and third wives (polygamy is common in southern Nigeria) become completely dependent on a man who is not their son. The pressure on their own children to provide an income then becomes even greater. In addition, the bride price for women in Edo is low compared to other population groups in Nigeria. As a result, marrying off a daughter brings little benefit to a family, which may increase the willingness to encourage her to engage in sex work.<sup>636</sup> Due to a history of migration, the local economy of Edo state benefits greatly from the money sent home by migrants, increasing the pressure on those left behind to leave as well.<sup>637</sup>

<sup>625</sup> NAPTIP, *factsheet 3 Trends in human trafficking in Nigeria*, 21 December 2021, p. 7

<sup>626</sup> NAPTIP, *2021 Data Analysis*, 2022, pp. 12-13; Path Finders Justice Initiative, *Nigeria: Human Trafficking Factsheet*, 6 September 2022; Confidential source, 20 October 2022; Confidential source, 20 October 2022.

<sup>627</sup> Confidential source, 20 October 2022; Confidential source, 17 November 2021.

<sup>628</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022.

<sup>629</sup> PhysOrg, *Campaign to end human trafficking introduces more challenges for migrating Nigerian women*, author says, 24 June 2022; US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022.

<sup>630</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022.

<sup>631</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>632</sup> Confidential source, 18 October 2022.

<sup>633</sup> Path Finders Justice Initiative, *Nigeria: Human Trafficking Factsheet*, 6 September 2022; NAPTIP, *2021 Data Analysis*, 2022.

<sup>634</sup> Confidential source, 17 November 2021.

<sup>635</sup> NAPTIP, *2021 Data analysis*, 2022, p. 13; Confidential source, 18 October 2022.

<sup>636</sup> Confidential source, 20 October 2022.

<sup>637</sup> Confidential source, 17 November 2021; Confidential source, 20 October 2022.

## 6.2 Efforts by the authorities

The Nigerian authorities are aware of the problem of human smuggling and trafficking and have one of the most comprehensive and multidisciplinary approaches to human trafficking in the world.<sup>638</sup> Nigeria has signed the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*.<sup>639</sup> The *Trafficking in Persons (Prohibition) Enforcement and Administration Act* criminalises human trafficking for labour and sex work. Those found guilty face a prison sentence of up to five years – or seven if the victim is a minor – and a fine of up to 1 million naira (approximately 2,200 euros).<sup>640</sup>

A national agency has been established to implement the *Trafficking in Persons (Prohibition) Enforcement and Administration Act*: NAPTIP. This agency deals with the prevention of human trafficking, the prosecution of offenders and the protection of victims. To this end, it works with federal services such as the police (NFP), the immigration service (NIS) and the Joint Border Task Force, and with services at state level.<sup>641</sup>

During this reporting period, as before, NAPTIP was under-resourced. Activities remained concentrated in state capitals, which meant that identification and investigation of human trafficking in rural areas was still limited.<sup>642</sup> Coordination and cooperation with other services also remained less than optimal.<sup>643</sup> As a result, returning victims of human trafficking were not always transferred to NAPTIP.<sup>644</sup> NAPTIP's effectiveness has increased since the appointment in September 2021 of the current director, Fatima Waziri-Azi.<sup>645</sup>

Corruption at all levels of government further undermined the authorities' capacity to effectively combat human trafficking.<sup>646</sup> Judges were not always sufficiently aware that the law had been amended in 2015. As a result, offenders were permitted to opt for a fine instead of a prison sentence, even though this option had ceased to be available since the amendment.<sup>647</sup> In 2021, 22 human traffickers were convicted in Nigeria.<sup>648</sup> That same year, the Nigerian authorities prosecuted four government officials for being complicit in human trafficking.<sup>649</sup>

### State level

The authorities in Edo state are very aware of the human trafficking problem. After large numbers of trafficking victims returned to the state from Libya, the state

<sup>638</sup> Confidential source, 5 October 2022.

<sup>639</sup> *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, 15 November 2000.

<sup>640</sup> UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.3.

<sup>641</sup> UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.3; Confidential source, 18 October 2022; Confidential source, 17 November 2021.

<sup>642</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>643</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 17 November 2021; Confidential source, 17 October 2022.

<sup>644</sup> Confidential source, 5 October 2022.

