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## Contents

	Publication details.....	2
	Contents .....	5
	Introduction.....	8
<b>1</b>	<b>Political and security situation .....</b>	<b>9</b>
1.1	Political developments.....	9
1.1.1	Elections .....	9
1.1.2	#EndSARS protests .....	11
1.2	The security situation.....	12
1.2.1	General overview of the security situation during the reporting period.....	12
1.2.2	North-East zone (Bauchi, Borno, Taraba, Adamawa, Gombe and Yobe) .....	14
1.2.3	North-Central zone (Niger, Kogi, Benue, Plateau, Na(s)sarawa, Kwara and FCT) ...	19
1.2.4	North-West zone (Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano and Jigawa) ....	22
1.2.5	South-East zone (Enugu, Imo, Ebonyi, Abia and Anambra) .....	25
1.2.6	South-South zone (Bayelsa, Akwa Ibom, Edo, Rivers, Cross River and Delta).....	28
1.2.7	South-West zone (Oyo, Ekiti, Osun, Ondo, Lagos and Ogun).....	32
1.3	Freedom of movement .....	32
<b>2</b>	<b>Identity, nationality and documents.....</b>	<b>34</b>
2.1	Introduction of national identification obligation .....	34
2.1.1	Procedure for registration for a National Identity Number (NIN) .....	34
2.1.2	Progress with the introduction of the National Identity Management System .....	35
2.1.3	Registration of the Nigerian diaspora for an NIN .....	36
2.1.4	Application for and issuance of identity cards .....	36
2.1.5	Enforcement of identification obligation .....	36
2.2	Other identity documents .....	37
2.2.1	Passport: developments concerning the enhanced e-Passport .....	37
2.2.2	Driving licence .....	39
2.2.3	Birth certificate .....	39
2.3	Fraud .....	42
<b>3</b>	<b>Human rights.....</b>	<b>44</b>
3.1	Oversight and legal protection.....	44
3.1.1	Nigeria Police Force (NPF).....	44
3.1.2	Nigerian Armed Forces (NAF) .....	47
3.1.3	Other law enforcement agencies.....	47
3.2	Judicial process .....	49
3.2.1	Human rights violations by the NPF .....	49
3.2.2	Human rights violations by the NAF .....	52
3.2.3	The death penalty: new sentences, but no executions.....	53
3.3	External oversight of the functioning of the armed forces and police .....	54
3.3.1	Press freedom.....	54
3.3.2	Consequences of criticism of the functioning of the authorities by other groups....	55
3.4	Position of specific groups.....	55
3.4.1	Religious groups.....	56
3.4.2	Individually targeted violence by cults.....	59
3.4.3	Deserters .....	61
3.4.4	LGBTI .....	61
3.4.5	Women .....	74

3.4.6	FGM.....	80
3.4.7	Blood feuds and honour killings.....	89
3.4.8	Minors.....	89
<b>4</b>	<b>Refugees and displaced persons.....</b>	<b>94</b>
4.1	Internally displaced persons (IDPs).....	94
4.1.1	Situation of displaced persons in North-East Nigeria.....	94
4.1.2	The situation of displaced persons in the Middle Belt.....	96
4.1.3	Situation of displaced persons in North-West Nigeria.....	98
4.2	Refugees from Cameroon in Nigeria.....	100
4.2.1	Identity documents for Cameroonian and other refugees.....	101
4.2.2	The situation of Cameroonian refugees: malnutrition, gender-based violence and insecurity due to cults.....	101
4.2.3	Delayed return due to electoral violence in Cameroon.....	102
4.3	Nigerian refugees in the region.....	102
4.3.1	Concerning humanitarian and security situation for Nigerian refugees in Niger ....	102
4.3.2	Deportation of Nigerian refugees in Cameroon.....	103
4.3.3	Stabilisation of the situation of Nigerian refugees in Chad.....	103
<b>5</b>	<b>Repatriation.....</b>	<b>104</b>
5.1	Reception at the airport by the authorities.....	104
5.2	Resettlement in another city or region.....	105
5.3	Reintegration of voluntary returnees.....	105
5.3.1	The nature of the support with economic and other forms of reintegration for voluntary returnees from the Netherlands.....	106
5.3.2	The nature of the support with economic and other forms of reintegration for voluntary returnees from Libya and Niger.....	106
5.3.3	Effect of reintegration support on voluntary returnees from Libya and Niger.....	107
5.4	Reintegration of forced returnees.....	107
5.5	Factors that may contribute to reintegration.....	108
5.6	Care of unaccompanied minor returnees.....	109
<b>6</b>	<b>Human trafficking.....</b>	<b>110</b>
6.1	Profiles of human trafficking victims.....	110
6.1.1	Female victims from southern Nigeria.....	111
6.1.2	Male victims of human trafficking.....	111
6.2	Risk of reprisals.....	112
6.2.1	Fear of supernatural reprisals.....	112
6.2.2	Lack of clarity about the prevalence of reprisals against victims in practice.....	113
6.2.3	A possible hardening of attitudes on the part of human traffickers: indications of threats and violence against returning victims.....	113
6.2.4	Retrafficking.....	114
6.2.5	Reprisals against family members.....	115
6.2.6	Reprisals against underage and adult male victims of human trafficking.....	116
6.3	Protection of human trafficking victims.....	116
6.3.1	The legal framework regarding human trafficking.....	116
6.3.2	Capacity of shelters for human trafficking victims.....	117
6.3.3	Nature and quality of protection at NAPTIP shelters.....	117
6.3.4	Nature and quality of protection at other shelters.....	118
6.3.5	Shelter for male victims of human trafficking.....	118
6.3.6	Protection of victims outside shelters and of the family members of human trafficking victims.....	118
6.3.7	Inadequate criminal prosecution of human traffickers.....	119
6.3.8	Fear, corruption and inefficiency as causes of limited criminal prosecution.....	119

6.4	Social reintegration.....	120
6.4.1	Risk of stigmatisation and expulsion of returning human trafficking victims .....	121
6.4.2	Stigmatisation of male victims of human trafficking and sexual exploitation.....	121
6.4.3	NGOs play a leading role in the economic reintegration of victims of human trafficking .....	121
6.4.4	Reintegration after the end of the care period .....	122
6.5	Risk of criminal prosecution for sex work/prostitution.....	122
6.5.1	Criminalisation of sexual exploitation in national law .....	122
6.5.2	Arrest and acquittal of (alleged) sex workers .....	123
<b>7</b>	<b>Appendices .....</b>	<b>124</b>
7.1	Sources consulted .....	124
7.2	Abbreviations.....	166
7.3	Map of Nigeria.....	168

## Introduction

This country of origin information report was drawn up on the basis of the questions asked and points for attention mentioned by the Ministry of Justice and Security in its Terms of Reference (ToR). The ToR for this report was adopted on 20 August 2020. An anonymised version of the ToR has been published together with the report on the website of the Dutch government.

This 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 decisions related to the return of rejected Nigerian asylum seekers. It is an update of previous reports on the situation in Nigeria (the most recent being from June 2018), and covers the period from June 2018 to March 2021. This report is a factual, neutral and objective representation of the findings that were made during the period under consideration and does not offer any policy recommendations.

The report is based on information from public and confidential sources. Use has been made in the research of information from, among other sources, non-governmental organisations, international observers, specialist literature and media reporting. Unless stated otherwise or when the facts are generally undisputed, the content in this country of origin information report is based on multiple sources. An overview of public sources consulted is included in the list of references.

The report is also based on telephone and face-to-face interviews with confidential sources and confidential reports of the Dutch mission in Abuja. The information obtained on a confidential basis has chiefly been used to support and add to the content based on public information. The confidential sources are marked 'confidential source' in the footnotes and dated.

Chapter One discusses the main political and security developments in Nigeria between June 2018 and March 2021. The section on political developments examines the 2019 elections and the large-scale protests that took place in 2020. The section on the security situation discusses the main conflicts and other forms of violence by geopolitical zone.

Chapter Two considers the most important developments concerning the introduction of the national identification obligation.

Chapter Three outlines the human rights situation in Nigeria, paying particular attention to the situation of religious groups, deserters, members of the LGBTI community, women (including victims of genital mutilation) and unaccompanied minors.

Chapter Four discusses the situation of refugees and displaced persons in and around Nigeria, and Chapters Five and Six deal with the situation of returnees and victims of human trafficking respectively on their return to Nigeria.



## 1 Political and security situation

This chapter discusses the main political and security developments in Nigeria between June 2018 and March 2021. The section on political developments examines the 2019 elections and the large-scale protests that took place in 2020. The section on the security situation discusses the main conflicts and other forms of violence by geopolitical zone.

### 1.1 Political developments

The most important political developments in Nigeria since the publication of the previous country of origin information report in June 2018 are described in this section. Attention is paid to the national elections in 2019 and the protests against police violence and ineffective government in 2020.

#### 1.1.1 Elections

The second half of 2018 and the first few months of 2019 were dominated by the national elections for the presidency, parliament and senate and local elections for governors and regional parliaments. After the original poll had been postponed, the incumbent president, Muhammadu Buhari of the All Progressives Congress (APC), was re-elected. Given Nigeria's experiences of election-related violence,<sup>1</sup> the worsening security situation in several parts of the country and the lack of a clear favourite in the run-up to the elections, there were fears of such violence erupting before, during and after the elections.<sup>2</sup> The European Union Election Observation Mission (EU EOM) counted a total of 145 deaths from violence in connection with the national and local elections.<sup>3</sup>

##### *Context of the elections*

The 2019 elections were the sixth national elections since the fall of the military regime in 1999. The political playing field in Nigeria is dominated by the APC, together with the People's Democratic Party (PDP). In 2015, the APC, led by Buhari, became the first opposition party to defeat the PDP, which had been in power since 1999.<sup>4</sup> The contest for the presidency is central to the national elections. While 73 individuals ran for office, the contest was mainly between the incumbent president, Buhari, and the former PDP vice-president, Atiku Abubakar.<sup>5</sup> Both candidates were Muslims from northern Nigeria past the age of 70. As in 2015, improving the security situation, strengthening the economy and fighting corruption were the main electoral issues. In 2015, Buhari won the

<sup>1</sup> International Crisis Group, *Nigeria's 2019 Elections: Six States to Watch*, 21 December 2018.

<sup>2</sup> The International Crisis Group identified six states where there was a particularly high risk of such violence: Rivers, Akwa Ibom, Kaduna, Kano, Plateau and Adamawa. International Crisis Group, *Nigeria's 2019 Elections: Six States to Watch*, 21 December 2018.

<sup>3</sup> This number is similar to the number of deaths in 2015. However, it should be noted that the EU EOM indicated that it was difficult to obtain exact figures for the number of incidents. Other (local) sources such as SBM Intelligence, a Nigerian consultancy that monitors the security situation in Nigeria, recorded a total of 626 deaths during the entire election cycle. These figures were cited by local and international NGOs such as Human Rights Watch and the Nigeria Civil Society Situation Room in their reports on election-related violence. SBM Intel has its own website: [www.sbmintel.com](http://www.sbmintel.com). SBM Intel and Open Society Initiative for West Africa, *Nigeria 2019 Election Survey Report*, June 2019. See also: Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections, 2019*; Human Rights Watch, *Nigeria: Widespread Violence Ushers in President's New Term*, 10 June 2019.

<sup>4</sup> The APC was created in February 2013 through a merger of the four main opposition parties: the *Congress for Progressive Change* (CPC), the *All Nigerian Peoples Party* (ANPP), the *Action Congress of Nigeria* (ACN) and the *All Progressives Grand Alliance* (APGA); see Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, October 2015. The APC has its own website: <https://apc.com.ng>. The PDP also has its own website: <https://peoplesdemocraticparty.com.ng>.

<sup>5</sup> BBC, *Nigeria Presidential Elections Results 2019*, 26 February 2019.

election partly by presenting himself as the leader who would be most capable of fighting *Boko Haram*.<sup>6</sup> These issues also dominated the election agenda in 2019.<sup>7</sup>

#### *Violence and postponement of polling in the run-up to the elections*

The run-up to the national elections was accompanied by various forms of violence. The EU EOM counted 64 fatalities in the pre-election period.<sup>8</sup> In addition, various sources such as Human Rights Watch (HRW), the Nigeria Civil Society Situation Room and the Independent National Electoral Commission (INEC)<sup>9</sup> reported cases of violence against INEC employees,<sup>10</sup> consisting of threats, harassment, intimidation, assault, kidnapping and rape. In early February, three INEC offices were burnt down and election-related violence also resulted in the deaths of several INEC employees.<sup>11</sup> This turbulent run-up to the elections, which were scheduled for 16 February 2019, led to a last-minute decision to postpone them.<sup>12</sup> INEC stated that logistical and organisational problems were behind this decision and that the delay was necessary to ensure free and fair elections.<sup>13</sup> The Nigeria Civil Society Situation Room confirmed that the violence against INEC offices had resulted in the loss of election materials.<sup>14</sup> However, the postponement of the elections prompted fears of further violence. Ultimately, according to the EU EOM, 21 more people were killed in the period between 16 February and 23 February, the date on which the elections finally took place.<sup>15</sup>

#### *A historically low turnout, logistical problems and violent incidents*

The elections were characterised by a historically low turnout and several violent incidents. Of the 84 million registered voters, 35.6% voted.<sup>16</sup> This was the lowest turnout since 1999, and was 8.1% lower than the 43.7% turnout for the 2015 national elections.<sup>17</sup> The low turnout was attributed to the postponement of the elections, a decision that experts claimed had further reinforced the existing apathy among Nigerian voters.<sup>18</sup> The Nigeria Civil Society Situation Room also cited the heavy deployment of security forces around polling stations as a cause of the low turnout, as the presence of these forces led to fears of violence and concerns about the fairness and freedom of the elections.<sup>19</sup> There were also logistical problems during the three election days. The Nigeria Civil Society Situation Room and the EU EOM indicated that in several places voting was not able to start until considerably later than planned due to problems with the

<sup>6</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, June 2018. Boko Haram literally means 'book forbidden', but can also be translated as 'Western education is forbidden'.

<sup>7</sup> Confidential source, 2 July 2019.

<sup>8</sup> For comparison, SBM counted 233 fatalities between 18 October 2018 and 20 February 2019. SBM Intel, *Mounting Election Violence*, 22 February 2019. Incidents only count if they are the direct result of election-related activities. This includes incidents that take place during campaigning, rallies, clashes between supporters of different parties, clashes with security forces, and other violence linked to election-related activities. In the period between 14 October 2018 and 20 February 2019, SBC counted 67 incidents.

<sup>9</sup> INEC is the body that organises the Nigerian elections and strives to ensure their quality and impartiality. It has its own website: <https://www.inecnigeria.org/>.

<sup>10</sup> The Nigeria Civil Society Situation Room is a coalition of more than 70 NGOs monitoring the electoral process in Nigeria. It has its own website: <https://situationroom.placng.org>.

<sup>11</sup> Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections*, 2019; Human Rights Watch, *Nigeria: Widespread Violence Ushers in President's New Term*, 10 June 2019.

<sup>12</sup> INEC announced the decision to postpone the elections on the morning of the day on which they were originally scheduled to take place.

<sup>13</sup> INEC in the Premium Times, *INEC Reschedules 2019 Elections*, 16 February 2019.

<sup>14</sup> Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections*, 2019.

<sup>15</sup> European Union Election Observation Mission Nigeria 2019, *General Elections 2019 Final Report*, June 2019.

<sup>16</sup> France24, *Incumbent Buhari declared winner in Nigeria presidential vote*, 27 February 2019.

<sup>17</sup> Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections*, p. 3, 2019.

<sup>18</sup> Because INEC announced its decision to postpone the elections at a very late stage, many voters had already travelled to their constituencies in the run-up to 16 February. For some it was impossible to make the same journey again a week later, while others experienced motivation problems/apathy as a result of the troubled organisation of the presidential elections.

<sup>19</sup> Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections*, p. 73, 2019.

deployment of staff and the absence of the necessary materials.<sup>20</sup>

Despite large-scale deployment of the security forces, several violent incidents took place on the day of the presidential election itself. HRW reported cases of attacks on polling stations by 'criminal elements working for the APC and PDP', infiltration by unknown gunmen into local communities and attacks on voters, journalists and observers.<sup>21</sup> According to HRW, the security forces failed to intervene on several occasions, or were themselves involved in intimidating or attacking innocent civilians.<sup>22</sup> However, the EU EOM stated that the security forces behaved properly at 89% of the sites where its observers were present.<sup>23</sup>

#### *A disputed victory for incumbent president Buhari*

Buhari won the election with 56% of the vote, but the loser, Abubakar, disputed the result. His party, the PDP, brought the results before an election tribunal, but this ruled against him. The case was then brought before the Supreme Court, which in September 2019 also dismissed his appeal and confirmed Buhari's victory.<sup>24</sup> In its evaluation of the vote counting, the EU EOM concluded that important authentication procedures had been violated and that there was a lack of transparency.<sup>25</sup> However, the US Department of State (USDoS) concluded that most independent observers believed the election outcome to be credible despite logistical challenges, local incidents of violence and other irregularities.<sup>26</sup>

### 1.1.2

#### *#EndSARS protests*

From 5 October 2020, protests against police brutality and ineffective government action spread from southern Nigeria (Edo and Delta states) to the rest of the country. The immediate trigger for these protests was extortion, excessive force and other human rights violations against detainees by the Special Anti-Robbery Squad (SARS) police unit (see 3.2.1 for more details). Discontent with SARS acted as a catalyst for widespread protests, mainly by young people, against corruption and misgovernment in general. Women's rights and LGBTI activists were among those who were strongly represented during these protests.<sup>27</sup> In response to the large-scale protests, President Buhari decided on 10 October to disband the SARS unit.<sup>28</sup> This development did not put an end to the protests, which had spread to other cities and were increasingly directed against the failures of the government in general.<sup>29</sup> One reason for this was that following the dissolution of SARS, Buhari immediately created a new police unit: the Special Weapons and Tactics (SWAT) unit.<sup>30</sup> The protests were initially non-violent and accompanied by dialogue. At a later stage, individuals with unknown affiliations were responsible for derailing the movement, and the demonstrations culminated in looting and attacks against government institutions.<sup>31</sup> The authorities quickly switched to a different, tougher response. This led to a 24-hour curfew in the state of Edo and later in Lagos too.<sup>32</sup> The violation of this curfew in the Lekki district of Lagos was accompanied by violent incidents and fatalities on 20 October 2020. A peaceful demonstration at the toll

<sup>20</sup> European Union Election Observation Mission Nigeria 2019, *General Elections 2019 Final Report*, June 2019.