<sup>645</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>646</sup> US Department of State, *Trafficking in persons report 2022*, 2022; UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.5; Confidential source, 5 October 2022; Confidential source, 17 November 2021.

<sup>647</sup> UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.6.

<sup>648</sup> NAPTIP, *2021 Data analysis*, 2022, p. 7.

<sup>649</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

governor set up the Edo State Taskforce against Human Trafficking (ETAHT) in 2018.<sup>650</sup> This task force cooperates with NAPTIP and develops its own activities, although the emphasis is more on return and less on reintegration.<sup>651</sup> Under the task force's watchful eye, an association of men and women who have returned provides support to new returnees. This support is mainly psychosocial, but can also be practical in nature, such as help with looking for accommodation and work.<sup>652</sup> In 2021, two courts were also set up in Edo to deal only with human trafficking cases. Connected to this was a form of legal advice centre, which can help returnees to establish contact with other services, depending on their needs.<sup>653</sup>

Following Edo's example, other states have also set up task forces, but according to a confidential source these are not all equally effective. For example, the Edo task force was the only one to pick up returnees in Lagos.<sup>654</sup>

### 6.3 Risk of reprisals

All sources consulted stated that victims of human trafficking are at risk of reprisals.<sup>655</sup> Possible reasons for this are that they have not yet paid off their debts, or in order to prevent the victim from assisting with the prosecution of traffickers and smugglers.<sup>656</sup> According to a confidential source, human smuggling and trafficking networks from Nigeria, more than those from other countries, are closely interconnected from the start to the end of the route. The exploiter abroad is usually in contact, directly or indirectly, with the victim's family. This makes it more difficult for the victims to escape the smugglers and traffickers.<sup>657</sup> In addition, human smugglers and traffickers are often powerful and wealthy people, sometimes even with political backing.<sup>658</sup>

#### *Juju*

Many female trafficking victims from southern Nigeria have a great fear of supernatural reprisals if they flee sexual exploitation in Europe before paying off their debt. Human traffickers make most of their victims swear an oath of obedience (*juju* oath) under the watchful eye of a traditional priest before leaving.<sup>659</sup> There are also accounts of Christian clergy collaborating by pressurising victims.<sup>660</sup> Victims are afraid that if they break this oath by evading the authority of madams<sup>661</sup>/human traffickers, they will meet with some serious misfortune.<sup>662</sup> For example, they believe that if they do so, they themselves or their family members will become sick or lose their minds, that they will never have children or that they will die.<sup>663</sup>

<sup>650</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022.

<sup>651</sup> Confidential source, 20 October 2022; Confidential source, 17 November 2021.

<sup>652</sup> Confidential source, 20 October 2022.

<sup>653</sup> Confidential source, 17 November 2021.

<sup>654</sup> Confidential source, 20 October 2022.

<sup>655</sup> Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 18 October 2022; Confidential source, 5 October 2022; Confidential source, 20 October 2022.

<sup>656</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022.

<sup>657</sup> Confidential source, 5 October 2022.

<sup>658</sup> Confidential source, 20 October 2022.

<sup>659</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>660</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>661</sup> Most of those responsible for the sexual exploitation of young women are women themselves. These women are called 'madams'. Often these madams started out as victims of sexual exploitation themselves.

<sup>662</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>663</sup> Confidential source, 17 October 2022; Confidential source, 18 October 2022.

The previous country report stated that in March 2018 the *Oba* (traditional ruler) of Benin<sup>664</sup>, together with five hundred traditional priests, declared all juju oaths invalid.<sup>665</sup> Confidential sources stated that this had had a positive effect in that few of the traditional priests who fall under the authority of the Oba were now getting involved in juju oaths in the context of human trafficking. The number of people cooperating in the prosecution of human traffickers had also increased.<sup>666</sup> However, the same sources also stated that in general the effect was negligible, as the traffickers were increasingly taking their victims to other states to take their oaths there.<sup>667</sup>

Most of the reprisals against trafficker victims were psychological and emotional in nature, through fear resulting from the juju oath and pressure from family members.<sup>668</sup> Because it was not clear exactly what consequences would arise from breaking the oath, the victims and those around them attributed to it every misfortune that they experienced. In their eyes, these were therefore real, physical reprisals.<sup>669</sup>