<sup>21</sup> Human Rights Watch, *Nigeria: Widespread Violence Ushers in President's New Term*, 10 June 2019.

<sup>22</sup> Human Rights Watch, *Nigeria: Widespread Violence Ushers in President's New Term*, 10 June 2019.

<sup>23</sup> European Union Election Observation Mission Nigeria 2019, *General Elections 2019 Final Report*, p. 36, June 2019.

<sup>24</sup> Al Jazeera, *Nigeria's Supreme Court upholds President Buhari's election win*, 30 October 2019.

<sup>25</sup> European Union Election Observation Mission Nigeria 2019, *General Elections 2019 Final Report*, p. 36, June 2019.

<sup>26</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 1, March 2020.

<sup>27</sup> BBC, *End Sars protests: The Nigerian women leading the fight for change*, 1 December 2020; PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020; Vogue, *Why #ENDSARS Is Also A Defining Moment For Nigeria's Queer Community*, 22 October 2020.

<sup>28</sup> Deutsche Welle, *Nigeria: Scores killed in #EndSARS protests, Buhari says*, 23 October 2020; BBC, *SARS ban: Nigeria abolishes loathed federal special police unit*, 11 October 2020.

<sup>29</sup> CFR, *Nigerian Demonstrations Becoming About More Than the Police*, 19 October 2020.

<sup>30</sup> BBC, *End SWAT: Nigerians reject police unit replacing hated Sars*, 14 October 2020.

<sup>31</sup> Al Jazeera, *Nigeria deploying anti-riot police as curfew imposed in Lagos*, 20 October 2020.

<sup>32</sup> Al Jazeera, *Nigeria deploying anti-riot police as curfew imposed in Lagos*, 20 October 2020.

gate there was frightened by gunfire that claimed dozens of victims, including civilians and law enforcement officers.<sup>33</sup> Both the number of fatalities and the question of who was responsible for the violence are disputed.<sup>34</sup> The governor of Lagos, the military and Amnesty International give differing versions of the events, with death tolls ranging between 2 and 12.<sup>35</sup> There are several witnesses who stated that it was the military, which had been sent to Lekki after the curfew was announced, that opened fire.<sup>36</sup> The authorities promised to investigate, and on 27 October 2020 a judicial panel in Lagos launched an investigation into the nature and cause of the violence.<sup>37</sup> However, the lawyer representing victims of violence during the #EndSARS protests stated that the authorities and police in Lagos were trying to frustrate the panel's investigation (for more information on the aftermath of the #EndSARS protests, see 3.2.1).<sup>38</sup>

## 1.2 The security situation

The security situation in Nigeria remains complex, with high levels of violence in many parts of the country. This section takes a closer look at the security situation in Nigeria by geographical zone, focusing on the main challenges at national and regional level, including:<sup>39</sup>

1. The Boko Haram conflict and other extremist violence in North-East Nigeria;
2. The conflict between herders and farmers in North-Central and North-West Nigeria (known as the Middle Belt region);
3. Gang violence centred on North-West Nigeria;
4. Cult-related violence centred on southern Nigeria and in particular the Niger Delta region.

Attention will be paid to the main parties to the conflicts, the intensity of the violence and its impact on the civilian population.

### 1.2.1

#### *General overview of the security situation during the reporting period*

Despite the authorities' promise to improve national security, levels of violence remained high across Nigeria throughout the reporting period. The Council on Foreign Relations (CFR) Nigeria Security Tracker shows that between 2018 and 2020, the number of deaths from political violence<sup>40</sup> increased each year, with an

<sup>33</sup> BBC, *Nigeria protests: President Buhari says 69 killed in unrest*, 23 October 2020.

<sup>34</sup> Amnesty International, *Nigeria: Authorities must stop attempts to cover up Lekki Toll Gate massacre – new investigative timeline*, 28 October 2020; Al Jazeera, *Lekki shooting: Army admits troops deployed, denies opening fire*, 28 October 2020.

<sup>35</sup> Amnesty International, *Nigeria: Killing of #EndSARS protesters by the military must be investigated*, 21 October 2020.

<sup>36</sup> BBC, *Nigeria's Lekki shooting: What has happened so far at Lagos judicial panel*, 27 November 2020; CNN, *'They pointed their guns at us and started shooting': How a bloody night of bullets and brutality quashed a young protest movement*, 19 November 2020; CNN, *Analysis of CCTV footage from Lekki toll gate raises new questions about shooting*, 24 November 2020.

<sup>37</sup> BBC, *Nigeria's Lekki shooting: What has happened so far at Lagos judicial panel*, 27 November 2020.

<sup>38</sup> Premium Times, *Lekki Shooting: Lagos govt, police frustrating investigation by judicial panel – Lawyer*, 4 December 2020.

<sup>39</sup> Nigeria consists of 36 states and the capital Abuja, which has a special status as Federal Capital Territory (FCT).

The states and the FCT are divided into six geopolitical zones:

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

<sup>40</sup> The CFR Nigeria Security Tracker charts political violence on the basis of a weekly survey of the Nigerian and international press. The data presented cover violent incidents relating to political, economic and social grievances against the state or other affiliated groups (or conversely the state's use of violence in response to such incidents). This includes violence in connection with the Boko Haram conflict, violence between herders and

annually recurring peak in the first half of the year.<sup>41</sup> Data from the Armed Conflict Location & Event Data Project (ACLED) confirm this trend,<sup>42</sup> but show that the number of victims of violence against civilians fell between 2018 and 2020.<sup>43</sup>

**Number of fatalities due to political violence in Nigeria according to the CFR Nigeria Security Tracker**

	H1 2018	H2 2018	H1 2019	H2 2019	H1 2020	H2 2020
Victims per half-year	3412	3153	4700	2640	6205	3489

**Number of civilian fatalities according to ACLED**

	H1 2018	H2 2018	H1 2019	H2 2019	H1 2020	H2 2020
Victims per half-year	2239	870	1708	498	1481	894 <sup>44</sup>

Terrorism remained a major cause of deadly violence in Nigeria. The Global Terrorism Index (GTI) indicated that in 2018, the number of deaths from terrorism in Nigeria was higher than in the previous year for the first time since 2014.<sup>45</sup> The GTI counted 1,535 fatalities in 2017, but 2,040 in 2018.<sup>46</sup> In 2019, the number fell again to 1,245.<sup>47</sup> Some of these deaths occurred in the context of the Boko Haram conflict: the CFR Nigeria Security Tracker shows that since the end of 2018 the number of deaths (of members of the security forces, Boko Haram fighters and civilians) as a result of the Boko Haram conflict has risen sharply again.<sup>48</sup> However, the increase in the number of deaths from violence by non-state actors in 2018 was primarily due to the conflict between herders and farmers in the Middle Belt.<sup>49</sup> According to ACLED data, Borno in North-East Nigeria remained the state with the most civilian casualties during the reporting period, but the level of violence was higher in the North-West zone as a whole than in the North-East zone as a whole. In addition to this intensification of ongoing conflicts, Nigeria is also experiencing a national crime wave characterised by a high number of kidnappings, cattle thefts and violent burglaries. Crimes of this type have always occurred, but their current

farmers, violence in the Niger Delta and all forms of arbitrary and targeted violence by the military and the police against civilians.

<sup>41</sup> CFR, *Nigeria Security Tracker*, last updated 1 August 2020. The Council on Foreign Relations is an independent think tank founded in New York in 1921. It has its own website: <https://www.cfr.org/>, with a special section on Nigeria: <https://www.cfr.org/project/nigeria-brink>.

<sup>42</sup> This report uses ACLED data as its primary source of information on civilian fatalities as a result of political violence in Nigeria. ACLED is an international NGO that reports on and analyses political violence in developing countries on a weekly basis, drawing on information from secondary sources such as media reporting. Since ACLED's information on political violence in Nigeria is based on secondary sources, the quality of the information depends to a large extent on the extent to which these sources succeed in reporting on violent incidents in Nigeria in an objective and comprehensive manner. Many sources consulted for this report stated that the quality of Nigerian and international media coverage and information from the authorities on political violence is poor. The figures on political violence in Nigeria in this chapter should therefore be used with this disclaimer in mind.

<sup>43</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021. These figures only relate to fatalities and do not take account of the number of injured.

<sup>44</sup> This figure is for the situation up to 12 December 2020.

<sup>45</sup> Institute for Economics and Peace, *Global Terrorism Index 2019*, November 2019. The GTI is a report published annually by the Institute for Economics and Peace. The index provides a comprehensive overview of the main global trends and patterns in terrorism. The Institute for Economics and Peace has its own website: <https://www.economicsandpeace.org/>. More information about the GTI is available at: <http://visionofhumanity.org/indexes/terrorism-index/>.

<sup>46</sup> Institute for Economics and Peace, *Global Terrorism Index 2019*, November 2019.

<sup>47</sup> Institute for Economics and Peace, *Global Terrorism Index 2020*, p. 12, November 2020.

<sup>48</sup> Most of the fatalities, however, were among Boko Haram fighters and Nigerian military personnel.

<sup>49</sup> Institute for Economics and Peace, *Global Terrorism Index 2019*, p. 13, November 2019. The GTI keeps track of incidents that fall within the following definition: 'The threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.' An incident must meet the following three criteria to fall within this definition: 1. The incident must be intentional – the result of a conscious calculation on the part of a perpetrator. 2. The incident must entail some level of violence or threat of violence – including property damage, as well as violence against people. 3. The perpetrators of the incidents must be sub-national actors.

scale is unprecedented according to the CFR.<sup>50</sup> In southern Nigeria, which is generally more peaceful than the north, the oil-related conflict in the Niger Delta was less active,<sup>51</sup> but there was an intensification of cult-related violence, conflicts over land and piracy in the Gulf of Guinea.<sup>52</sup> In addition, there was ongoing tension between Igbo secessionist movements and the central government in southern Nigeria,<sup>53</sup> and government violence against the Shia movement, Islamic Movement of Nigeria (IMN), mainly in Zaria.<sup>54</sup>

### 1.2.2

#### *North-East zone (Bauchi, Borno, Taraba, Adamawa, Gombe and Yobe)*

The North-East geopolitical zone is known to be the most insecure part of Nigeria due to the presence of Boko Haram. During the reporting period, the level of violence remained high there despite earlier statements by the authorities that Boko Haram had been technically defeated.<sup>55</sup> Borno remained the state with the highest number of violent incidents and fatalities in the North-East zone and in Nigeria in general, according to ACLED.<sup>56</sup> ACLED counted a total of 1,695 violent incidents in the entire North-East zone between the beginning of 2018 and the end of 2020,<sup>57</sup> 1,245 of which took place in Borno.<sup>58</sup> According to ACLED, there were 2,106 civilian casualties in the North-East zone between early 2018 and late 2020: 1,275 in Borno, 515 in Taraba, 297 in Adamawa, 10 in Gombe, 7 in Bauchi and 2 in Yobe.<sup>59</sup> These figures relate to civilian victims of different types of violence, not just the Boko Haram conflict.

#### *The development of Boko Haram: an ongoing presence despite fragmentation*

During the reporting period, Boko Haram further split into several splinter factions,<sup>60</sup> the most important of which is the Islamic State West African Province (ISWAP)<sup>61</sup>. Contrary to earlier claims by the Nigerian authorities, this fragmentation did not lead to the movement's demise.<sup>62</sup> While Boko Haram and its factions are far from the level at which they operated at the height of their power in 2014-2015, there is evidence that the terrorist movement has gained in

<sup>50</sup> CFR, *The Prospect of Local Policing Amid Security Breakdown in Nigeria*, 14 July 2020.

<sup>51</sup> PIND, *Niger Delta Annual Conflict Report*, 4 February 2020; Confidential source, 21 October 2020.

<sup>52</sup> PIND, *Niger Delta Annual Conflict Report*, 4 February 2020.

<sup>53</sup> *Police Arrest 51 As 'Jewish Worshippers' Protest In Abia*, 12 December 2018; Premium Times, *Two SSS operatives, '21' IPOB members killed in violent clash*, 23 August 2020; Confidential source, 2 July 2019. MASSOB stands for the Movement for the Actualization of the Sovereign State of Biafra. IPOB stands for Indigenous People of Biafra. The aim of both movements is to gain recognition for Biafra as an independent state, and both use peaceful means to achieve this goal. For more information, see: Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, pp. 8-10, June 2018.

<sup>54</sup> Human Rights Watch, *Nigeria: Events of 2018, 2019*; Amnesty International, *Nigeria: Authorities must end deadly crackdown on Shi'a protesters*, 22 July 2019. Vanguard, *Police arrest 51 suspected IPOB members in Umuahia*, 12 December 2018; Sahara Reporters,

<sup>55</sup> Al Jazeera, *Nigeria's Buhari rattled by Boko Haram attacks as polls loom*, 1 December 2018.

<sup>56</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021. See also: ACCORD, NIGERIA, *THIRD QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition*, 20 December 2018; ACCORD, NIGERIA, *FOURTH QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 25 February 2020; ACCORD, NIGERIA, *FIRST HALFYEAR 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 19 December 2019; ACCORD, NIGERIA, *THIRD QUARTER 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 25 February 2020. ACCORD, NIGERIA, *FOURTH QUARTER 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 23 June 2020; ACCORD, NIGERIA, *FIRST QUARTER 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 23 June 2020.

<sup>57</sup> ACLED, *Dashboard: [Adamawa, Bauchi, Borno, Gombe, Taraba, Yobe] 01/01/2018 – 31/12/2020*, accessed 24 January 2021.

<sup>58</sup> ACLED, *Dashboard: [Borno] 01/01/2018 – 31/12/2020*, accessed 24 January 2021.

<sup>59</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>60</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 11, June 2018. This development started when, following Boko Haram leader Abubakar Shekau's pledge of allegiance to Islamic State (IS) in March 2015, IS stated in August 2016 that it had replaced Shekau with a new leader, Abu Musab al Barnawi, the son of Boko Haram's founder Mohammed Yusuf.

<sup>61</sup> Some sources speak of the *Islamic State West Africa* (ISWA).

<sup>62</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 11, June 2018.

strength since the second half of 2018. ISWAP in particular has grown significantly in relevance and made territorial gains around Lake Chad.<sup>63</sup> In addition, the Boko Haram faction led by Shekau, also known as *Jama'atu Ahli s-Sunna Lidda'awati wa l-Jihad* (JAS),<sup>64</sup> was also behind a number of violent attacks and continues to issue video messages from Shekau.<sup>65</sup> After the Nigerian armed forces withdrew to 'super camps' in 2019, the various Boko Haram factions gained more freedom of movement in the area. Recent analyses have indicated that there is a risk of Boko Haram expanding into the North-Central and North-West zones, with the various Boko Haram factions benefiting from instability due to the ongoing violence between farmers and herders and criminal activity by gangs.<sup>66</sup> The International Crisis Group (ICG) has detected a resurgence of the dormant Boko Haram cell, *Ansaru*,<sup>67</sup> in North-West Nigeria.<sup>68</sup> The following paragraphs describe in more detail the developments that the different factions of Boko Haram have undergone during this reporting period.

ISWAP: After its separation from the Shekau-dominated faction of Boko Haram, ISWAP rapidly strengthened its power position and gained ground around Lake Chad in North-East Nigeria. In May 2019, the ICG estimated that ISWAP had between 3,500 and 5,000 fighters (more than JAS, which was estimated to have 1,200 to 1,500 fighters at the time).<sup>69</sup> Analysts attributed ISWAP's success to the 'symbiotic relationship' the terror group had managed to create with the local Muslim population.<sup>70</sup> This was in stark contrast to Boko Haram's original methods, which were characterised by indiscriminate violence against both Christians and Muslims, the most famous being the mass kidnapping of girls.<sup>71</sup> ISWAP, on the other hand, has tried to win over the local population by digging wells, punishing cattle theft, providing (basic) health care and prosecuting those of its own supporters who treat the civilian population in an unacceptable way. *The New York Times* quoted ICG expert Vincent Foucher as saying that ISWAP was running markets and law courts in certain areas of Borno.<sup>72</sup> This situation has been described as the existence of a 'jihadist proto-state' around Lake Chad, with ISWAP power centres on the southern shore and in the Alagarno Forest on the border between Borno and Yobe states –<sup>73</sup> islands of territory in the border area between Nigeria, Niger, Cameroon and Chad.<sup>74</sup> However, a confidential source stated in February 2020 that it was premature to speak of a proto-caliphate, because ISWAP was regularly forced to leave its territory by assaults by the armed forces.<sup>75</sup> As of summer 2020, however, there were indications that ISWAP had starting taking a more violent and deadly approach to the local Muslim civilian population. Various sources reported a series of violent incidents in June 2020 in which the local Muslim population was the target of ISWAP

<sup>63</sup> International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, 16 May 2019.

<sup>64</sup> In English this means: 'People Committed to the Propagation of the Prophet's Teachings and Jihad'.

<sup>65</sup> Jamestown Foundation, *Boko Haram Factionalization: Who are Islamic State in West Africa Province (ISWAP) Fighters in Niger and Chad?*, 14 June 2019.

<sup>66</sup> Institute for Security Studies, *Nigeria's growing insecurity offers expansion opportunities for Boko Haram*, 3 August 2020.

<sup>67</sup> Ansaru's full Arabic name means: *Jama'atu Ansarul Muslimina Fi Biladis Sudan* 'Vanguard for the Protection of Muslims in Black Africa'.

<sup>68</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, p. 12, 18 May 2020. The ICG is an international NGO engaged in conflict prevention and resolution. It has its own website: [www.crisisgroup.org](http://www.crisisgroup.org).

<sup>69</sup> International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, p. 2, 16 May 2019.

<sup>70</sup> International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, pp. 11-12, 16 May 2019.

<sup>71</sup> International Crisis Group, *Preventing Boko Haram Abductions of Schoolchildren in Nigeria*, 12 April 2018.

<sup>72</sup> The New York Times, *Boko Haram is Back. With Better Drones*, 13 September 2019.

<sup>73</sup> Italian Institute of International Political Studies, *The Jihadi Proto-State in the Lake Chad Basin*, 19 March 2020.

<sup>74</sup> The Defense Post, *Nigeria Army Retakes Military Base in Borno From ISWAP Jihadists*, 18 January 2021; ICG, *Behind the Jihadist Attack in Chad*, 6 April 2020; Jamestown Foundation, *Boko Haram Factionalization: Who are Islamic State in West Africa Province (ISWAP) Fighters in Niger and Chad?*, 14 June 2019.

<sup>75</sup> Confidential source, 28 February 2020.

attacks.<sup>76</sup> This change of course coincided with the death of ISWAP's original leaders after an internal power struggle.<sup>77</sup>

JAS: Before ISWAP began to use increasing violence against the local civilian population in the summer of 2020, JAS had long been seen as the more violent faction of Boko Haram. JAS regarded Muslim citizens who were unwilling to support it as traitors and collaborators with the Nigerian authorities, and as such legitimate targets for attacks and violence.<sup>78</sup> This represented a continuation of the approach Boko Haram had taken before the group broke up into different factions. JAS and ISWAP were also in competition for territory around Lake Chad.<sup>79</sup> According to ICG, JAS is mainly located on the north side of Lake Chad.<sup>80</sup> Shekau and JAS have so far managed to retain South-East Borno and parts of Cameroon despite ISWAP's expansion drive.<sup>81</sup> During this reporting period, JAS continued carrying out violent attacks on Nigerian territory and in Chad, for example.<sup>82</sup>

#### *Scale of Boko Haram-related violence*

CFR recorded 2,032 civilian casualties of Boko Haram violence across North-East Nigeria during the same period.<sup>83</sup> CFR data show that during this reporting period, the number of civilian casualties in North-East Nigeria was still significantly lower than in 2014-2015, when Boko Haram violence (against civilians) peaked,<sup>84</sup> but that there was nonetheless an increase in the number of civilian casualties between 2018 and 2020. According to these data, there were 587 civilian casualties of Boko Haram violence in 2018, 707 in 2019 and 738 in 2020. In addition, a number of relatively large-scale attacks by Boko Haram against civilians took place in June and November 2020. On 10 June 2020, 81 people were killed and between 400 and 1,200 head of cattle were stolen in an ISWAP attack on the village of Felo in the Gubio district of Borno state.<sup>85</sup> A few days later, ISWAP killed more than 40 civilians in two attacks in the regions of Monguno and Nganzai in the same state. In Monguno, Boko Haram fighters burned the UN humanitarian hub to the ground.<sup>86</sup> In late 2020, JAS claimed responsibility for an attack that killed 76 agricultural workers harvesting rice in the village of Koshobe, just outside Maiduguri.<sup>87</sup>

Data from the Nigeria Security Tracker also showed that the overall number of violent incidents in North-East Nigeria has increased since the end of 2018. However, this is mainly due to violence between the military and Boko Haram, with Boko Haram fighters and the Nigerian military accounting for most of the fatalities during the reporting period. In April 2020, Boko Haram suffered its greatest setback since February 2015, with 1,068 dead among its ranks, according to the

<sup>76</sup> CFR, *ISWA's Recent Attacks Could Signal a New, Deadlier Approach in Nigeria*, 19 June 2020; Al Jazeera, *20 soldiers, 40 civilians killed in attacks Nigeria's Borno state*, 14 June 2020; Al Jazeera, *Tens of civilians' killed in gruesome Nigeria massacre, UN says*, 29 November 2020.

<sup>77</sup> A change of leadership in ISWAP in February, rumoured to be related to the removal of Ba Idrisa and the appointment of the more hardline Ba Lawan as leader of ISWAP, may be behind this change of course. Barron's, *Nigeria Attacks Spark Fears Of Bloodier Jihadist Strategy*, 18 June 2020; CFR, *ISWA's Recent Attacks Could Signal a New, Deadlier Approach in Nigeria*, 19 June 2020.

<sup>78</sup> Institute for Security Studies, *Factional Dynamics within Boko Haram*, p. 19, July 2018.

<sup>79</sup> Jamestown Foundation, *Boko Haram's Expansionary Project in Northwestern Nigeria: Can Shekau Outflank Ansaru and Islamic State in West Africa Province?*, 28 July 2020.

<sup>80</sup> ICG, *Behind the Jihadist Attack in Chad*, 6 April 2020.

<sup>81</sup> Jamestown Foundation, *Boko Haram's Expansionary Project in Northwestern Nigeria: Can Shekau Outflank Ansaru and Islamic State in West Africa Province?*, 28 July 2020.

<sup>82</sup> ICG, *Behind the Jihadist Attack in Chad*, 6 April 2020.

<sup>83</sup> CFR, *Nigeria Security Tracker*, last accessed 27 January 2021.

<sup>84</sup> According to CFR data, there were 5,500 civilian casualties of Boko Haram in 2014, and 5,260 in 2015. CFR, *Nigeria Security Tracker*, last accessed 27 January 2021.

<sup>85</sup> CFR, *Massacre in Northern Nigeria Involves Cattle Rustling, Jihadis, and Vigilantes*, 10 June 2020; Al Jazeera, *Fighters kill dozens, raze village in Nigeria's Borno state*, 10 June 2020.

<sup>86</sup> Al Jazeera, *20 soldiers, 40 civilians killed in attacks Nigeria's Borno state*, 14 June 2020.

<sup>87</sup> Deutsche Welle, *Nigeria: Boko Haram killed 76 farmers in Borno State*, 2 December 2020; The New York Times, *Executed Nigerian Farmers Were Caught Between Boko Haram and the Army*, 10 December 2020.



authorities.<sup>88</sup> This high number of deaths is attributed to the large-scale *Bohoma Anger* military operation by the Chadian armed forces against Boko Haram in the Lake Chad area.<sup>89</sup> However, experts question the reliability of the figures for fatalities among the ranks of Boko Haram given by the Nigerian authorities, which sometimes appear to exaggerate the number of Boko Haram fighters killed in order to give the impression that the conflict is (more or less) under control, says CFR.<sup>90</sup>

#### *Impact of the Boko Haram conflict on the civilian population*

The impact of the Boko Haram conflict on the civilian population is significant. According to the UN High Commissioner for Refugees (UNHCR), there were nearly 1.9 million IDPs in North-East Nigeria in August 2020.<sup>91</sup> There were also nearly 300,000 Nigerian refugees in neighbouring Chad, Niger and Cameroon. IDPs and IDP camps are regular targets of Boko Haram violence.<sup>92</sup> Chapter Four deals in more detail with displacement and the humanitarian situation in North-East Nigeria.

#### *Government response to the Boko Haram conflict*

Although the Nigerian military has several urban centres in Borno under its control, it appears to be less and less able to keep rural areas in this region under long-term control.<sup>93</sup> Analysts and humanitarian organisations criticise the Nigerian military for failing to provide civilians with adequate protection in the struggle against Boko Haram. Particular concern has been expressed about the adoption of the super camp strategy,<sup>94</sup> the relocation of violence from one region to another,<sup>95</sup> the negligent response to reports of Boko Haram attacks and the growing reliance on vigilantes.<sup>96</sup> In addition, there was evidence of serious human rights violations against the population of North-East Nigeria by the military, which will be discussed in more detail in 3.2.2.

#### *Concerns about the super camp strategy*

Under the super camp strategy, both the military and IDPs are supposed to settle as much as possible in concentrations of fortified urban zones that are cut off from the surrounding countryside. This choice was prompted by the fact that soldiers were vulnerable to attacks by Boko Haram when they were still stationed in small numbers around Borno.<sup>97</sup> In some cases this strategy led to civilians being excluded from military protection. For example, on 9 February 2020, 30 civilians were shot dead or burned alive in their cars by ISWAP just outside the gates of Auno (Borno). These individuals were not allowed to enter Auno because the curfews had already started and soldiers had withdrawn to their super camp in the capital, Maiduguri, ten kilometres from Auno.<sup>98</sup> The new strategy has also resulted in large areas of territory being left unmonitored, which has allowed extremist groups more freedom of movement, created insecurity for civilians in surrounding communities outside the super camps and greatly reduced these communities' accessibility for humanitarian organisations.<sup>99</sup>

#### *The waterbed effect*

<sup>88</sup> CFR, *After Lake Chad Offensive, April One of Deadliest Months in Boko Haram Conflict*, 12 May 2020.

<sup>89</sup> Jamestown Foundation, *Counter-Boko Haram Offensives in Chad, Niger, and Nigeria under the Specter of Coronavirus: Public Relations or Permanent Destruction?*, 1 May 2020;

<sup>90</sup> CFR, *Nigerian Army Statements Bely Facts on the Ground in Northeast*, 9 July 2020.

<sup>91</sup> UNHCR Nigeria, *North-East Situation Update (June 2020)*, 7 August 2020.

<sup>92</sup> ACLED, *Regional Overview – Africa*, 4 June 2019.

<sup>93</sup> ISS, *Is counter-terrorism history repeating itself in Lake Chad Basin?*, 15 April 2020.

<sup>94</sup> CFR, *The Humanitarian Dilemma Around the Military's "Super Camp" Strategy in Nigeria*, 5 September 2019; ISS, *Nigeria's super camps leave civilians exposed to terrorists*, 30 November 2020.

<sup>95</sup> CFR, *After Lake Chad Offensive, April One of Deadliest Months in Boko Haram Conflict*, 12 May 2020; Confidential source, 28 July 2020.

<sup>96</sup> Brookings, *As conflict intensifies in Nigeria's North East, so too does a reliance on troubled militias*, 21 April 2020.

<sup>97</sup> CFR, *The Humanitarian Dilemma Around the Military's "Super Camp" Strategy in Nigeria*, 5 September 2019.

<sup>98</sup> CNN, *Caught between roadblocks, they were sitting ducks for Boko Haram massacre*, 15 February 2020.

<sup>99</sup> CFR, *The Humanitarian Dilemma Around the Military's "Super Camp" Strategy in Nigeria*, 5 September 2019.

In addition, there appeared to be a 'waterbed effect': military offensives shifted the problem from one region to another.<sup>100</sup> This is clear from the fact that the military victories in April were followed by more Boko Haram violence against civilians. For example, the number of civilian casualties rose sharply in June 2020, with 179 deaths – the highest number of victims in one month since August 2017, when there were 222 deaths.<sup>101</sup> November 2020 was also a deadly month for civilians as a result of Boko Haram violence: CFR reported 130 casualties.<sup>102</sup> As noted, analysts fear these developments mean the end of ISWAP's relatively peaceful attitude towards civilians.<sup>103</sup>

#### *Growing reliance on Civilian Joint Task Forces*

Sources also expressed concern about the Nigerian military's growing reliance on the Civilian Joint Task Forces (CJTF).<sup>104</sup> As described in the previous country of origin information report, the CJTF are vigilantes set up in 2013 to support the armed forces in the fight against Boko Haram with language skills, intelligence and manpower. The vigilantes played an important role in expelling Boko Haram from Borno's state capital, Maiduguri, but there are concerns about the human rights violations and economic crimes that these vigilantes are guilty of.<sup>105</sup>

#### *Questions about the effectiveness of the Multi-National Joint Task Force*

As described in the previous report, the countries around Lake Chad (Niger, Chad, Cameroon, Nigeria and Benin) have been cooperating militarily in the Multi-National Joint Task Force since 2014 to combat Boko Haram.<sup>106</sup> The effectiveness of this initiative was questioned in an assessment by the ICG,<sup>107</sup> which stated that while increased cooperation is to be welcomed, the impact of the MNJTF's activities remains limited, as many of its military actions do not last long enough, and the participating countries are unwilling to establish a more centralised authority over the troops. As a result, there were incidents during the reporting period in which military personnel from various participating national parties failed to protect civilians from emerging or ongoing Boko Haram violence. In January 2019, for example, the capture of the village of Rann by Boko Haram led to 60 civilian casualties, according to Amnesty International.<sup>108</sup> Hundreds of buildings were burnt down in the same incident. The attack followed an earlier attempt by Boko Haram to capture the village earlier that month. Both the Nigerian and Cameroonian security forces of the MNJTF that were stationed in Rann to protect the population<sup>109</sup> had left the area a day before the attack.<sup>110</sup>

#### *Decreased recruitment of child soldiers in North-East Nigeria*

Although Boko Haram and the CJTF have been guilty of recruiting child soldiers on a large scale, the CJTF stopped this practice during this reporting period and there was also an overall fall in the number of recruitments. The UN Secretary General confirmed that 3,601 child soldiers had been deployed between January 2017 and December 2019. The CJTF was responsible for the largest number of cases (2,203), followed by Boko Haram (1,385) and the Nigerian security forces (13). The recruitments of child soldiers by the CJTF mainly took place between 2013 and 2016 (2,162), but were only confirmed between 2017 and 2019. Since the signing of an

<sup>100</sup> Confidential source, 28 July 2020.

<sup>101</sup> CFR, *Nigeria Security Tracker*, last updated 1 August 2020.

<sup>102</sup> Human Rights Watch, *Groesome Boko Haram Killings in Northeast Nigeria*, 1 December 2020.

<sup>103</sup> CFR, *ISWA's Recent Attacks Could Signal a New, Deadlier Approach in Nigeria*, 19 June 2020.

<sup>104</sup> Confidential source, 28 July 2020; Brookings, *As conflict intensifies in Nigeria's North East, so too does a reliance on troubled militias*, 21 April 2020.

<sup>105</sup> Brookings, *As conflict intensifies in Nigeria's North East, so too does a reliance on troubled militias*, 21 April 2020.

<sup>106</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 17, June 2018.

<sup>107</sup> International Crisis Group, *What Role for the Multinational Joint Task Force in Fighting Boko Haram?*, 7 July 2020.

<sup>108</sup> Amnesty International, *Nigeria: Satellite imagery shows charred remains of Rann after Boko Haram attack*, 18 January 2019.

<sup>109</sup> A partnership between a number of West African countries which are taking on Boko Haram together. See: Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 17, June 2018

<sup>110</sup> This Day, *Nigerians Flee Rann to Cameroon after Withdrawal of Military*, 28 January 2019.

action plan between the CJTF and UNICEF for the release of child soldiers, the CJTF has released 2,188 child soldiers and has stopped recruiting new ones. Most of the child soldiers associated with the CJTF were not involved in combat, but played a support role.<sup>111</sup>

A total of 1,092 children were recruited in 2017, but this number fell to 301 in 2018 and 46 in 2019.<sup>112</sup> Most of the recruitments in 2018 and 2019 were by Boko Haram.<sup>113</sup> Boko Haram used these children for violent purposes and subjected girls to sexual violence. Children were also regularly used to carry out suicide attacks. However, there was a downward trend in the use of children for suicide attacks: 146 children were used in 77 suicide bombings in 2017, 48 children in 26 incidents in 2018 and 9 children in 7 incidents in 2019. Boko Haram mainly used girls for this purpose.<sup>114</sup> The UN report does not distinguish between different Boko Haram factions, but other sources indicate that ISWAP largely refrained from kidnapping girls and women, whereas JAS under Shekau still held 700 kidnapped girls and women captive in 2019.<sup>115</sup>

In late 2020 and early 2021, hundreds of school children were kidnapped in North-West Nigeria. There was uncertainty about who was responsible, but there is strong evidence of some degree of involvement from Boko Haram factions. There are no indications that the kidnapped children have been used as child soldiers. The vast majority of these children were released after negotiations between the kidnapers and the authorities (for more details, see 1.2.4).<sup>116</sup>

### 1.2.3

*North-Central zone (Niger, Kogi, Benue, Plateau, Na(s)sarawa, Kwara and FCT)*  
The Nigerian capital Abuja, which has a special status as the Federal Capital Territory (FCT), is located in the North-Central zone, which partially overlaps with the region also referred to as the Middle Belt.<sup>117</sup> The Middle Belt was again the setting during this period for an ongoing conflict between (mainly Christian) farmers and (mainly Muslim) Fulani herders. In 2018, the situation escalated in particular in the states of Benue, Plateau and Nasarawa in the North-Central zone,<sup>118</sup> and in the states of Adawama and Taraba in the North-East zone. Reliable data on the conflict in the Middle Belt are scarce. ACLED counted 978 violent incidents in the entire North-Central zone between the beginning of 2018 and the end of 2020: 279 in Benue, 193 in Plateau, 151 in Niger, 136 in Nasarawa, 106 in Kogi and 20 in Kwara. There were 93 incidents in FCT.<sup>119</sup> According to ACLED, there were a total of 2,004 civilian casualties in the North-Central zone between early 2018 and late 2020: 707 in Benue, 613 in Plateau, 291 in Nasarawa, 186 in Niger, 180 in Kogi, and 7 in Kwara.<sup>120</sup> There were 20 civilian casualties in FCT.<sup>121</sup> These incidents and civilian

<sup>111</sup> United Nations Secretary General, *Children and Armed Conflict in Nigeria*, pp. 6-7, 6 July 2020.

<sup>112</sup> United Nations Secretary General, *Children and Armed Conflict in Nigeria*, 6 July 2020.

<sup>113</sup> United Nations Secretary General, *Children and Armed Conflict in Nigeria*, 6 July 2020.

<sup>114</sup> United Nations Secretary General, *Children and Armed Conflict in Nigeria*, 6 July 2020.

<sup>115</sup> Jamestown Foundation, *Boko Haram Factionalization: Who are Islamic State in West Africa Province (ISWAP) Fighters in Niger and Chad?*, 14 June 2019.

<sup>116</sup> CFR, *What's Behind the Recent Student Abductions in Nigeria?*, 30 December 2020; VOA News, *Is Boko Haram Gaining Foothold in Nigeria's Northwest?*, 31 December 2020; VOA News, *Fresh Kidnapping of 80 Students in Nigeria Shows Worsening Insecurities*, 21 December 2020; Premium Times, *In fresh Katsina attack, bandits kidnap 80 students; all 'rescued' later*, 20 December 2020.

<sup>117</sup> The Middle Belt extends from western to eastern Nigeria and acts as a transition zone between the north and south of the country. The region is diverse and characterised by the absence of a dominant ethnic or religious group. There is no official list of states or territories that belong to the Middle Belt, but the following states are usually considered to be part of the Middle Belt: Benue, Plateau, Taraba, Niger, Kogi, Nasarawa, Kwara, Adamawa and FCT. In addition, the southern part of Kaduna, Bauchi, Kebbi, Gombe, Yobe and Borno also belong to this zone.

<sup>118</sup> Foreign Affairs, *The Deadliest Conflict You've Never Heard of*, 23 January 2019.

<sup>119</sup> ACLED, *Dashboard: [State] 01/01/2018 - 31/12/2020*, accessed 24 January 2021.

<sup>120</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>121</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

casualties took place in the context of different types of violence, not just that between herders and farmers.