The fear that resulted from a juju oath was generally very effective. Physical reprisals were therefore rarely necessary. Human traffickers sometimes used their connections to physically threaten and harass victims, for example in order to recover incriminating evidence or to prevent the victim from testifying.<sup>670</sup> Cult members were also used for this purpose (for cults, see also 1.2.2.3 and 3.4 Cults).<sup>671</sup>

#### *Risk of renewed smuggling and exploitation*

Those who returned before paying off their debts were not automatically at risk of renewed smuggling and exploitation, but it was often the case that the original reasons for leaving had not changed. Psychological pressure was also used to persuade the victim to undergo smuggling and exploitation again if, in the eyes of the traffickers, the debt had not been fully paid off.<sup>672</sup> In the case of unpaid debts, the pressure became even greater, especially if the family was not prepared to take the victim back. An understanding family and new opportunities to generate an income could reduce the risk.<sup>673</sup>

#### *Protection against reprisals*

Protection by the authorities against the alleged supernatural reprisals resulting from the taking of oaths is impossible, although attempts are sometimes made to use religious and traditional authorities to break the belief in the oath.<sup>674</sup> Individuals, especially women, who are seen as vulnerable, can be admitted to shelters (see also below in 6.5 Shelter options for victims of human trafficking). The authorities'

<sup>664</sup> Benin or Benin City is a city in Edo state in southern Nigeria that serves as the centre of Nigerian human trafficking to Europe. It should not be confused with the African country also named Benin.

<sup>665</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, March 2021, p. 112; Youtube: Temps Présent, *Prostitution nigériane, esclavage moderne*, 29 November 2019.

<sup>666</sup> Confidential source, 20 October 2022.

<sup>667</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 20 October 2022; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 18 October 2022.

<sup>668</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>669</sup> Confidential source, 17 October 2022; Confidential source, 20 October 2022.

<sup>670</sup> Confidential source, 17 October 2022; Confidential source, 18 October 2022; Confidential source, 5 October 2022; Confidential source, 20 October 2022; Confidential source, 18 October 2022.

<sup>671</sup> Confidential source, 18 October 2022.

<sup>672</sup> Confidential source, 5 October 2022; Confidential source, 18 October 2022.

<sup>673</sup> UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.4.16 and 2.4.17; Confidential source, 5 October 2022.

<sup>674</sup> Confidential source, 20 October 2022; Confidential source, 18 October 2022; Confidential source, 21 September 2022.

shelters are closed facilities, to prevent the human traffickers and smugglers from coming into contact with the victims. The main purpose of this is to obtain information from the victim about the smugglers and traffickers and to re-establish contact between the victim and the family so that he or she can return home.<sup>675</sup> This shelter is generally not available for longer than one month to six weeks<sup>676</sup>; after this there is no significant protection from the authorities.<sup>677</sup> Where there is a risk of renewed smuggling for exploitation, additional shelter may be found, however.<sup>678</sup>

According to confidential sources, protection against reprisals is inadequate, given that victims do not provide information to the authorities out of fear and the smugglers often have powerful connections and the means to bribe the authorities.<sup>679</sup> In addition, human traffickers are rarely effectively prosecuted. In 2021, 39 people were charged with human trafficking – 27 men and 12 women – and of these, 22 were convicted.<sup>680</sup>

According to several confidential sources, Nigeria does not have a witness protection programme.<sup>681</sup>

## **6.4 Social reintegration**

### **6.4.1 Sex work**

Sex work is a criminal offence in the northern states which have a Sharia Penal Code.<sup>682</sup> The Criminal Code does not criminalise sex work as such, but in Sections 223, 224 and 225 paying for sex, inciting sex work or operating a brothel are made criminal offences.<sup>683</sup> Under Section 249 of the Criminal Code, sex workers who 'behave in a disorderly or indecent manner' or 'persistently importune or solicit persons for the purpose of prostitution' are guilty of an offence. They may be arrested without warrant and are liable to imprisonment for one month.<sup>684</sup> In practice, according to the advocacy group Precious Jewels, sex workers are often harassed by the police.<sup>685</sup>

### **6.4.2 Risk of criminal prosecution of victims of human trafficking**

The law states that criminal activities that were carried out under duress are not subject to punishment.<sup>686</sup> Sex work that has taken place outside Nigeria is not a criminal offence in Nigeria. This applies to both voluntary sex work and sex work resulting from human trafficking.<sup>687</sup> Reports of men being forced into sex work or

<sup>675</sup> Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 5 October 2022.

<sup>676</sup> Confidential source, 18 October 2022.

<sup>677</sup> UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.11; Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 5 October 2022.

<sup>678</sup> Confidential source, 17 October 2022.

<sup>679</sup> Confidential source, 5 October 2022; Confidential source, 20 October 2022; Confidential source, 20 October 2022.

<sup>680</sup> NAPTIP, *2021 Data analysis*, 2022, p. 7.

<sup>681</sup> Confidential source, 17 October 2022; Confidential source, 19 October 2022; Confidential source, 21 October 2022.

<sup>682</sup> Confidential source, 17 October 2022; Global Network of Sex Work Projects, *Feature: Nigeria sex workers association (Precious Jewels)*, accessed 16 September 2022.

<sup>683</sup> Nigeria, *Criminal Code Act*, Sections 223, 224, 225; Global Network of Sex Work Projects, *Feature: Nigeria sex workers association (Precious Jewels)*, accessed 16 September 2022.

<sup>684</sup> Nigeria, *Criminal Code Act*, Section 249; Global Network of Sex Work Projects, *Feature: Nigeria sex workers association (Precious Jewels)*, accessed 16 September 2022; Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>685</sup> Global Network of Sex Work Projects, *Feature: Nigeria sex workers association (Precious Jewels)*, accessed 16 September 2022.

<sup>686</sup> Confidential source, 17 October 2022; Confidential source, 5 October 2022.

<sup>687</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

drug smuggling increased during the reporting period, according to the US Department of State.<sup>688</sup> Due to lack of cooperation and coordination between the various government services (police, immigration service, NAPTIP, etc.), these men were not always identified as victims of human trafficking. Men forced into drug smuggling were at risk of prosecution by the Nigerian authorities, although the law states that activities carried out under duress are not subject to punishment.<sup>689</sup>

#### 6.4.3 *Social views on victims of human trafficking and exploitation*

##### *Female victims*

It is difficult to paint a clear picture of society's views on women who have been exploited in the sex industry in Europe. This is related to the country's high degree of cultural diversity and the differing profiles of trafficking victims.<sup>690</sup> Nevertheless, victims of sexual exploitation who returned faced the stigma associated with sex work in all parts of Nigeria.<sup>691</sup> It became more difficult for a woman to find a husband, while an unmarried woman has little value in society.<sup>692</sup> The problems were exacerbated if the returning victim was pregnant or had had a child while away from Nigeria. A child was seen as proof of sex work and also meant an extra mouth to feed. Victims were sometimes rejected by their families.<sup>693</sup>

Victims who had managed to provide themselves and their families with a decent income experienced fewer problems from this stigma in the south, because the accumulated wealth gave their family more prestige within the wider community.<sup>694</sup> For this reason, victims of sexual exploitation sometimes switched over to exploiting young women themselves.<sup>695</sup>

A woman could escape stigma by settling in a place where no one knew about her past. However, this was not possible without some form of social safety net. She would initially depend on relatives or friends if they were willing to help her.<sup>696</sup> This was less likely to be the case if she was pregnant or had a child.<sup>697</sup>

##### *Male victims*

Most Nigerian men started their journey deliberately and paid a smuggler. They only became victims of human trafficking along the way, for example because they were forced to work, or were imprisoned in order to force their families to pay a ransom.<sup>698</sup> The journey often required a huge investment from the entire family at the time of departure. These amounts then increased when the family had to pay a ransom.<sup>699</sup> If the migrant then failed to earn money and/or fell victim to trafficking, this was seen as a failure and a source of shame, regardless of whether or not he had been exploited.<sup>700</sup> Men who returned unsuccessfully therefore faced great social

<sup>688</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>689</sup> Confidential source, 17 October 2022; Confidential source, 5 October 2022.

<sup>690</sup> Confidential source, 5 October 2022.

<sup>691</sup> Confidential source, 5 October 2022.

<sup>692</sup> Confidential source, 17 October 2022; Confidential source, 20 October 2022.

<sup>693</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 20 October 2022.