#### *Competition for land between herders and farmers*

Scarcity of land and water and conflicting land claims are the main causes of violence between herders and farmers in the Middle Belt.<sup>122</sup> Historically, there have always been small-scale conflicts between nomadic herders from northern Nigeria and sedentary agricultural communities (farmers) based in the central and southern parts. Most of these conflicts were resolved through customary dispute resolution.<sup>123</sup> However, in recent decades, land has become scarcer due to population growth in Nigeria, urbanisation, the purchase of pastureland by both farmers and urban elites,<sup>124</sup> and water shortages due to climate change.<sup>125</sup> As a result, suitable pastures where herders can graze their flocks have become ever scarcer. This has led to an increase in conflicts over land between herders and farmers in the north of the Middle Belt and the migration of herders to the south to find suitable grazing land there. This in turn has annoyed local farmers, whose crops have been affected by grazing livestock.<sup>126</sup>

This pattern of conflict between herders and farmers has existed for several decades, but there was a new surge in violence in 2018. The ICG attributed this to the following three causes:

- The growth in ethnic militias on the side of both farmers and herders, combined with the availability of illegal weapons (from Libya) on a large scale;
- The inability of the authorities to punish perpetrators of violence or to respond to early warnings of emerging violence;
- The introduction in November 2017 of anti-open grazing laws that prohibited herders from continuing to graze their livestock in the states of Benue and Taraba, resulting in the exodus of these herders and their herds to the neighbouring states of Nasarawa and Adamawa (and further south), and the outbreak of violence there.<sup>127</sup>

#### *Trends and changes in the nature of the violence between herders and farmers*

Violence between herders and farmers peaked in 2018. The CFR Nigeria Security Tracker counted a total of 2,037 deaths due to violence between herders and farmers in 2018 – almost twice as many as the 1,041 deaths from such violence in 2017.<sup>128</sup> Amnesty International referred to more than 2,000 deaths in a report published in December 2018.<sup>129</sup> More recent data show that there was a new spike in violence in Benue and Plateau in the first quarter of 2020 after a relatively quiet fourth quarter of 2019.<sup>130</sup> ACLED stated that the intensity of the violence is partly

<sup>122</sup> Confidential source, 24 September 2020; Confidential source, 29 October 2020.

<sup>123</sup> Los Angeles Times, *Guns, religion and climate change intensify Nigeria's deadly farmer-herder clashes*, 21 February 2019.

<sup>124</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018; 4; Higazi, Nigeria (Farmer-Pastoralist), 2019 Armed Conflict Survey, International Institute for Strategic Studies (2019).

<sup>125</sup> The ICG claims that climate change has resulted in the depletion of pastureland. International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 4, 26 July 2018. A confidential source interviewed for this study claims that the meteorological evidence for this claim is dated and sparse. This source believes that population growth and the purchase of pastureland by farmers and urban elites are the main causes of competition between herders and farmers. Confidential source, 24 September 2020.

<sup>126</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 4, 26 July 2018.

<sup>127</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 4, 26 July 2018.

<sup>128</sup> CFR, *Nigeria Security Tracker*, last updated 1 August 2020.

<sup>129</sup> Amnesty International, Nigeria: *The Harvest of Death - Three Years of Bloody Clashes Between Farmers and Herders in Nigeria*, 17 December 2018.

<sup>130</sup> ACCORD, NIGERIA, *THIRD QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition*, 20 December 2018; ACCORD, NIGERIA, *FOURTH QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 25 February 2020; ACCORD, NIGERIA, *FIRST HALFYEAR 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 19 December 2019; ACCORD, NIGERIA, *THIRD QUARTER 2019: Update on incidents*

seasonal, with a recurring fall in the number of incidents during the rainy season in late summer and autumn.<sup>131</sup> The ICG stated that since 2018 the nature of the violence has changed: spontaneous violent reactions to incidents have been replaced by coordinated, more deadly attacks.<sup>132</sup> A confidential source stated that despite the fall in the number of incidents in 2019 and 2020, there was still more of this type of organised violence.<sup>133</sup>

#### *Impact on the civilian population*

Violence in the Middle Belt region has displaced large numbers of people. In the first half of 2018, 300,000 residents of the Middle Belt region fled because of the conflict, according to ICG;<sup>134</sup> this estimate was judged reliable by a confidential source.<sup>135</sup> The circumstances of these displaced persons are particularly dire in Benue, and there is little prospect of a return as yet.<sup>136</sup> The situation of IDPs in the Middle Belt is discussed in more detail in 4.1.2.

#### *Concerns about ethnic and religious dimensions of the conflict*

As the violence escalated in 2018, concerns about the conflict's ethnic and religious dimensions also grew.<sup>137</sup> Most herders belong to the overwhelmingly Muslim Fulani group, while the farmers are of various ethnic/religious backgrounds, including Christian in many cases. Experts largely agree that the conflict is primarily about access to land and resources.<sup>138</sup> Some political and religious leaders, but also national and international interest groups, incorrectly treat the conflict as a religious clash between Muslims and Christians.<sup>139</sup> The number of actual casualties on both sides is unclear, as figures on the conflict in the Middle Belt are unreliable due to a lack of independent monitoring of the conflict. What is beyond dispute is that both Muslims and Christians are perpetrators and victims. More information about the role of religion in this conflict follows in 3.4.1.

#### *Government response to the conflict*

Serious questions were asked about the government's response to the violence in the Middle Belt region. On the one hand, there were groups (mainly Christian) that believed that the government was not taking sufficient decisive action against the Fulani herders and accused President Buhari of failing to intervene because he himself belongs to the Fulani.<sup>140</sup> Others such as Amnesty International accused the government of complete lethargy with regard to violence by both Fulani herders and farmers, whether Christian or otherwise.<sup>141</sup> They identified several incidents in 2018 in which security forces failed to show up even when attacks were protracted and troops were stationed nearby and were often aware of the violence or risk of violence.<sup>142</sup> In addition, sources indicated that there was a general lack of accountability for violence by both herders and farmers (see 3.4.1 for more details).

*according to the Armed Conflict Location & Event Data Project (ACLED), 25 February 2020. ACCORD, NIGERIA, FOURTH QUARTER 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 23 June 2020; ACCORD, NIGERIA, FIRST QUARTER 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED), 23 June 2020.*

<sup>131</sup> ACLED, *Fulani Militias in Nigeria: Declining Violence Not a Sign of Lasting Peace*, 5 October 2018.

<sup>132</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018.

<sup>133</sup> Confidential source, 24 September 2020.

<sup>134</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 12, 26 July 2018.

<sup>135</sup> Confidential source, 24 September 2020.

<sup>136</sup> Confidential source, 29 October 2020; IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019.

<sup>137</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 12, 26 July 2018.

<sup>138</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018; Confidential source, 24 September 2020.

<sup>139</sup> All-Party Parliamentary Group for International Freedom of Religion or Belief, *Nigeria: Unfolding Genocide? An Inquiry by the UK All-Party Parliamentary Group for International Freedom of Religion or Belief*, July 2020;

<sup>140</sup> Premium Times, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020.

<sup>141</sup> Amnesty International, *Nigeria: Government failures fuel escalating conflict between farmers and herders as death toll nears 4,000*, 17 December 2018.

<sup>142</sup> Amnesty International, *Nigeria: Government failures fuel escalating conflict between farmers and herders as death toll nears 4,000*, 17 December 2018.

### *Conflict between Tiv and Jukun*

On the border between the North-Central and North-East zones, violence also intensified between the Tiv and the Jukun during the reporting period, in connection with a protracted conflict over land ownership in the Wukari region.<sup>143</sup> The Tiv are the majority in Benue (North-Central zone) and the Jukun in Taraba (North-East zone). However, a Tiv minority also lives in the southern half of Taraba state. The conflict between the Jukun and the Tiv is about whether the Tiv can claim land in Taraba state. Members of the Jukun community believe that this is not the case, as the Tiv are not originally from this region, and, under the Nigerian system of indigeneity (see 1.3), therefore have no right to land. The conflict is a protracted one characterised by periodic outbreaks of violence. The *Daily Trust* stated that the first reported incident between Tiv and Jukun took place in 1959 and that there were subsequent episodes of violence in 1980, 1990 and 2001.<sup>144</sup> The latest outbreak of violence began in April 2019.<sup>145</sup> ACLED data attribute 109 civilian casualties to violence by Tiv and/or Jukun militias in Benue and Taraba between early 2018 and 2020.<sup>146</sup> However, ACLED also reported several incidents in both states where no specific information was available about the perpetrators. In April 2020, the governors of Benue and Taraba states signed a peace treaty, but violence continued into 2020.<sup>147</sup>

#### 1.2.4

### *North-West zone (Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano and Jigawa)*

The security situation in North-West Nigeria deteriorated further during the reporting period.<sup>148</sup> The conflict between herders and farmers was also fierce in this region, some of whose states are also part of the Middle Belt. In particular, there were numerous violent incidents between herders and farmers in Kaduna state.<sup>149</sup> In addition, there was insecurity due to organised crime, which spread across the region from Zamfara state during the reporting period. ACLED counted 1,130 violent incidents in the entire North-West zone between the beginning of 2018 and the end of 2020.<sup>150</sup> The largest number of violent incidents took place in the states of Zamfara and Kaduna, followed by Katsina. Although Borno state had a higher number of civilian casualties between 2018 and 2020 than Zamfara – the state with the highest number of civilian casualties in the North-West according to ACLED data – the overall number of civilian casualties in the entire North-West zone was higher than that in the entire North-East zone. In the whole of the North-West, there were 2,745 civilian casualties between the beginning of 2018 and the end of 2020 (2,106 in the whole of the North-East zone): 1,038 in Zamfara, 991 in Kaduna, 450 in

<sup>143</sup> The Tiv are a farming people who have mainly settled in the Middle Belt along the Benue River. The Jukun are a people of fishermen, farmers and hunters who have mainly settled in Taraba state. Both groups strongly adhere to traditional religions, although there have been converts to Christianity and to a lesser extent Islam among both Tiv and Jukun. The Tiv represent 2.4% of the Nigerian population and the Jukun less than 1%.

<sup>144</sup> Daily Trust (via allAfrica), *Nigeria: Taraba - Why Tiv/Jukun Crisis Refuses to End*, 1 September 2019; ACLED, *ACLED Regional Overview – Africa*, 10 September 2019.

<sup>145</sup> Daily Trust (via allAfrica), *Nigeria: Taraba - Why Tiv/Jukun Crisis Refuses to End*, 1 September 2019.

<sup>146</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>147</sup> Taraba State Government, *Benue, Taraba Sign a Peace Agreement in Nasarawa State Over a Tiv/Jukun Crisis*, 15 April 2020; This Day, *Ishaku and the Crisis in Southern Taraba*, 11 June 2020.

<sup>148</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021. See also: ACCORD, NIGERIA, *THIRD QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition*, 20 December 2018; ACCORD, NIGERIA, *FOURTH QUARTER 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 25 February 2020; ACCORD, NIGERIA, *FIRST HALFYEAR 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 19 December 2019; ACCORD, NIGERIA, *THIRD QUARTER 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 25 February 2020. ACCORD, NIGERIA, *FOURTH QUARTER 2019: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 23 June 2020; ACCORD, NIGERIA, *FIRST QUARTER 2020: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)*, 23 June 2020.

<sup>149</sup> Premium Times, *INVESTIGATION: Inside the bloody Southern Kaduna carnage where all sides are casualties*, 23 September 2020.

<sup>150</sup> ACLED, *Dashboard: [State(s)] 01/01/2018 – 31/12/2020*, accessed 24 January 2021.

Katsina, 237 in Sokoto, 15 in Kebbi, 8 in Kano and 6 in Jigawa.<sup>151</sup> The consequences of this violence for the civilian population have been considerable and are discussed in more detail in Chapter Four on displacement. The following sections examine in more detail the causes behind these acts of violence and the nature of the violence.

#### *Conflicts between herders and farmers and the emergence of vigilante groups*

Like the North-Central zone, the North-West zone is characterised by violence between herders and farmers.<sup>152</sup> In the North-West, this conflict took place between Fulani herders and Christian and Muslim farmers, and citizen militias played an important role in the escalation of violence against communities, including those which were innocent.<sup>153</sup> Both herders and farmers set up armed militias to protect themselves against gang violence. Hausa farmers created vigilante groups known as *yan sa kai* ('voluntary guards'). However, these *yan sa kai* mainly used violence against peaceful sedentary Fulani rather than against the Fulani herders and armed robbers/criminals responsible for the violence against Hausa communities. Fulani herders in turn set up their own militias, the *yan-bindiga* (gun owners), to protect themselves against the *yan sa kai*. While most of the violence of the *yan-bindiga* was initially directed against the Hausa vigilante groups, the *yan-bindiga* also increasingly started to attack peaceful Hausa communities.<sup>154</sup> There were numerous examples of violent incidents between herders and farmers in the North-West zone during this reporting period, and there were often series of successive acts of revenge between Fulani herders on the one hand and farmers of other ethnicities on the other.<sup>155</sup>

#### *Gang violence*

Gang violence/armed crime was also widespread in the North-West zone. Because some of the bandits have a Fulani background<sup>156</sup>, this gang violence also contributed to the escalation of violence between herders and farmers. The bandits belonged to organised gangs that hid in the woods and committed cattle theft, kidnappings for ransom, sexual violence against women and armed robbery.<sup>157</sup> The criminals operated in groups of up to 150 people in some cases, attacking communities on dozens of motorcycles and often stealing their livestock.<sup>158</sup> According to a confidential source, most of the bandits are young Fulani, many of whom suffer from a lack of economic and other prospects.<sup>159</sup> However, this and other sources also indicated that bandits of other ethnic backgrounds were active.<sup>160</sup> Their attacks were directed against various communities (Hausa, Fulani, others).<sup>161</sup> However, because some gangs consist mainly of Fulani, innocent Fulani communities were held responsible for this type of violence, further fuelling gang violence between Fulani herders and other farmers.<sup>162</sup> The epicentre of this type of gang violence was originally the state of Zamfara, but the problem has spread throughout north-

<sup>151</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>152</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>153</sup> The Hausa are an Islamic group traditionally based in northern Nigeria. Thirty percent of the Nigerian population is Hausa.

<sup>154</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>155</sup> BBC, *Dozens of bodies found in north-west Nigeria*, 15 February 2019; Bundesamt für Migration und Flüchtlinge, *Group 62 – Information Centre for Asylum and Migration Briefing Notes*, 18 February 2019; CNN, *Dozens Killed in Fresh Wave of Violence in Nigeria*, 25 July 2020; ACLED, *Regional Overview - Africa*, 23 November 2019; Daily Trust, *In Southern Kaduna IDP Camps, Atayab, Fulani, Hausa Shed Tears*, 22 August 2020.

<sup>156</sup> Confidential source, 24 September 2020.

<sup>157</sup> Confidential source, 24 September 2020.

<sup>158</sup> Higazi, *Nigeria (Farmer-Pastoralist), 2019 Armed Conflict Survey*, International Institute for Strategic Studies (2019); Premium Times, *Panic in Zamfara communities as hundreds of armed bandits pass through*, 2 October 2019.

<sup>159</sup> Confidential source, 24 September 2020.

<sup>160</sup> Confidential source, 24 September 2020; BBC, *Katsina: The motorcycle bandits terrorising northern Nigeria*, 5 July 2020.

<sup>161</sup> BBC, *Katsina: The motorcycle bandits terrorising northern Nigeria*, 5 July 2020.

<sup>162</sup> Confidential source, 24 September 2020.

western Nigeria and beyond.<sup>163</sup> These armed criminals also increasingly focused on artisanal gold mining in the state of Zamfara during the reporting period, leading to conflicts between different criminal gangs in areas where a lot of gold is mined.<sup>164</sup>

### *Emerging jihadism*

The instability resulting from both the conflict between herders and farmers and large-scale gang violence have helped create a fertile breeding ground for jihadist groups.<sup>165</sup> As noted, both ISWAP and Boko Haram have tried to establish themselves in the North-West.<sup>166</sup> In addition, the ICG indicated that Ansaru, the Boko Haram faction that originally operated out of North-West Nigeria but which had not been dormant since 2015,<sup>167</sup> was on the rise again in this area.<sup>168</sup> These factions initially attempted to reinforce their position of power by providing support to established local jihadist groups and possibly criminal gangs as well.<sup>169</sup> However, since the end of 2019, both ISWAP/Boko Haram and Ansaru have also claimed responsibility for attacks in the North-West zone. In October 2019, Boko Haram carried out its first offensive in the North-West zone of Nigeria in Sokoto state against the Nigerian military, according to data from ACLED. ACLED stated that while this offensive is believed to have led to the deaths of large numbers of Nigerian military personnel, precise figures on the number of dead and wounded are lacking.<sup>170</sup> In January 2020, Ansaru claimed an attack against the convoy of a prominent local leader<sup>171</sup> which resulted in at least six deaths. In February 2020, the police announced that they had attacked an Ansaru camp in Kuduru Forest, Kaduna state. This attack resulted in the deaths of 250 militants and bandits, as well as 2 police officers, according to the police. Ansaru claimed it had killed 34 police officers.<sup>172</sup>

### *Kidnappings*

The North-West zone was the scene of several kidnappings. From the end of 2020 onwards in particular, there was a succession of large-scale kidnappings of schoolchildren. In December 2020, more than 300 schoolboys were kidnapped in Katsina and there was also a failed attempt to kidnap 80 girls in the same state.<sup>173</sup> In February 2021, nearly 30 boys and their teachers were kidnapped from a school in Niger state and 300 female pupils were kidnapped from a school in Zamfara.<sup>174</sup> On 12 March 2021, more than 30 boys were kidnapped in Kaduna.<sup>175</sup> This incident was followed by a failed attempt to kidnap primary schoolchildren in the same state.<sup>176</sup> Three teachers went missing in the same incident.<sup>177</sup> Between December and early March 2021, the BBC counted more than 600 kidnapped children in the

<sup>163</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>164</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>165</sup> Confidential source, 28 July 2020; International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>166</sup> CFR, *Niger Attack Demonstrates Islamic State in West Africa's Growing Reach*, 25 August 2020.

<sup>167</sup> The Jamestown Foundation stated that Ansaru had not carried out any more attacks in Nigeria since 2015, but that some Ansaru fighters may have joined ISWAP and JAS. In addition, it stated that a number of Ansaru sleeper cells were still present in the North-West. These cells were recruiting new fighters and were present on social media. Jamestown Foundation, *Boko Haram's Expansionary Project in Northwestern Nigeria: Can Shekau Outflank Ansaru and Islamic State in West Africa Province?*, 28 July 2020.

<sup>168</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, 18 May 2020.

<sup>169</sup> VOA News, *Is Boko Haram Gaining Foothold in Nigeria's Northwest?*, 31 December 2020.

<sup>170</sup> ACLED, *Regional Overview - Africa*, 26 October 2019.

<sup>171</sup> International Crisis Group, *CrisisWatch: Nigeria - January 2020*.

<sup>172</sup> International Crisis Group, *CrisisWatch: Nigeria - February 2020*.