<sup>694</sup> PhysOrg, *Campaign to end human trafficking introduces more challenges for migrating Nigerian women*, author says, 24 June 2022; Confidential source, 5 October 2022.

<sup>695</sup> Confidential source, 5 October 2022.

<sup>696</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 21 October 2022; Confidential source, 21 October 2022.

<sup>697</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>698</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022.

<sup>699</sup> Confidential source, 20 October 2022.

<sup>700</sup> Harvard FXB, *Returning Home? The Reintegration Challenges Facing Child and Youth Returnees from Libya to Nigeria*, 2019.

pressure from the family, partly as a result of their outstanding debts. This often led to mental health problems.<sup>701</sup>

Little is known about male victims of sexual exploitation who have returned.<sup>702</sup> This may be because this is less common, but also because the victims do not talk about it. In addition, while the fate of female trafficking victims is generally known about in southern Nigeria in particular, there is less awareness of the fact that men can also become victims of trafficking.<sup>703</sup>

#### 6.4.4 *Position of women, including single women, in the event of a permanent breakdown of family relationships*

If a victim was sought by the smugglers or traffickers, the fear of reprisals could be an additional reason for family members not to take her in.<sup>704</sup> Women whose family relationships had permanently broken down were generally very vulnerable. There are few opportunities to earn money in Nigeria, especially for young women from poor families.<sup>705</sup> Someone who does not bring in their own income is seen as an extra burden. This meant that these women were not always able to turn to friends.<sup>706</sup> There were shelters where they could be taken in, but their capacity was insufficient. This increased the risk of a young woman falling into the hands of traffickers again.<sup>707</sup>

## 6.5 Shelter options for victims of human trafficking

### 6.5.1 *Provision of shelter by NAPTIP*

Victims of human trafficking who were considered to be vulnerable by the aid agencies – especially women and minors – were able to receive temporary shelter.<sup>708</sup> This was provided in the first instance by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).<sup>709</sup> NAPTIP had ten shelters across the country, with a total capacity of several hundred beds.<sup>710</sup> The locations of these shelters were secret.<sup>711</sup> NAPTIP did not always have enough places; in Abuja in particular, the pressure on the shelters was great.<sup>712</sup>

A stay in a NAPTIP shelter generally lasted about four to six weeks. During this period, attempts were made to obtain information from the victim about the perpetrators of the trafficking and the routes. In addition, these centres offered legal, medical and psychological assistance, and training. Inquiries were also made as to whether the victim's family could be traced and whether the victim could be taken in by the family.<sup>713</sup>

In the NAPTIP shelters, the victims were isolated from the outside world to prevent them from coming into contact with their traffickers and creditors.<sup>714</sup> Access to the

<sup>701</sup> Confidential source, 20 October 2022.

<sup>702</sup> IFRA, *Trafficking for Sexual Exploitation: The Gender Gap*, 29 July 2017.

<sup>703</sup> US Department of State, *Trafficking in persons report 2022*, 2022.

<sup>704</sup> Confidential source, 5 October 2022.

<sup>705</sup> PhysOrg, *Campaign to end human trafficking introduces more challenges for migrating Nigerian women*, author says, 24 June 2022.

<sup>706</sup> Confidential source, 20 October 2022; Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>707</sup> Confidential source, 17 October 2022; Confidential source, 18 October 2022.

<sup>708</sup> Confidential source, 20 October 2022; Confidential source, 18 October 2022.

<sup>709</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 18 October 2022.

<sup>710</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 18 October 2022.

<sup>711</sup> Confidential source, 20 October 2022.

<sup>712</sup> Confidential source, 18 October 2022.

<sup>713</sup> US Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 6 December 2022.

<sup>714</sup> Confidential source, 17 October 2022; Confidential source, 20 October 2022; Confidential source, 5 October 2022.

shelter was not dependent on the victims' willingness to cooperate in the investigation and prosecution of perpetrators of trafficking, but according to various sources the relevant government services did not always treat the victims accordingly.<sup>715</sup> Some victims therefore felt these shelters to be a form of deprivation of liberty.<sup>716</sup>

#### 6.5.2 *Other shelters*

If the victim was still unable to return home after the NAPTIP shelter, other shelter was sought, for example in a facility run by the Ministries of Women Affairs and Social Development<sup>717</sup>, the state authorities, the church or an NGO.<sup>718</sup> These shelters could be open or closed facilities.<sup>719</sup> No overview of these shelters exists.<sup>720</sup> According to confidential sources, overall there were not enough shelters to meet the demand.<sup>721</sup>