<sup>173</sup> CFR, *What's Behind the Recent Student Abductions in Nigeria?*, 30 December 2020; VOA News, *Is Boko Haram Gaining Foothold in Nigeria's Northwest?*, 31 December 2020; VOA News, *Fresh Kidnapping of 80 Students in Nigeria Shows Worsening Insecurities*, 21 December 2020; Premium Times, *In fresh Katsina attack, bandits kidnap 80 students; all 'rescued' later*, 20 December 2020.

<sup>174</sup> BBC, *Nigeria's Zamfara school abduction: More than 300 Nigerian girls missing*, 26 February 2021.

<sup>175</sup> CNN, *At least 30 students missing as armed men abduct students in new Nigeria kidnappings*, 12 March 2021.

<sup>176</sup> Al Jazeera, *Gunmen raid school in Nigeria's Kaduna, seize three teachers*, 15 March 2021.

<sup>177</sup> Al Jazeera, *Gunmen raid school in Nigeria's Kaduna, seize three teachers*, 15 March 2021.



North-West zone.<sup>178</sup> In most cases, the majority of the children were released,<sup>179</sup> probably after the governors of the respective states had paid ransoms to the kidnapers.<sup>180</sup>

It is difficult to determine who is behind these kidnappings. Some sources point to jihadist groups, partly because Boko Haram claimed responsibility for the kidnapping of the 300 boys in December 2020.<sup>181</sup> However, experts argue that it is hard to distinguish between the criminal and jihadist groups operating in the North-West and hence to confirm whether Boko Haram was actually behind such incidents, whether it hired other groups, and/or whether it simply claimed responsibility for a high-profile attack for publicity purposes.<sup>182</sup> Various sources indicate that the perpetrators are criminal groups motivated by the prospect of ransom money.<sup>183</sup>

#### *Response of the authorities*

A key reason for the ability of these gangs to operate more or less with impunity was their close ties with top-level government officials and politicians in Zamfara.<sup>184</sup> There was a brief dip in the level of gang violence in Zamfara and other states in 2019 thanks to negotiations between various state governments and representatives of the bandits.<sup>185</sup> However, these accords were described from the outset as 'fragile'<sup>186</sup> and the ICG doubted their effectiveness.<sup>187</sup> In line with this, a confidential source indicated that they did not hold firm.<sup>188</sup> This observation is confirmed by the flare-up and persistence of violence in 2020 and the increase in the number of large-scale kidnappings of schoolchildren since the end of 2020.<sup>189</sup> The wave of kidnappings of schoolchildren in the North-West zone also led to criticism of local governments' practice of paying ransoms and thus encouraging criminals to continue with this practice.<sup>190</sup>

#### 1.2.5 *South-East zone (Enugu, Imo, Ebonyi, Abia and Anambra)*

As noted in the previous country of origin information report, the south of Nigeria is more stable than the north.<sup>191</sup> Although the South-East zone is considered relatively safe,<sup>192</sup> various types of violent incidents still took place there, such as cult violence (see 1.2.6), election-related violence in 2019,<sup>193</sup> and incidents in which violent mobs took the law into their own hands against alleged homosexuals and adulterers.<sup>194</sup> The highest numbers of civilian casualties between the beginning of 2018 and the end of 2020 occurred in Ebonyi and Abia states, according to ACLED data. The totals

<sup>178</sup> BBC, *Nigeria's school abductions: Why children are being targeted*, 2 March 2021.

<sup>179</sup> BBC, *Nigeria school attack: Hundreds of boys return home after kidnap ordeal*, 18 December 2020; US News, *Gunmen Abduct 30 Students in Northwest Nigeria as Payoffs 'Boomerang'*, 12 March 2021.

<sup>180</sup> BBC, *Nigeria's school abductions: Why children are being targeted*, 2 March 2021.

<sup>181</sup> VOA News, *Is Boko Haram Gaining Foothold in Nigeria's Northwest?*, 31 December 2020; BBC, *Nigeria school attack: Hundreds of boys return home after kidnap ordeal*, 18 December 2020.

<sup>182</sup> CFR, *What's Behind the Recent Student Abductions in Nigeria?*, 30 December 2020; VOA News, *Is Boko Haram Gaining Foothold in Nigeria's Northwest?*, 31 December 2020.

<sup>183</sup> BBC, *Nigeria's school abductions: Why children are being targeted*, 2 March 2021; US News, *Gunmen Abduct 30 Students in Northwest Nigeria as Payoffs 'Boomerang'*, 12 March 2021.

<sup>184</sup> Higazi, Nigeria (Farmer-Pastoralist), 2019 Armed Conflict Survey, International Institute for Strategic Studies (2019); The New Humanitarian, *The longshot bid to end rampant banditry in Nigeria's northwest*, 19 January 2021;

<sup>185</sup> International Institute for Strategic Studies, *2020 Nigeria (Farmer-Pastoralist), 2020 Armed Conflict Survey*, 2020.

<sup>186</sup> Nagajaran, *Analysis of Violence and Insecurity in Zamfara*, pagina 8, 12 February 2020.

<sup>187</sup> International Crisis Group, *Violence in Nigeria's North West: Rolling Back the Mayhem*, pagina ii, 18 May 2020.

<sup>188</sup> Confidential source, January 2021.

<sup>189</sup> The Washington Post, *Nigeria confronts second mass kidnapping of schoolchildren in nine days after 317 girls vanish*, 26 February 2021; VOA News, *Inside a Nigerian Bandit Camp*, 28 February 2021; The New Humanitarian, *The longshot bid to end rampant banditry in Nigeria's northwest*, 19 January 2021.

<sup>190</sup> BBC, *Nigeria's school abductions: Why children are being targeted*, 2 March 2021.

<sup>191</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 20, June 2018.

<sup>192</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 23, June 2018.

<sup>193</sup> SBM Intel, *Mounting Election Violence*, 22 February 2019.

<sup>194</sup> Niger Delta Weekly, *Highlighting Vigilantism and Mob Violence in Imo State*, 2-8 August 2020.

were 68 in Ebonyi, 59 in Abijah, 38 in Anambra, 35 in Imo and 27 in Enugu.<sup>195</sup> The South-East zone – particularly the states of Abia and Imo – also continued to be the scene of political violence against separatist movements that described themselves as engaged in a peaceful struggle for the right to self-determination for Biafra.<sup>196</sup> The following paragraphs examine in more detail developments surrounding two of these movements: the Indigenous People of Biafra (IPOB) and the Movement for the Actualization of the Sovereign State of Biafra (MASSOB).

#### *Indigenous People of Biafra (IPOB)*

As described in the previous report, IPOB is a political movement consisting of young members of the Igbo people from the country's South-East who claim to be fighting peacefully for the right to self-determination and an independent Biafra.<sup>197</sup> In 2017, IPOB was designated a terrorist organisation by the Nigerian government.<sup>198</sup> This led to criticism from human rights organisations, because IPOB members have generally used peaceful tactics in their drive for independence.<sup>199</sup> However, IPOB's leader, Nnamdi Kanu, has repeatedly stated in recent years that the use of force can be legitimate as a means of advancing this goal.<sup>200</sup>

#### *Nnamdi Kanu, the leader of IPOB*

The previous country of origin information report discussed the authorities' activities against Nnamdi Kanu in more detail. At the time of publication of that report, his whereabouts were unknown. However, it was revealed in October 2018 that he was in Israel,<sup>201</sup> where he was still living in early 2021, according to his biography on Twitter.<sup>202</sup>

#### *Violence against IPOB supporters*

During this reporting period, IPOB supporters were also victims of violence by the authorities.<sup>203</sup> Preliminary observations made by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions following her visit to Nigeria in 2019 mentioned a 'large number' of allegations of killings and disappearances of IPOB supporters by security forces during 2017, 2018 and 2019 and the absence of any criminal prosecution for these acts.<sup>204</sup> According to data from ACLED, the military killed 38 IPOB supporters during Operation Python Dance in August 2018.<sup>205</sup> In February 2019, IPOB stated that the military had kidnapped a

<sup>195</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>196</sup> As the previous report noted, movements such as IPOB and MASSOB can only be properly understood in the context of the history of the Republic of Nigeria. Nigeria consists of approximately 250 ethnic groups. Among these, three main groups can be distinguished: the Igbo in the east, the Yoruba in the west and the Hausa-Fulani in the north. Before colonisation, they lived more or less peacefully side by side. After independence, some population groups, including the Igbos, felt marginalised. This resulted in the declaration of the independent state of Biafra in 1967, followed by the three-year Biafran War between 1967 and 1970, during which two million people died – mostly through starvation – and the Igbo uprising was crushed. Movements such as IPOB and MASSOB continue to strive for an independent state.

<sup>197</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, pp. 8-10, June 2018. See also: Home Office, *Country Policy and Information Note Nigeria: Biafran separatists*, April 2020.

<sup>198</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, pp. 8-10, June 2018.

<sup>199</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, pp. 8-10, June 2018.

<sup>200</sup> European Asylum Support Office, *Country Guidance Nigeria*, p. 41, February 2019. On 17 August 2019, IPOB members assaulted Senator Ike Ekweremadu during an Igbo event in Nuremberg, Germany. A day later, IPOB's leader, Kanu, promised a reward for anyone who would provide information that would make it possible to attack Igbo leaders who colluded with the authorities. International Crisis Group, *Crisis Watch: Nigeria*, December 2019.

<sup>201</sup> Africa Times, *Israel casts a shadow on Biafran leader Nnamdi Kanu sighting*, 23 October 2018.

<sup>202</sup> Nnamdi Kanu, Twitter. See: <https://twitter.com/mazinnamdikanu>, last accessed 19 January 2021.

<sup>203</sup> Human Rights Watch, *Nigeria: Events of 2018*, 2019.

<sup>204</sup> Office of the High Commissioner for Human Rights, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019. See also: Indigenous People of Biafra, BIAFRA: ENFORCED DISAPPEARANCES IN BIAFRA – Briefing Paper, April 2020.

<sup>205</sup> For more details about Operation Python Dance, see: Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 10, June 2018. ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

number of supporters and killed two supporters in Owerri. The Nigerian military denied responsibility for this incident.<sup>206</sup> In addition, there was police violence against the lawyer of IPOB's leader.<sup>207</sup> Sources indicate that IPOB members were arrested and/or treated violently by the police during demonstrations and processions.<sup>208</sup> The visible wearing or carrying of Biafra/IPOB flags, paraphernalia or badges could also be grounds for arrest.<sup>209</sup> Research for this report identified at least four cases of mass arrests of IPOB supporters during the reporting period. A total of more than 400 individuals were arrested. The incidents were the following:

1. The arrest of 112 female protesters in Imo state on 17 August 2018. The women were protesting over Kanu's disappearance. According to HRW, the judge ordered the release of the protesters after they had been held for six days.<sup>210</sup>
2. The breaking up of a peaceful procession and the arrest of 51 IPOB supporters in the south-eastern state of Abia in December 2018.<sup>211</sup> According to *The Guardian NG*, on 8 January 2019 the judge ordered the release of these detainees on bail.<sup>212</sup>
3. The arrest of 140 IPOB supporters in Nsukka in the state of Enugu for organising what police described as an illegal procession in May 2019.<sup>213</sup> A court of first instance ruled that it did not have jurisdiction and ordered that the detainees be held until the relevant high court heard the case.<sup>214</sup> The Nigerian newspaper Premium Times reported that in February 2021, the high court ordered the release of 67 of those who had been arrested and were still being detained.<sup>215</sup>
4. The arrest of 47 IPOB supporters and the killing of 21 IPOB supporters in Enugu in August 2020, as reported by IPOB representatives.<sup>216</sup> The police stated that they had arrested five people. The Nigerian newspaper *Pulse* reported in October 2020 that police had stated that four detainees were in custody awaiting trial and one detainee was being treated for gunshot wounds.<sup>217</sup> It is not clear what subsequently happened to these five detainees and the other 42 individuals.
5. The arrest of 67 IPOB members in Owerri, who were suspected of trying to visit a native doctor to protect themselves from bullets in August 2020. The high court ordered the release of these 67 detainees in February 2021.<sup>218</sup>
6. On 22 February 2021, the military arrested 20 IPOB members in Anambra state<sup>219</sup> who were suspected of killing soldiers.<sup>220</sup>

From the end of 2020, there were military operations against communities with large numbers of IPOB members in several states. The authorities indicated that these actions had been taken as a result of IPOB violence against the military and

<sup>206</sup> Daily Post, *Nigerian Army denies killing, abducting IPOB members*, 13 February 2019.

<sup>207</sup> The burning down of the house of Ifeanyi Ejiofor, Kanu's lawyer, by the Nigerian police in December 2019. The associated violence resulted in the deaths of three IPOB supporters and two police officers. See: Premium Times, *Police name officers killed during IPOB raid*, 3 December 2019.

<sup>208</sup> Human Rights Watch, *Nigeria: Events of 2018, 2019*; Vanguard, *Police arrest 51 suspected IPOB members in Umuahia*, 12 December 2018; Sahara Reporters, *Police Arrest 51 As 'Jewish Worshippers' Protest In Abia*, 12 December 2018; Premium Times, *Two SSS operatives, '21' IPOB members killed in violent clash*, 23 August 2020.

<sup>209</sup> Today NG, *IPOB members arrested for selling Biafra newspaper*, 24 December 2019; Vanguard, *Police arrest seven suspected IPOB members in Aba*, 9 June 2020.

<sup>210</sup> Human Rights Watch, *Nigeria: Events of 2018, 2019*.

<sup>211</sup> Vanguard, *Police arrest 51 suspected IPOB members in Umuahia*, 12 December 2018; Sahara Reporters, *Police Arrest 51 As 'Jewish Worshippers' Protest In Abia*, 12 December 2018.

<sup>212</sup> The Guardian NG, *Abia high court grants bail to 51 detained Judaism adherents*, 8 January 2019.

<sup>213</sup> PM News, *Police arrest 140 members of Biafra group in Nsukka*, 23 May 2019.

<sup>214</sup> Punch, *Court remands 140 IPOB members over alleged treason in Enugu*, 23 May 2019.

<sup>215</sup> Premium Times, *67 IPOB members regain freedom after five months in detention*, 9 February 2021.

<sup>216</sup> Premium Times, *Two SSS operatives, '21' IPOB members killed in violent clash*, 23 August 2020; Reuters, *Nigerian security clash with Biafra separatists turns deadly – DSS*, 24 August 2020.

<sup>217</sup> Pulse, *Detained IPOB member being treated to be able to stand trial – Police*, 9 October 2020.

<sup>218</sup> Premium Times, *67 IPOB members regain freedom after five months in detention*, 9 February 2021.

<sup>219</sup> Vanguard, *Breaking: Troops arrest 20 IPOB members, recover arms, hand them to Police*, 22 February 2021.

<sup>220</sup> Vanguard, *Breaking: Troops arrest 20 IPOB members, recover arms, hand them to Police*, 22 February 2021

police. In November 2020, the governor of Rivers state 'declared war' on IPOB following an attack during the #EndSARS protests that resulted in the deaths of six soldiers and four police officers.<sup>221</sup> The governor held IPOB members responsible for this attack and ordered a large-scale search to be carried out by the military in the LGA Oyigbo.<sup>222</sup> There were indications that these searches were accompanied by extrajudicial killings of IPOB supporters.<sup>223</sup> In January and February 2021, military operations against IPOB took place in the community of Orlu in Imo state.<sup>224</sup> These actions involved violence against civilians, according to the *Premium Times*,<sup>225</sup> and resulted in the arrest of 20 IPOB members on the border of Imo and Anambra, as mentioned earlier.

#### *Movement for the Actualization of the Sovereign State of Biafra (MASSOB)*

Like IPOB, MASSOB is striving to achieve independence for South-East Nigeria. It was banned by the Nigerian authorities as long ago as 2001.<sup>226</sup> The previous country of origin information report indicated that relations between IBOP and MASSOB are not close and that MASSOB has lost much of its relevance.<sup>227</sup> The preliminary observations of the Special Rapporteur (2019), cited earlier, do not contain any references to incidents involving MASSOB supporters.<sup>228</sup> In April 2019, MASSOB accused the authorities of kidnapping two MASSOB members and three wives of MASSOB members in Ebonyi and Imo states.<sup>229</sup> Sahara Reporters, a news platform of international journalists covering the situation in Nigeria,<sup>230</sup> reported that police opened fire on MASSOB members in the LGA Upper Iwaka on 22 May 2019, during preparations for MASSOB's 19th anniversary celebrations. This resulted in 2 deaths, 15 injuries and the arrest of 10 individuals, the source said.<sup>231</sup>

#### 1.2.6

#### *South-South zone (Bayelsa, Akwa Ibom, Edo, Rivers, Cross River and Delta)*

The South-South zone has the highest level of violence in southern Nigeria. The zone is part of the Niger Delta region. The security situation in the South-South zone and the entire Niger Delta in recent decades has been largely determined by the oil-related conflict between local militant groups on the one side and multinational oil companies and the Nigerian authorities on the other.<sup>232</sup> During the reporting period, the number of violent incidents in connection with the oil-related conflict<sup>233</sup> fell, and cult-related violence was the main cause of unrest in the region.<sup>234</sup> The description of the security situation in the Niger Delta in 2019 and 2020 in the *Niger Delta Annual Conflict Report* by the Foundation for Partnership Initiatives in the Niger

<sup>221</sup> The Guardian NG, *Army, Rivers residents disagree on military operations*, 2 November 2020.

<sup>222</sup> The Guardian NG, *Army, Rivers residents disagree on military operations*, 2 November 2020.

<sup>223</sup> BBC, *Oyigbo clashes: 'Nigerian security agents shot dead my fiancée'*, 3 November 2020.

<sup>224</sup> Premium Times, *Shootings, confusion as Nigerian soldiers move into Imo community*, 25 January 2021; Legit, *Why I invited soldiers to Orlu, Governor Uzodinma finally speaks; tackles IPOB*, February 2021.

<sup>225</sup> Premium Times, *Shootings, confusion as Nigerian soldiers move into Imo community*, 25 January 2021.

<sup>226</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 10, June 2018.

<sup>227</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 10, June 2018.

<sup>228</sup> Office of the High Commissioner for Human Rights, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019.

<sup>229</sup> The Punch, *MASSOB cries out over alleged abduction of members*, 5 April 2019.

<sup>230</sup> Sahara Reporters has its own website: [www.saharareporters.com](http://www.saharareporters.com).

<sup>231</sup> Sahara Reporters, *Pro-Biafra Anniversary Turns Bloody As Police Open Fire On MASSOB Members*, 22 May 2019.

<sup>232</sup> These multinationals include Shell, Chevron, ENI and the Nigerian National Petroleum Corporation (NNPC). The conflict is essentially a struggle for the redistribution of Nigeria's oil wealth from the central government to the population of the Niger Delta where the oil is extracted. As the Niger Delta largely overlaps with the area that seceded from Nigeria in 1967 to establish the independent state of Biafra, several analysts argue that the oil-related conflict is at least partly rooted in the fact that after the Biafran War, the Nigerian government failed to respond adequately to grievances concerning political and economic inequality on the part of the Igbo population, and in particular successive generations of Igbo youth. See for example: Oxford Research Group, *Ending the Niger Delta's Oil Wars: Will the Crimilegal Settlement Hold?*, 6 September 2018.

<sup>233</sup> Confidential source, 28 February 2020; Confidential source, 21 October 2020; PIND, *Niger Delta Annual Conflict Report*, pp. 2-3, 4 February 2020. PIND is a foundation created in 2010 with a USD 50 million donation from Chevron Corporation, an American oil company. It focuses on improving socio-economic conditions in the Niger Delta. PIND has its own website: <https://pindfoundation.org/>

<sup>234</sup> Confidential source, 21 October 2020; PIND, *Niger Delta Annual Conflict Report*, 4 February 2020.

Delta (PIND) did not mention any attacks on oil installations.<sup>235</sup> According to ACLED, there were 731 violent incidents in the South-South zone between early 2018 and late 2020.<sup>236</sup> According to ACLED data, there were 421 civilian casualties: 127 in Rivers, 120 in Delta, 56 in Cross River, 45 in Edo, 37 in Akwa Ibom and 36 in Bayelsa.<sup>237</sup> In relation to the entire Niger Delta region (which also includes states from the South-West and South-East zones), PIND recorded 351 violent incidents that caused 546 deaths in 2018 and 416 violent incidents that caused more than 1,000 deaths in 2019.<sup>238</sup> PIND stated that the increase in violent crime should be attributed in particular to an increase in cult-related violence, including incidents as a result of organised crime and politically inspired violence.<sup>239</sup> There was a decrease in oil-related violence by militant movements.

#### *A decrease in oil-related violence in the Niger Delta*

Although oil-related violence has largely shaped the security situation in the Niger Delta over the last few decades, this region has been the scene of various forms of violence; violence directly targeting oil installations has decreased as a result of a compromise reached between militant groups and the government. However, underlying social grievances have persisted for much of the population, as has the high level of crime and political and other violence that characterises the security situation in this region. The Niger Delta (Bayelsa, Delta and Rivers states) is the source of Nigeria's oil wealth, but this has not produced prosperity for the local community.<sup>240</sup> On the contrary, the population of the Niger Delta faces severe poverty, which is exacerbated by the pollution and other ecological problems caused by the oil extraction.<sup>241</sup> At the same time, there are individuals and groups (including criminal groups) that profit from oil pollution, for example because they are paid to clean it up.<sup>242</sup> Despite peaceful activism against social inequality and environmental pollution, the Nigerian authorities have done little in recent decades to ensure that the entire local population benefits from oil wealth or to enforce stricter environmental standards. Reports from human rights organisations indicate that the authorities have been guilty of violence and human rights violations against local activists and protest movements.<sup>243</sup> In 2016, discontent with the situation in the Niger Delta among underprivileged young men in particular resulted in the birth of a new militant movement, the Niger Delta Avengers (NDA). This organisation carried out several attacks on oil installations in the region during 2016 to bring about change by force. These attacks, which coincided with falling global oil prices, contributed to an economic recession in Nigeria.<sup>244</sup> In August 2016, the NDA stopped its campaign of violence after negotiations with the authorities that led to the resumption of an amnesty scheme from 2009.<sup>245</sup> However, the NDA has since announced several times that it will take up arms again.<sup>246</sup> The PIND reports covering the security situation in the Niger Delta in 2019 and 2020 did not mention

<sup>235</sup> PIND, *Niger Delta Annual Conflict Report – January to December 2019*, 4 February 2020; PIND, *Niger Delta Annual Conflict Report – January to December 2020*, 8 February 2021.

<sup>236</sup> ACLED, *Dashboard: [State] 01/01/2018 – 31/12/2020*, accessed 24 January 2021.

<sup>237</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018–12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>238</sup> PIND, *Niger Delta Annual Conflict Report*, 4 February 2020.

<sup>239</sup> ACLED, *Regional Overview - Africa*, 19 November 2019.

<sup>240</sup> The Conversation, *How oil and water create a complex conflict in the Niger Delta*, 21 April 2020.

<sup>241</sup> The Conversation, *How oil and water create a complex conflict in the Niger Delta*, 21 April 2020; The New York Times, *Here's what extreme heat looks like: profoundly unequal*, 6 August 2020.

<sup>242</sup> The Conversation, *How oil and water create a complex conflict in the Niger Delta*, 21 April 2020.

<sup>243</sup> The Conversation, *How oil and water create a complex conflict in the Niger Delta*, 21 April 2020.

<sup>244</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, pp. 21-22, June 2018.

<sup>245</sup> On 23 November 2020, 65,000 naira was worth 145 euros, according to CoinMill.com, an online exchange rate converter. For more details of the amnesty scheme, see: BBC, *Nigeria to resume payments to oil militants in Niger Delta*, 2 August 2016; Quartz South Africa, *Militants have finally declared a ceasefire in Nigeria's oil-rich delta region*, 22 August 2016.

<sup>246</sup> Reuters, *Nigeria's 'Delta Avengers' militants end oil hub ceasefire*, 3 November 2017; Reuters, *Nigeria 'Delta Avengers' militants vow to cripple economy if Buhari re-elected*, 14 February 2019.

attacks by the NDA<sup>247</sup>; likewise, DFAT stated in December 2020 that it was not aware of any attacks on oil installations in the Niger Delta since 2017.<sup>248</sup> According to an article in *The Conversation* in 2020, there were still no large-scale reforms taking place in the Niger Delta for the benefit of the entire population.<sup>249</sup>

### *Cults*

The main cause of violent incidents in the South-South zone was cults. In the Nigerian context, the term 'cult' can have various meanings. In everyday language, this term is used for various types of group that keep their *raison d'être* or *modus operandi* secret. According to the latest EASO report on Nigeria, the term can thus refer to vigilante groups, ethnic militias, traditional secret societies and university cults.<sup>250</sup> University cults are responsible for the cult-related violence that took place in southern Nigeria during the reporting period.<sup>251</sup> These groups have evolved over the decades from peaceful college debating societies – during a brief initial phase – to violent gangs terrorising college campuses and involved in organised crime. Cults are distinguished by their use of badges, clothing, berets and caps in club colours, code language, 'secret' greetings and in some cases tattoos and piercings.<sup>252</sup> They are also known for using rituals and/or traditional religious practices (*juju*) to bond members, feel more powerful, and subject outsiders to extortion or other forms of control (see 3.4.2 for more details on the use of black magic and cults).<sup>253</sup> In recent decades, the number of cults in Nigeria has grown steadily and assumed an ever more violent character. Their violence and criminal activities have increasingly shifted from the universities to the street, leading to the creation of street cults that are affiliated with university cults, but whose members are not students.<sup>254</sup> It is not possible to give a complete overview of all cults active in Nigeria as a whole or in the South-South zone. SBM Intel estimated in June 2020 that about 100 cult groups are active in Rivers state.<sup>255</sup> A confidential source stated that in the South-South zone the Deebam (affiliated with the university cult the Klansmen) and the Deewell (affiliated with the university cult the Supreme Vikings) are the most active and most violent street cults.<sup>256</sup> SBM Intel stated that the cults Icelanders, Greenlanders, Gberesaako Boys, and The Outlaws are also major contributors to the violence in Rivers state.<sup>257</sup> In addition to these groups, the (originally university) cults Black Axe and Eiyé are also responsible for many violent incidents and for organised crime, including human trafficking, especially in southern Nigeria.<sup>258</sup>

### *Cult-related violence in the South-South zone*

Nigeria Watch, a local NGO, indicated that while cult-related violence occurred in 21 states in 2019, the centre of gravity of this violence was in southern Nigeria.<sup>259</sup> The

<sup>247</sup> PIND, *Niger Delta Annual Conflict Report – January to December 2019*, 4 February 2020; PIND, *Niger Delta Annual Conflict Report – January to December 2020*, 8 February 2021.

<sup>248</sup> DFAT, DFAT Country Information Report Nigeria, pagina 22, 3 December 2020.

<sup>249</sup> The Conversation, *How young people in the Niger Delta are being left out of development*, 10 August 2020.

<sup>250</sup> European Asylum Support Office, Country of Origin Information Report Nigeria: Targeting of Individuals, p. 43, November 2018. EASO refers to an earlier report from OFPRA, *Sociétés secrètes traditionnelles et confraternités étudiantes au Nigeria*, 2015.

<sup>251</sup> Confidential source, 21 October 2020; Confidential source, 19 November 2020.

<sup>252</sup> European Asylum Support Office, *Country of Origin Information Report Nigeria: Targeting of Individuals*, November 2018.

<sup>253</sup> European Asylum Support Office, *Country of Origin Information Report Nigeria: Targeting of Individuals*, November 2018.

<sup>254</sup> Confidential source, 21 October 2020. SBM Intel, *Rivers of blood: Gang violence in Nigeria's garden state*, 22 June 2020.

<sup>255</sup> SBM Intel, *Rivers of blood: Gang violence in Nigeria's garden state*, p. 3, 22 June 2020.

<sup>256</sup> Confidential source, 21 October 2020.

<sup>257</sup> SBM Intel, *Rivers of blood: Gang violence in Nigeria's garden state*, p. 3, 22 June 2020. Cults active in Port Harcourt are listed on pages 7-8 of this report.

<sup>258</sup> Harpers Magazine, *The Black Axe: How a pan-African freedom movement lost its way*, September 2019; Premium Times, *'Many killed' as cult groups fight in Benin*, 14 November 2020.

<sup>259</sup> According to this organisation, 442 deaths were caused by cult-related violence and 290 individuals died as a result of kidnappings by cults in 2017. In 2018, 453 people died in violent incidents and 238 people died in

cult-related violent incidents took place in Lagos (South-West zone), followed by several Local Government Areas (LGAs) in the South-South zone. The states in the South-South zone that were most affected by this violence were Rivers, Delta and Edo.<sup>260</sup> Cults were particularly active in commercial centres such as Port Harcourt (Rivers) and Benin City (Edo)<sup>261</sup>. According to Amnesty International, the hotspots for confrontations between cults in Rivers state were the LGAs Ikwere, Obio/Akpor, Emuoha, Khana and Ogba/Egbema/Ndoni.<sup>262</sup> Research into the activities of cults in the Niger Delta region between 2008 and 2018 painted a similar picture.<sup>263</sup> Cult-related violence took place in the struggle for dominance over certain areas. Clashes of this kind resulted in high numbers of deaths. The main victims of this violence were cult members themselves, but as the clashes were often fought out in the communities or neighbourhoods where cult members were living, civilians also died from stray bullets, and/or relatives or people living in the same house as cult members were killed in violent attacks on their homes.<sup>264</sup> In addition, cults engaged in looting and arson when they combed communities in search of members of rival cults.<sup>265</sup>

#### *Cult-related crime*

Violent clashes between cults were the leading cause of fatalities as a result of the cults. There were also deaths and injuries from cult-related crime. The criminal activities that cults engaged in included drug trafficking, kidnapping for ransom, human trafficking and illegal oil trafficking.<sup>266</sup> Experts and Nigerian media have reported forced recruitments and the conscripting of minors into these cults.<sup>267</sup> Cults also played a significant role in the electoral violence described in 1.1.1, acting as henchmen for businessmen and politicians.<sup>268</sup>

#### *Response of the authorities: limited criminal prosecution of cults*

Although there were arrests of cult members during the reporting period,<sup>269</sup> the actions of the Nigerian police and courts against cults were inadequate according to several sources. The police failed to protect the civilian population properly against the excesses of cult-related violence, and high-ranking cult members in particular escaped criminal prosecution almost entirely.<sup>270</sup> This also applied to the prominent businessmen and politicians who use cults to further their own aims and reward them with money and weapons. In a report on several violent incidents that took place mainly in the Khana and Gokana LGAs of Rivers state, Amnesty International stated that police often failed to intervene when reports of cult-related violence were received, or that they only attended the scene hours after the violence had

kidnappings. In 2019, 536 people were killed in cult-related violent incidents. Nigeria Watch, *Ninth Report on Violence in Nigeria (2019)*, p. 8, 2019.

<sup>260</sup> PIND, *Niger Delta Annual Conflict Report*, 4 February 2020.

<sup>261</sup> See for example: Premium Times, 'Many killed' as cult groups fight in Benin, 14 November 2020.

<sup>262</sup> Nigeria has 36 states and 774 LGAs. LGAs are similar to municipalities.

<sup>263</sup> Nwaogu, Weli en Mbee, 'Evaluation of Youth Vulnerability to Community Cultism in Selected States in the Niger Delta Region of Nigeria', *Asian Journal of Advanced Research and Reports* 7(4), p. 1-14, 2019.

<sup>264</sup> Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020.

<sup>265</sup> Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020; Confidential source, 21 October 2020.

<sup>266</sup> European Asylum Support Office, *Country of Origin Information Report Nigeria: Targeting of Individuals*, p. 44, November 2018.

<sup>267</sup> The Punch, *Cult members forcing schoolchildren to join group, Ikorodu residents cry out*, 14 September 2019; Daily Post, *JSS1 student, 56 others arrested during cult initiation*, 27 February 2018; Lavaud-Legendre & Plessard, *Groupes cultist et traite des êtres humains du Nigéria vers l'Europe*, pp. 18-19, 2019.

<sup>268</sup> Confidential source, 21 October 2020; Harpers Magazine, *The Black Axe: How a pan-African freedom movement lost its way*, September 2019. Lavaud-Legendre & Plessard, *Groupes cultist et traite des êtres humains du Nigéria vers l'Europe*, p. 25, 2019.

<sup>269</sup> ACCORD, *Anfragebeantwortung zu Nigeria: Informationen zu den Kultgruppen Arobaga und Vikings (Aktivitäten insbesondere in Uromi); Zwangsrekrutierung seitens Kultgruppen und erzwungene Nachfolge; Staatlicher Schutz vor Kultgruppen; Informationen zur Lage hinsichtlich Aktivitäten von Kultgruppen in Uromi, im Bundesstaat Edo*, 26 April 2019.

<sup>270</sup> Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020; Confidential source, 21 October 2020; Il Fatto Quotidiano, *Nigerian Cults protected by government high level members. Gangsters recruited by candidates to manipulate voting*, 17 November 2018.

ended.<sup>271</sup> The arrests of cult members that did take place during the reporting period were of low-ranking members, according to a confidential source.<sup>272</sup> In addition, Amnesty International stated that the authorities had not done enough to bring the perpetrators of this type of violence to justice. Several sources stated that cults avoid criminal prosecution and/or maximum sentences because they enjoy the protection of senior government officials and politicians.<sup>273</sup>

#### 1.2.7

##### *South-West zone (Oyo, Ekiti, Osun, Ondo, Lagos and Ogun)*

Like the South-East zone, the South-West zone is relatively stable.<sup>274</sup> However, it too had many violent incidents as a result of cults, political violence and organised crime. The first half of 2019 saw an increase in fatal violent incidents, especially in Lagos and Ogun. These developments coincided with the elections.<sup>275</sup> There were also violent incidents in the first half of 2020, as a result of the enforcement of anti-coronavirus measures. In the summer of 2020, there were widespread protests against gender-based violence following the deaths of two female students who had been brutally raped.<sup>276</sup> In autumn 2020, Lagos was the scene of widespread protests against police brutality and misgovernment in general as discussed in 1.1.2.

### 1.3

#### **Freedom of movement**

Both the high level of violence and the poverty of much of the Nigerian population also resulted in high numbers of displacements during this reporting period (for more details on conflict-related displacements, see Chapter Four on refugees and displaced persons).<sup>277</sup> Freedom of movement is one of the fundamental rights enshrined in the Nigerian constitution, and according to DFAT there are no legal barriers to relocation within Nigeria.<sup>278</sup> However, there are various practical, cultural and legal barriers that cause most people who have fled violence to settle with family in or close to their own region. First, there are significant linguistic, cultural and religious differences between northern and southern Nigeria, which means that relatively few IDPs from the north of Nigeria settle in the south.<sup>279</sup> Second, several sources stated that Nigeria is a 'network society', and that without social contacts it is almost impossible to find housing or a job in an unknown city or region.<sup>280</sup> Third, there is legislation that grants more rights to members of population groups that are regarded as 'indigenous' (*indigenes*) within a particular region. Outsiders (*non-indigenes*) may experience discrimination in using government services, accessing

<sup>271</sup> Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020.

<sup>272</sup> Confidential source, 13 November 2020. See also: ACCORD, *Anfragebeantwortung zu Nigeria: Informationen zu den Kultgruppen Arobaga und Vikings (Aktivitäten insbesondere in Uromi); Zwangsrekrutierung seitens Kultgruppen und erzwungene Nachfolge; Staatlicher Schutz vor Kultgruppen; Informationen zur Lage hinsichtlich Aktivitäten von Kultgruppen in Uromi, im Bundesstaat Edo*, 26 April 2019; Radio Nigeria, *2 killed, 47 arrested in Anambra violence*, 10 March 2019; The Sun, *Police arrest 59 alleged Cult members in C'River*, 19 August 2020; The Guardian Nigeria, *Police arrest 16 suspected cult members in Lagos*, 10 May 2020; Vanguard, *Police arrest 11 suspected cultists during initiation in Calabar*, 16 August 2020; The Punch, *Cult members forcing schoolchildren to join group, Ikorodu residents cry out*, 14 September 2019; Daily Post, *JSS1 student, 56 others arrested during cult initiation*, 27 February 2018

<sup>273</sup> Il Fatto Quotidiano, *Nigerian Cults protected by government high level members. Gangsters recruited by candidates to manipulate voting*, 17 November 2018; IFRA Nigeria, *Contemporary Nigerian Cultist Groups: Demystifying the Invisibilities*, 2 March 2019; Confidential source, 13 November 2020; Confidential source, 21 October 2020.

<sup>274</sup> ACLED, *Nigeria Anti-Civilian Violence, 31/01/2018-12/12/2020*. Extract obtained from ACLED headquarters, January 2021.

<sup>275</sup> Premium Times, *Ondo: Two die in election violence as governor imposes curfew*, 9 March 2019; Premium Times, *One Killed in Ogun Political Violence*, 8 March 2019.

<sup>276</sup> Pulse, *Rape, murder of teenager refuels national outrage against rapists*, 6 May 2020.

<sup>277</sup> Australia, *DFAT Country Information Report Nigeria*, p. 56, December 2020.