#### 6.5.3 *Provision of shelter for men*

The provision of shelter for men was limited. NAPTIP did not take in adult males. There were other shelters where men could go, such as the shelter provided by the state authorities in Edo, but often these facilities only offered accommodation, with no additional services such as psychosocial help.<sup>722</sup>

#### 6.5.4 *Provision of services*

The quality and range of services varied. They depended to a large extent on the funding provided by donors and on the capacity of the authorities and aid organisations to organise services.<sup>723</sup> A large shelter had been built by the state authorities in Benin City, but was scarcely operational during the reporting period because it was unable to provide the associated services.<sup>724</sup> Both men and women could go to the state run shelter, but women usually did not stay for long.<sup>725</sup> Training was offered in some shelters to help the victims generate their own income.<sup>726</sup> In Benin City, the state authorities, through the Edo State Taskforce on Human Trafficking, had helped set up a programme in which young returnees were trained to assist new returnees with their reintegration. This kind of initiative was rare, if not non-existent, elsewhere in Nigeria.<sup>727</sup>

<sup>715</sup> Department of State, *Trafficking in persons report 2022*, 2022; Confidential source, 21 October 2022.

<sup>716</sup> US Department of State, *Trafficking in persons report 2022*, 2022; PhysOrg, *Campaign to end human trafficking introduces more challenges for migrating Nigerian women, author says*, 24 June 2022; Confidential source, 5 October 2022; Confidential source, 17 October 2022.

<sup>717</sup> These ministries have shelters for women who are victims of domestic violence or who have psychological problems. Source: Confidential source, 17 October 2022.

<sup>718</sup> US Department of State, *Trafficking in persons report 2022*, 2022; UK government, *Guidance: Country policy and information note: trafficking of women, Nigeria*, April 2022, update of 12 August 2022, 2.5.7; Confidential source, 18 October 2022.

<sup>719</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>720</sup> Confidential source, 20 October 2022; Confidential source, 17 October 2022.

<sup>721</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022; Confidential source, 21 October 2022.

<sup>722</sup> Confidential source, 5 October 2022.

<sup>723</sup> Confidential source, 20 October 2022; Confidential source, 20 October 2022; Confidential source, 21 October 2022.

<sup>724</sup> Confidential source, 20 October 2022; Confidential source, 21 October 2022; Confidential source, 21 October 2022.

<sup>725</sup> Confidential source, 20 October 2022.

<sup>726</sup> Confidential source, 20 October 2022; Confidential source, 18 October 2022.

<sup>727</sup> Confidential source, 20 October 2022.

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## 7.2 Abbreviations

ACLED	Armed Conflict Location & Event Data
APC	All Progressive Congress
BVN	Bank Verification Number
CESVED	Center for Social Value and Early Childhood Development
CJID	Centre for Journalism Innovation and Development
CJTF	Civilian Joint Task Force
CPNs	Child Protection Networks
DSS	Department of State Security
DSVRT	Domestic and Sexual Violence Response Team
E-ID kaart	National Electronic Identity Card
EFCC	Economic and Financial Crimes Commission
ESN	Eastern Security Network
ETAHT	Edo State Taskforce against Human Trafficking
FGM	Female Genital Multilation/Cutting
FIDA	International Federation of Women Lawyers
FRSC	Federal Road Safety Corps
GWHREI	Global Women's Health, Rights and Empowerment Initiative
IDMC	Internal Displacement Monitoring Centre (IDMC)
ILGA	International Lesbian, Gay, Bisexual Trans and Intersex Association
IMN	Islamic Movement of Nigeria
INEC	Independent National Electoral Commission
IOM	International Organization for Migration
IPOB	Indigenous People of Biafra
IRB	Immigration and Refugee Board
ISIS	Islamic State in Iraq and al-Sham
ISS	Institute for Security Studies
ISWAP	Islamitische Staat in West Afrika
JAS	Jamaat Ahlussunnah lid-Dawa wal-Jihad
KKK	Ku Klux Klan
MASSOB	Movement for the Actualization of the Sovereign State of Biafra
MICS	Multiple Indicator Cluster Survey
MNJTF	Multi National Joint Task Force
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBS	National Bureau of Statistics
NCFR	Nigerian Commission for Refugees
NCFRMI	National Commission for Refugees, Migrants, and IDPs
NDHS	National Demographic and Health Survey
NFP	National Federal Police
NIMC-act	National Identity Management Commisson Act
NIMC	National Identity Management Commission
NIMS	National Identity Management System
NIN	National Identity Number
NIS	Nigerian Immigration Service
NLP	National Labour Party
NPC	National Population Commission
PCRRU	Public Complaint Rapid Response Unit
PDP	People's Democratic Party
PIND	Foundation for Partnership Initiatives in the Niger Delta
SARS	Special Anti-Robbery Squad
SERAP	Socio-economic Rights and Accountability Project
SSMPA	Same Sex Marriage Prohibition Act
TIER	The Initiative for Equal Rights