<sup>278</sup> Australia, *DFAT Country Information Report Nigeria*, p. 31, March 2018.

<sup>279</sup> Australia, *DFAT Country Information Report Nigeria*, p. 57, December 2020.

<sup>280</sup> Confidential source, 28 October 2020; Confidential source, 29 October 2020.



education and government jobs, and buying land in these regions.<sup>281</sup> However, this phenomenon does not apply in cities such as Lagos and Abjua, according to DFAT.<sup>282</sup>

The coronavirus pandemic led to the restriction of freedom of movement, with the announcement of a complete lockdown for the residents of Lagos, Abuja and Ogun in April 2020 and local restrictions in other Nigerian states.<sup>283</sup> As an estimated 40% of the Nigerian population live below the poverty line and many Nigerians depend on the informal economy, these measures had a major impact on the livelihoods of millions of Nigerians.<sup>284</sup>

<sup>281</sup> European University Institute, *REPORT ON CITIZENSHIP LAW: NIGERIA*, p. 16, July 2020.

<sup>282</sup> Australia, *DFAT Country Information Report Nigeria*, p. 57, December 2020.

<sup>283</sup> BBC, *Coronavirus: Nigeria to ease Abuja and Lagos lockdowns on 4 May*, 28 April 2020.

<sup>284</sup> The Lancet, *COVID-19 in Nigeria: a disease of hunger*, 29 April 2020.

## 2 Identity, nationality and documents

The large-scale effort to introduce a National Identity Management System was continued in this reporting period.<sup>285</sup> This chapter will discuss the main developments to do with the allocation of a National Identity Number (NIN) to the entire Nigerian population. The focus will be on developments in the registration procedure, progress with the registration process and the enforcement of the identification obligation in connection with the use of various government services. In addition, this chapter will discuss the use of different identity documents and the way in which the introduction of the national identification obligation has affected the procedure for issuing these other documents. Finally, the susceptibility to fraud of the process by which identity documents are issued in Nigeria will be discussed.

### 2.1 Introduction of national identification obligation

#### 2.1.1 *Procedure for registration for a National Identity Number (NIN)*

The introduction of the national identification obligation requires the allocation of an NIN to all Nigerian citizens and foreign migrants with a valid residence permit. Having an NIN is also a prerequisite for starting the application procedure for a (free) national identity card. The procedures for assigning an NIN and applying for an identity card did not change during the reporting period. Towards the end of the reporting period there were unconfirmed rumours that the plastic ID card was to be replaced with an online ID card accessible via an app (see 2.1.4).<sup>286</sup>

According to the National Identity Management Commission (NIMC)<sup>287</sup> website, Nigerians are required to provide both biographical and biometric data in order to register for an NIN.<sup>288</sup> To submit biometric data, applicants must visit an NIMC registration centre to have a passport photo and ten fingerprints taken. Biographical data may be submitted online in the run-up to this visit. These are entered into the system by an NIMC employee during the visit. When registering, applicants must provide one of the following documents for identification:

- Old national identity card;
- Driving licence;
- Temporary or permanent voter ID card;
- Passport;
- Certificate of origin;
- Attestation letter from a prominent community ruler;
- Birth certificate;
- Declaration of age;
- Attestation letter from religious/traditional leader;
- Health insurance card (National Health Insurance Scheme (NHIS) ID card);
- Government staff ID card;
- Registered/recognised private organisation staff ID card;
- School ID card;

<sup>285</sup> For more information about the earlier stages of this process, see: Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 24, June 2018

<sup>286</sup> Technext, *How To Obtain Your Nigerian National ID Card Through the NIMC Mobile App*, augustus 2020; BBC Pidgin, *Nigerian national identity card: How to use your phone get your National ID card from NIMC mobile app*, 16 August 2020; The Cable, *'It brought out another person's details' – NIMC under fire over errors on national identity app*, 16 August 2020.

<sup>287</sup> The government body overseeing the introduction of the National Identity Management System.

<sup>288</sup> NIMC, *How to Enrol – Adults*, last accessed 24 November 2020.

- Tax clearance certificate;
- Valid immigration documents.<sup>289</sup>

When the application is complete, a transaction slip is issued as proof of registration. This slip does not yet contain an NIN. The applicant must return one to five working days later to collect a paper slip containing his or her NIN. This ID slip is recognised as a valid proof of identity.<sup>290</sup>

### 2.1.2

#### *Progress with the introduction of the National Identity Management System*

The allocation of an NIN to the entire Nigerian population is a basic requirement for the establishment of the National Identity Management System. However, the NIMC again failed to meet its registration targets during this reporting period. The previous report stated that in early 2018, the NIMC had registered 28 million Nigerians and foreigners with valid residence permits.<sup>291</sup> In September 2020, the head of the NIMC stated that 42 million Nigerians were registered in the National Identity Database at that time.<sup>292</sup> In December 2020, the Nigerian government announced that it was bringing forward (to February 2021) the introduction of the requirement to present an NIN when applying for a SIM card, in order to speed up the registration process.<sup>293</sup> The extent to which this measure was actually enforced was not known at the time of publication of this country of origin information report.

There are several problems underlying this delay, such as a lack of registration centres and a lack of clarity among the Nigerian population about the purpose of the NIN. The NIMC had about 1,000 registration centres across Nigeria during the reporting period, but needs about 4,000 to register the entire Nigerian population within the next three to five years.<sup>294</sup> Research by *The Guardian NG* in several Nigerian states indicates that ignorance of the purpose of an NIN and the long waiting times and red tape involved in applying for an NIN are holding Nigerians back from registering.<sup>295</sup> This picture is confirmed by a 2020 report from the international NGO The Engine Room.<sup>296</sup> This report also states that poor Nigerians in particular have to queue for hours, and sometimes days, in order to register.

To meet the challenges associated with rolling out a national identity management system, the NIMC announced the introduction of the Digital Identity Ecosystem during the reporting period. This project will be implemented with support from the World Bank, the EU and the *Agence Française de Développement* (AFD).<sup>297</sup> The Digital Identity Ecosystem is a framework within which the NIMC works in partnership with public and private service providers to create a suitable environment for the efficient registration of all Nigerians and legal residents in Nigeria in the National Identity Database. An example of the application of this approach is the comparison of the data provided by individuals when applying for an NIN with existing (biometric) data that have already been registered for millions of Nigerians for the allocation of a Bank Verification Number (BVN).<sup>298</sup> The BVN is a means of identification that was previously introduced by the central bank in Nigeria

<sup>289</sup> NIMC, *How to Enrol – Adults*, last accessed 24 November 2020.

<sup>290</sup> NIMC, *How to Enrol – Adults*, last accessed 24 November 2020.

<sup>291</sup> At the time, Nigeria had a population of nearly 200 million.

<sup>292</sup> The Punch, *42 million Nigerians now have identity numbers – NIMC*, 17 September 2020.

<sup>293</sup> Telecompaper, *NCC extends deadline for NIN-SIM registrations into 2021*, 22 December 2020.

<sup>294</sup> Technext, *Why Over 150 Million Nigerians are Still Without National Identification Numbers (NIN) and What NIMC Can do About it*, July 2020; BiometricUpdate.com, *Ecosystem approach could accelerate biometric enrollment in Nigeria*, 26 September 2020; NIMC, *NIMC Enrolment Centres*, accessed 30 November 2020.

<sup>295</sup> The Guardian NG, *National Identity Card: Another bumpy road to building national database*, 9 November 2019.

<sup>296</sup> The Engine Room, *Understanding the Lived Effects of Digital ID A Multi-Country Study*, January 2020.

<sup>297</sup> World Bank, *International Development Association Project Appraisal Document on a Proposed Credit in the Amount of SDR 84.4 Million (US\$115.0 Million Equivalent) to The Federal Republic of Nigeria for the Digital Identification for Development Project*, 30 January 2020.

<sup>298</sup> The Cable, *NIMC DG: We've so far linked 14 million BVN with NIN*, 14 May 2020; EASO, *Nigeria: Identification Documents Management System*, 24 January 2019. In 2018, approximately 43 million people were registered for a BVN. In 2019, 14 million BVNs and NINs were linked.

to combat fraud by linking a customer's photo and fingerprint to a bank account. Without a BVN it is not possible to have a bank account authorised.<sup>299</sup>

### 2.1.3 *Registration of the Nigerian diaspora for an NIN*

Since 2019, the NIMC has offered the Nigerian diaspora the possibility of registering for an NIN, subject to payment of a fee, through recognised partner organisations abroad.<sup>300</sup> In November 2020, this possibility existed in Austria, Benin, Canada, Germany, Ghana, India, Ireland, Italy, Saudi Arabia, Senegal, South Africa, Togo, United Arab Emirates, the United Kingdom and the United States, according to NIMC's website.<sup>301</sup>

### 2.1.4 *Application for and issuance of identity cards*

Holding an NIN is a prerequisite for obtaining a national identity card. However, the card must be applied for separately and will therefore only be sent later. It is a plastic card with a chip on which the owner's biometric data are stored.<sup>302</sup> In August 2020, various Nigerian media outlets announced that instead of plastic cards, the NIMC wanted to switch to online identity cards that could be downloaded via an online app.<sup>303</sup> In November 2020, the NIMC itself was not yet reporting this possibility on its website.<sup>304</sup> The app was functional from January 2021,<sup>305</sup> but had not yet actually replaced the plastic identity cards, according to a confidential source.<sup>306</sup>

### 2.1.5 *Enforcement of identification obligation*

Despite the delays in registering the Nigerian population, on 1 January 2019 it became mandatory to submit an NIN when using around 20 government and other services. It was not possible to verify to what extent the identification obligation had actually been introduced and was being enforced for all these services. However, it was clear from media reports that there were a number of services for which this obligation was not yet being enforced during the reporting period.

In line with Section 27 of the NIMC Act of 2007, it has been mandatory since January 2019 to present an NIN to use various services such as applying for a passport, driving licence or voter ID card, opening a personal bank account, arranging insurance, buying a SIM card and enrolling in a school or university.<sup>307</sup> However, the head of the NIMC stated that the fact that everyone must present an NIN in order to use the above services did not mean that everyone was obliged to have an NIN on 1 January 2019.<sup>308</sup> The bodies that offered these services were obliged from 1 January 2019 to request an NIN from anyone wishing to use their services and, if the person did not have an NIN, to register him/her and send the data to the NIMC, which could then create an NIN.<sup>309</sup> One of the central objectives

<sup>299</sup> See: <https://www.vfsglobal.com/bvn/nigeria/frequently-asked-questions.html>.

<sup>300</sup> NIMC, *Diaspora*, accessed 19 November 2020.

<sup>301</sup> NIMC, *NIMC Enrolment Centres*, accessed 19 November 2020.

<sup>302</sup> NIMC, *About the e-ID Card*, accessed 19 November 2020.

<sup>303</sup> Technext, *How To Obtain Your Nigerian National ID Card Through the NIMC Mobile App*, August 2020; BBC Pidgin, *Nigerian national identity card: How to use your phone get your National ID card from NIMC mobile app*, 16 August 2020; The Cable, *'It brought out another person's details' — NIMC under fire over errors on national identity app*, 16 August 2020.

<sup>304</sup> NIMC, *About the e-ID Card*, accessed 19 November 2020.

<sup>305</sup> The app is available at: [https://play.google.com/store/apps/details?id=com.nimcmobile&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.nimcmobile&hl=en_US&gl=US), last accessed 27 January 2021.

<sup>306</sup> Confidential source, 27 January 2021.

<sup>307</sup> Section 27 of the *National Identity Management Commission Act, 2007* contains an overview of the services that require an NIN. See: [https://www.nimc.gov.ng/docs/reports/nimc\\_act.pdf](https://www.nimc.gov.ng/docs/reports/nimc_act.pdf). In addition, this section states that for other services an NIN may also be required if the NIMC deems this necessary and announces it in the Government Gazette. The Lexology website lists the transactions for which an NIN is required from 1 January 2019. Lexology, *National identity management in Nigeria: Matters arising*, 29 July 2019.

<sup>308</sup> IT Telecom Digest, *Why FG Launched New Digital Identity Ecosystem*, 27 February 2019.

<sup>309</sup> IT Telecom Digest, *Why FG Launched New Digital Identity Ecosystem*, 27 February 2019.

of the Digital Identity Ecosystem project is to strengthen the necessary capacities of all parties involved and to improve coordination between these parties.

It is unclear to what extent to all the bodies concerned are complying with this new obligation and when they started or will start to do so.<sup>310</sup> On the basis of recent reports in the media and other publications, it can be stated with certainty that in the case of at least some of these services the identification obligation has not yet started or has been suspended following start-up problems. For example, in December 2020, the government announced that it would not introduce the identification obligation for buying a SIM card until January 2021.<sup>311</sup> At the time of finalising this report (February 2021), it was uncertain whether this was a feasible measure. Enforcement of the student identification obligation when registering for the new school year, which should have started in October 2019, was also postponed because too many students did not yet have an NIN.<sup>312</sup> In June 2020, the Nigerian pensions authority, PenCom, postponed the identification obligation as many Nigerian pensioners had failed to obtain their NIN due to COVID-19.<sup>313</sup> A confidential source indicated that in January 2021 it was possible to open a new bank account with a BVN, but without an NIN.<sup>314</sup>

The judiciary rejected the obligation to produce an NIN when initiating legal proceedings. The high court ruled in May 2019 that the 2007 NIMC Act is not part of the court's procedural rules, and therefore presentation of an NIN cannot be a prerequisite for bringing a case to court.<sup>315</sup>

## 2.2 Other identity documents

As well as the identity card, the permanent voter ID card, the birth certificate, the passport and the driving licence are regarded as valid identity documents in daily life in Nigeria.<sup>316</sup> However, this does not mean that having one of these documents is necessary or that these documents are always reliable. As the previous section indicated, and as the following sections will also indicate, it is possible to identify oneself or to obtain one of the above identity documents on the basis of a series of other documents, whether or not in combination with a sworn affidavit. The following paragraphs examine the main changes relating to the obtaining and functioning of these documents during the reporting period.

### 2.2.1 *Passport: developments concerning the enhanced e-Passport*

There were two major changes regarding the nature of and procedure for applying for a passport during the reporting period. First, the enhanced e-Passport was introduced.<sup>317</sup> In addition, presentation of an NIN when applying for a passport became mandatory in January 2019.<sup>318</sup>

In January 2019, the first copy of the new enhanced e-Passport was handed over to President Buhari. This new type of passport became available to Nigerian citizens as

<sup>310</sup> Daily Post, *US visa ban: Nigeria to enforce NIN for issuance of SIM card from June 2021*, 14 August 2020; Business Day, *Nigeria to enforce NIN as requirement for SIM card registration, activation*, 5 February 2020; Global Voices, *Nigeria's digital ID scheme may benefit those 'with access'— but what about everyone else?*, 6 February 2020; The Engine Room, *Understanding the Lived Effects of Digital ID A Multi-Country Study*, January 2020.

<sup>311</sup> Telecompaper, *NCC extends deadline for NIN-SIM registrations into 2021*, 22 December 2020.

<sup>312</sup> Global Voices, *Nigeria's digital ID scheme may benefit those 'with access'— but what about everyone else?*, 6 February 2020.

<sup>313</sup> Daily Trust, *Nigeria: Waive NIN in Processing Retirement Benefits, PenCom Orders PFAs*, 8 June 2020.

<sup>314</sup> Confidential source, 27 January 2021.

<sup>315</sup> Lexology, *National identity management in Nigeria: Matters arising*, 29 July 2019.

<sup>316</sup> EASO, *Nigeria: Identification Documents Management System*, 24 January 2019.

<sup>317</sup> This Day, *Nigeria: Why Immigration Extended Passport Validity to 10 Years*, 18 January 2019; NIMC, *NIMC, NIS to Commence Enforcement of NIN on the New Enhanced e-Passports*, 14 March 2019.

<sup>318</sup> NIMC, *NIMC, NIS to Commence Enforcement of NIN on the New Enhanced e-Passports*, 14 March 2019.

of 29 April 2019, according to the website of the Nigerian Immigration Service (NIS).<sup>319</sup> With the introduction of the enhanced e-Passport, Nigerians can now choose between the old standard e-Passport and the new enhanced e-Passport (of which three versions exist)<sup>320</sup>. The enhanced e-Passport has new security features, is more resistant to damage and meets ICAO standards.<sup>321</sup> In practice, the new enhanced e-Passport was only available a year after its introduction in a number of large cities such as Abuja, Lagos, Kano and Port Harcourt.<sup>322</sup>

The requirement to provide an NIN when applying for a passport is only enforced for the enhanced e-Passport and not for the standard passport.<sup>323</sup> The NIS website still indicated in November 2020 that an NIN was only one of the possible means of identification for applications for a standard passport.<sup>324</sup> However, for applications for an enhanced e-Passport, the website indicated that it is absolutely necessary to submit an NIN.<sup>325</sup> A confidential source indicated that this obligation was in fact enforced for the new enhanced e-Passport.<sup>326</sup>

#### *Passport applications from the diaspora*

In theory, according to the NIS, it is possible to apply for an enhanced e-Passport from abroad, but in practice this option has not yet been offered. The NIS website indicates that it is possible for Nigerians abroad to apply for an enhanced e-Passport through the nearest Nigerian embassy or consulate.<sup>327</sup> To apply for a passport through the Nigerian embassy in The Hague, the passport must be paid for in advance through a website. For the time being (in November 2020), this website was only offering the option to apply for a standard e-Passport.<sup>328</sup> An NIN is not required to apply for this passport. The NIN was therefore not included in the list of requirements for the application for a new Nigerian passport through the embassy.<sup>329</sup>

#### *Identity documents and travel for minors*

To apply for a passport, children under the age of 16 need a signed letter of consent from their parents or guardian.<sup>330</sup> Independent applications for an identity card are subject to a minimum age of 16 years. Children under the age of 16 can only register with the National Identity Management Commission, which issues identity cards, if their parents have an identity card and accompany them during the application.<sup>331</sup> The identity card is not issued until the person reaches the age of 16. As having a passport is a prerequisite for international travel, it is in principle impossible for a child to leave the country without the consent of the parent/guardian.<sup>332</sup> Once a minor has access to a passport, international and other airlines operating in Nigeria also apply their own conditions for the conveyance of

<sup>319</sup> NIS, *Commencement (Enhanced e-Passport)*, 31 January 2019.

<sup>320</sup> A 32-page passport valid for five years, a 64-page passport valid for five years, or a 64-page passport valid for ten years. NIS, *Enhanced E-Passport*, accessed 30 November 2020.

<sup>321</sup> International Civil Aviation Organization.