UNICEF	United Nations Children's Fund
VAPP	Violence Against Persons (Prohibition) Act
WAVE	Women Against Violence and Exploitation Foundation
WHO	World Health Organization

### 7.3

### Overview of legislation on LGBTQI+ in northern states

STATE	AUTHORITY	LEGALLY PRESCRIBED PUNISHMENT	
		LIWAT (SODOMY)	SIHAQ (LESBIANISM)
1 <b>Bauchi</b>	Sharia Penal Code Law (2001), Bauchi State Gazette 26, No. 16, 18 September 2001.	Death by stoning or other means decided by the state.	50 lashes and imprisonment for up to 5 years.
2 <b>Borno</b>	Borno State law on Prostitution, Homosexuality, Brothels and Other Sexual Immoralities (2000). Sharia Penal Code Law (2001)	Death (by stoning).	12 lashes and imprisonment for not less than 6 months.
3 <b>Gombe</b>	Sharia Penal Code Law (2001), signed 23 November 2001.	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months.
4 <b>Jigawa</b>	Sharia Penal Code Law (Law No. 12 of 2000) in force since 27 December 2000 (Jigawa State Gazette Vol. 1 No. 12, 27 December 2000).	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months.
5 <b>Kaduna</b>	Sharia Penal Code Law (Law No. 4 of 2002), in force since 21 June 2002 (Kaduna State Gazette No. 17 Vol. 36, 4th July 2002).	Death by stoning.	According to the discretion of the <i>qadi</i> .
6 <b>Kano</b>	Sharia Penal Code Law (2000), in force since 26 November 2000.	if unmarried: 100 lashes and imprisonment for up to 1 year. If married or has previously been married: death by stoning.	Death by stoning.
7 <b>Katsina</b>	Sharia Penal Code Law (Law No. 2 of 2001), in force since 20 June 2001 (Katsina State Gazette Vol. 12 No. 23, 27th August 2001).	Death by stoning.	Death by stoning.
8 <b>Kebbi</b>	Penal Code (Amendment) Law (Law No. 21 of 2000), in force since 1 December 2000, (Kebbi State Gazette Vol. 2 No. 1, Supplement 3 1st December 2000).	Death by stoning.	50 lashes and imprisonment for up to 6 months.
9 <b>Niger</b>	Penal Code (Amendment) Law 2000, HB.4/2000, in force since 4 May 2000 (Niger State Gazette Vol. 25 No. 8, 9th March 2000).	Death by stoning.	UNCLEAR
10 <b>Sokoto</b>	Sharia Penal Code Law (2000), in force since 31 January 2001.	If committed by an adult: Death by stoning. If committed by a minor on an adult: the adult receives up to 100 lashes; the minor receives correctional punishment.	50 lashes and imprisonment for up to 6 months.
11 <b>Yobe</b>	Sharia Penal Code Law (Law No. 8 of 2001) in force since 25 April 2001 (State Gazette Vol. II No. 12, 22 March 2001).	Death by stoning.	50 lashes and imprisonment for up to 6 months.
12 <b>Zamfara</b>	Sharia Penal Code (Law No. 10 of 2000) enacted 27 January 2000 (repealed in 2005). Sharia Penal Code Law (Law No. 5 of 2005), signed 23 November 2005.	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months.

## 7.4 Map of Nigeria



Source: Managementboek.nl