<sup>322</sup> Daily Trust, *9 Months After Launch: New E-Passport Yet To Commence In States*, 18 November 2019; This Day, *NIS Rolls out Enhanced e-Passport in Port Harcourt*, 19 February 2020.

<sup>323</sup> Confidential source, 18 November 2020.

<sup>324</sup> NIS, *Standard Passport*, accessed 30 November 2020.

<sup>325</sup> NIS, *Enhanced e-Passport*, accessed 30 November 2020.

<sup>326</sup> Confidential source, 16 November 2020.

<sup>327</sup> NIS, *Enhanced e-Passport*, accessed 30 November 2020.

<sup>328</sup> The Nigeria Immigration Service, *Apply for New Passport*, accessed 30 November 2020. See: <https://portal.immigration.gov.ng/passport/epassport>

<sup>329</sup> Nigerian Embassy The Hague, *Passport*, accessed 30 November 2020. See: <http://nigerianembassythehague.nl/consular/passport/>

<sup>330</sup> The Nigeria Immigration Service, *Passport Application Guidelines*, last accessed 21 September 2020.

<sup>331</sup> National Identity Management Commission, *Enrolling Minors*, last accessed 21 September 2020.

<sup>332</sup> Confidential source, 1 December 2020.

unaccompanied minors.<sup>333</sup> A confidential source indicated that these conditions can be circumvented by human traffickers.<sup>334</sup>

#### *ECOWAS certificate*

As indicated in the previous country of origin information report, there is freedom of movement for persons between the ECOWAS states.<sup>335</sup> However, residents of these countries must have a passport or an ECOWAS certificate in order to cross national borders. The previous report contains more information about applications for and the issuance of such a certificate. A confidential source indicated that this document is relatively easy to forge, which makes it easier for Nigerians to travel to Europe via Niger or Mali.<sup>336</sup>

### 2.2.2

#### *Driving licence*

NIMC and the Federal Road Safety Corps (FRSC) – the body that issues driving licences – have announced that it is also necessary to present an NIN when applying for a driving licence and registering a vehicle.<sup>337</sup> This announcement was first made in April 2018 and repeated in September 2020. According to the *Daily Post*, the head of the FRSC indicated in September 2020 that requiring an NIN was necessary to counter the corruption associated with the issuing of driving licences.<sup>338</sup> It is not clear to what extent the identification obligation has been enforced since it was announced again in September 2020.

### 2.2.3

#### *Birth certificate*

The previous report contained a description of the procedure for applying for a birth certificate and historical developments concerning the responsible authorities.<sup>339</sup> This section contains additional information on the percentage of Nigerians registered at birth and on the procedures for applying for a birth certificate after the loss of the original and applying for a birth certificate from abroad.

#### *Percentage of Nigerians registered at birth*

According to the latest population survey from 2018, it was still the case that only a minority of the Nigerian population were registered at birth. The latest National Demographic and Health Survey (NDHS) from 2018 indicated that 43% of children under the age of five had their birth registered with the National Population Commission (NPC),<sup>340</sup> the body responsible for all birth records in Nigeria since 1992.<sup>341</sup> The family's socio-economic status was the main factor in whether a child was registered, according to the NDHS. Children from wealthier families were more likely to be registered than those from poorer families.<sup>342</sup> This also applies to children from urban areas: 60% of urban children are registered compared to 32% of rural children.<sup>343</sup> As described in the previous report, before 1992, local

<sup>333</sup> See for example: <https://www.flysaa.com/manage-fly/before-flying/unaccompanied-minors/>; <https://www.emirates.com/ng/english/family/planning-your-family-trip/unaccompanied-minors/>; <https://www.lufthansa.com/us/en/unaccompanied-minors>.

<sup>334</sup> Confidential source, 1 December 2020; BBC, *Coronavirus in Nigeria: The child beggars at the heart of the outbreak*, 15 May 2020.

<sup>335</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 25, June 2018.

<sup>336</sup> Confidential source, December 2020.

<sup>337</sup> NIMC, *NIN Now Mandatory For Driver's License Application*, 20 April 2018; *Daily Post*, *NIN mandatory for driver's licence, car registration – FRSC*, 26 September 2020.

<sup>338</sup> *Daily Post*, *NIN mandatory for driver's licence, car registration – FRSC*, 26 September 2020.

<sup>339</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 26, June 2018.

<sup>340</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, pp. 17-18, October 2019. In 2013, this was the case for 30% of children under five.

<sup>341</sup> Before 1988, local governments were responsible for birth registration. With the entry into force of the *National Population Commission Act* in 1988, this authority was transferred to the NPC. After a seven-year transition period, from 31 October 1995 the NPC became the only body with the authority to register births. However, the NDHS from 2018 indicated that some parents who stated that they had registered their baby had not done so with the NPC. See also: *The Nation*, *Birth certificates issued by local governments not acceptable – NPC*, 10 August 2020.

<sup>342</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, pp. 17-18, October 2019.

<sup>343</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, pp. 17-18, October 2019.

authorities were responsible for birth registration. The National Population Commission Act of 1988 transferred this authority to the NPC with effect from 1992.<sup>344</sup> However, the NDHS from 2018 indicated that 37% of parents who stated that they had registered their baby had not done so with the NPC. This suggests that (invalid) birth registrations are still taking place by, for example, local authorities outside the NPC.<sup>345</sup>

#### *Birth registration procedure (at birth)*

Birth registration is supposed to take place shortly after the birth of a child, but in practice in Nigeria it can also be done at a later age. However, a different procedure applies in such cases. There are different procedures for the registration of a newborn child in the case of home births and hospital deliveries. If the child was born in hospital, the parents must submit a certificate from the hospital to the NPC.<sup>346</sup> If the child was born out of hospital, the parents must submit to the NPC a live birth registration form from a local registration centre in the LGA in which the child was born.<sup>347</sup> Registration is free and must be done within 60 days of a child's birth. However, the NPC offers free birth registration for up to six months after birth.<sup>348</sup> Birth registration of minors over six months officially costs 200 naira.<sup>349</sup> However, these fees are (for the time being) not charged in practice, so as not to deter people from registering their children.<sup>350</sup>

Before 1992, local authorities and hospitals issued birth certificates under the Compulsory Registration of Birth and Death Decree of 1979, according to the previous country of origin information report and information from the US DoS reciprocity scheme.<sup>351</sup>

#### *Birth registration at an older age*

One can also register with the NPC at an older age, but will then receive an attestation of birth instead of a birth certificate, according to the Danish ID Centre. To obtain this attestation of birth, the applicant must have an attestation of age ratified at the State High Court by means of a sworn affidavit. Both documents must then be handed over to the NPC together with a form on which the applicant fills in his or her name, age and family details.<sup>352</sup> All individuals born before 1992 were also only eligible for an attestation of birth before their 18th birthday, because the NPC did not issue birth certificates for individuals born before the NPC was established.<sup>353</sup> Anyone who was born before 1992, but applied for a birth certificate after 1992, can therefore only possibly have an attestation of birth and not a birth certificate.

#### *Replacement of birth certificate in the event of loss*

It is not possible to obtain a new birth certificate in the event of loss, because this document is only issued once by the NPC.<sup>354</sup> When the original is issued, a duplicate

<sup>344</sup> Nigeria, *National Population Commission Act*, 1988.

<sup>345</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, pp. 17-18, October 2019; The Nation, *Birth certificates issued by local governments not acceptable – NPC*, 10 August 2020.

<sup>346</sup> Legit, *How to get birth certificate Nigeria*, 2017.

<sup>347</sup> Legit, *How to get birth certificate Nigeria*, 2017.

<sup>348</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 2, 26 March 2019.

<sup>349</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 2, 26 March 2019. On 26 November 2020, 200 naira was worth 0.44 euro, according to CoinMill.com, an online exchange rate converter.

<sup>350</sup> Legit, *National Population Commission birth certificate obtaining guide*, 2018; Premium Times, Nigeria birth, death certificates are free — Population Commission, 19 September 2018; United States Department of State, *Nigeria Reciprocity Schedule*, undated, last accessed 10 March 2021.

<sup>351</sup> Dutch Ministry of Foreign Affairs, Country of origin information report Nigeria, p. 25, June 2018.

<sup>352</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 2, 26 March 2019; Nigerian Finder, *How to get a birth certificate in Nigeria*, undated.

<sup>353</sup> Law Care Nigeria, *Procedure for Obtaining Certificate of Attestation of Birth and Birth Certificate from NPC*, 22 October 2019.

<sup>354</sup> EASO, *Nigeria: Identification Documents Management System*, p. 7, 24 January 2019.



is archived by the NPC, however. If the owner of a birth certificate loses this document, he or she can obtain another type of birth documentation. The sources that were consulted for this country of origin information report identified two types of documents that can be issued to replace a lost birth certificate:

- If the applicant has the serial number and/or a copy of the original birth certificate, he or she can have a copy of the birth certificate certified by the NPC.<sup>355</sup>
- If the applicant does not have the serial number or a copy of the original, he or she can request a letter in which the NPC confirms that the birth certificate has been lost (attestation letter).<sup>356</sup> To this end, he or she must submit a report of the loss of the birth certificate to the police or a sworn affidavit of this loss.<sup>357</sup>

#### *Application for birth certificate from abroad by an adult Nigerian*

Several sources indicate that it is possible for an adult Nigerian to apply for an attestation of birth from the NPC from abroad through a proxy in Nigeria. The sources consulted did not indicate specific criteria that the proxy must satisfy in order to act in this capacity for a Nigerian who wishes to apply for an attestation of birth from abroad.<sup>358</sup> The proxy must submit the following documents to the NPC:

- A proxy form;
- A sworn affidavit made by the applicant at the state high court;
- A copy of a valid proof of identification of the proxy, such as a national passport or national identity number;
- Passport photos of the applicant and the proxy.<sup>359</sup>

According to the Danish National ID Centre it is not possible under the Nigerian regulations to give a sworn affidavit by proxy. The regulations state that the owner of a sworn affidavit must be in Nigeria on the day the affidavit is given.<sup>360</sup> According to earlier research by the IRBC, it is possible for Nigerians abroad to request an attestation of age through the embassy/consulate in their country of residence;<sup>361</sup> websites of Nigerian consulates confirm that this option exists.<sup>362</sup> No information was available on the procedure for applying for a Nigerian birth certificate for Nigerian minors abroad.

#### *Voter ID card*

The voter ID Card is issued by INEC, and is another identity document for which both biographical and biometric data must be provided. The card can be applied for from INEC by all Nigerians entitled to vote up to 30 days before the elections. In order to obtain it, applicants must provide their photo and fingerprints (of ten fingers) as well as their biographical data. The data are registered in a national database and each applicant is given a unique voter number consisting of 19 characters (numbers and letters). Voters first receive a temporary voter ID card, which can be exchanged for a permanent card from INEC. More than 84 million

<sup>355</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 3, 26 March 2019.

<sup>356</sup> EASO, *Nigeria: Identification Documents Management System*, p. 7, 24 January 2019.

<sup>357</sup> EASO, *Nigeria: Identification Documents Management System*, 24 January 2019.

<sup>358</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 3, 26 March 2019; IRBC, *Nigeria: Birth and death certificates, including appearance and security features; requirements and procedures to obtain them from within the country or from abroad; prevalence of fraudulent documents (2018–October 2020)*, p. 5, 2020.

<sup>359</sup> Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 3, 26 March 2019.

<sup>360</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 26, June 2018; Danish National ID Centre, *Issuance and appearance of the Nigerian Birth Certificate*, p. 3, 26 March 2019.

<sup>361</sup> IRBC, *Nigeria: Requirements and procedures an adult must fulfill to obtain a birth certificate, including for those who apply from within the country and abroad*, 2013.

<sup>362</sup> See for example: <https://nigeria-consulate-atl.org/age-declaration/>; <https://nigeriaembassygermany.org/Passport-Issues.htm>, last accessed 12 March 2021.

Nigerians were registered for the 2019 elections.<sup>363</sup> The registration process was accompanied by logistical problems, however: queues were often long, some INEC offices were closed and people were sometimes sent away.<sup>364</sup> In principle, from 2019 onwards Nigerians also had to submit their NIN when registering for a voter ID card. This obligation was not yet being enforced in the most recent presidential elections. Registration had already started before 2019, and enforcement of the identification obligation would have resulted in the exclusion of the majority of the electorate, as only a small proportion of Nigerians had an NIN at the time.

## 2.3 Fraud

The previous country of origin information report stated that the possession of a Nigerian identity document, even certified documents, does not guarantee the correct identity of the person in question. Confidential sources confirmed that this is still the case.<sup>365</sup> However, one of these sources indicated that once people have an NIN, they have a fixed identity that can no longer be changed.<sup>366</sup> However, it is still possible that this identity does not match the identity at birth, as an NIN may be created on the basis of fraudulent documents, according to this source.<sup>367</sup>

### *Trade in forged documents by private individuals*

There was both forging of documents by private individuals and corruption in connection with the issuing of documents by the authorities. DFAT states that many businesses specialise in issuing forged documents, and that it is neither difficult nor expensive to obtain, for example, a forged driving licence or other document that can then be used to obtain, for example, a passport or birth certificate.<sup>368</sup> The Immigration and Refugee Board of Canada (IRBC) indicated that there is a particularly brisk trade in forged documents in Benin City in Edo state.<sup>369</sup>

### *Corruption in connection with the issuing of documents by the authorities*

Several sources, including DFAT, also indicated that corruption at local NIS offices makes it possible to obtain a genuine passport fraudulently.<sup>370</sup> A recent large-scale investigation by UNODC confirms that such forms of corruption/fraud in applications for documents such as passports, driving licences and diplomas did indeed occur between 2016 and 2019. However, the survey also indicated that in most cases where Nigerians applied for and obtained a document, there was no corruption involved. 82% of the respondents who applied for and obtained a document indicated that they had adhered strictly to the official procedures.<sup>371</sup>

### *Cases of forged passports*

A confidential source indicated that in the case of the (old) e-Passport from 2007, it is a common occurrence for someone to have multiple identities, despite verification with fingerprints.<sup>372</sup> This source also knew of a passenger who was stopped at Lagos airport with an old e-Passport bearing his own photo but the personal details of a

<sup>363</sup> Deutsche Welle, *Nigeria: The challenges of registering to vote*, 23 January 2019.

<sup>364</sup> Nigeria Civil Society Situation Room, *Report of Nigeria's 2019 General Elections*, 2019.

<sup>365</sup> Confidential source, 16 November 2020; Confidential source, December 2020; Confidential source, 27 January 2021.

<sup>366</sup> Confidential source, 16 November 2020.

<sup>367</sup> Confidential source, 16 November 2020.

<sup>368</sup> Australia, *DFAT Country Information Report Nigeria*, p. 33, 9 March 2018.

<sup>369</sup> IRBC, *Nigeria: Prevalence of fraudulent documents, including whether genuine documents can be obtained using false information; instances of visa application fraud; document verification practices at the Canadian visa office in Lagos (2016-August 2018)*, 28 August 2018. The IRBC is the Canadian immigration service. It has its own website: <https://irb-cisr.gc.ca/en/Pages/index.aspx>.

<sup>370</sup> Australia, *DFAT Country Information Report Nigeria*, p. 33, 9 March 2018; Global Voices, *Nigeria's digital ID scheme may benefit those 'with access'— but what about everyone else?*, 6 February 2020.

<sup>371</sup> UNODC, *CORRUPTION IN NIGERIA: PATTERNS AND TRENDS - Second survey on corruption as experienced by the population*, p. 69, December 2019.

<sup>372</sup> Confidential source, 27 January 2021.

'doppelganger' with a Spanish residence permit.<sup>373</sup> The passport that was issued contained the details of the 'doppelganger'. However, a Frontex risk analysis showed that Nigeria was not among the top 8 nationalities among whom document fraud was most commonly encountered on arrival in Europe in 2019. Nigeria is in the top 14.<sup>374</sup>

<sup>373</sup> Confidential source, 27 January 2021.

<sup>374</sup> Frontex, *Risk Analysis for 2020*, p. 29, 2020.

## 3 Human rights

This chapter examines the human rights situation in Nigeria during the reporting period. After discussing the role of the authorities in oversight and legal protection, this chapter deals with the situation of religious groups, victims of cults, deserters, members of the LGBTI community, women (including victims of genital mutilation) and unaccompanied minors.

### 3.1 Oversight and legal protection

The first part of this section examines the general functioning and effectiveness of various law enforcement agencies in Nigeria. The second part examines serious human rights violations by the police and the military and the extent to which there is legal protection against such actions by the authorities. In Nigeria, the police, the Nigeria Police Force (NPF), the military, the prosecution service and the judiciary are charged with overseeing law and order and protecting citizens against human rights violations. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established in 2003 with the specific goal of combating human trafficking, investigating incidents of human trafficking, prosecuting perpetrators and providing support to victims (more about NAPTIP in Chapter Six on human trafficking).<sup>375</sup> As well as these government agencies, there are also several other actors involved in law enforcement at the local level. These include the religious police, the *hisbah*, which enforce Islamic law in northern Nigeria, and various vigilante groups who, with or without the consent of the authorities, (claim to) protect their communities against violence by hostile groups. Well-known examples of these are the CJTF (see 1.2.2) and the *Amotekun* vigilantes operating in South-West Nigeria.<sup>376</sup>

#### 3.1.1 Nigeria Police Force (NPF)

The NPF is tasked with law enforcement throughout the territory of Nigeria. The police are inefficient due to a lack of capacity, which leads to inadequate law enforcement and protection of citizens against crime and violence (see below). In addition, various police units were guilty of abuse of power, human rights violations and excessive violence against civilians. This misconduct gave rise to the large-scale protests against police violence, as discussed in Chapter One, which broke out in the autumn of 2020 (1.1.2).

##### *Insufficient NPF capacity*

The NPF is unable to perform its basic duties and is often negligent when crime and violence are reported.<sup>377</sup> According to CFR, in December 2018, the Nigerian military was active in 30 of Nigeria's 36 states and 'mainly engaged in police duties'.<sup>378</sup> In 2020, Nigeria was ranked 94<sup>th</sup> (out of a total of 128 countries) in the *Rule of Law Index* of the World Justice Project. On the index measuring the ability of the authorities to ensure order and security, Nigeria came second to last.<sup>379</sup> While estimates of the number of NPF officers vary, experts agree that the number is well below the UN standard of one officer per 400 inhabitants. Sources state that Nigeria

<sup>375</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, November 2018.

<sup>376</sup> Amotekun means leopards in the Yoruba language.

<sup>377</sup> CFR, *Nigerian Police Are in Desperate Need of Reform*, 7 December 2018; Business Day, *Police struggling amidst increasing crime in Abuja*, 31 March 2019; The Guardian, *Waves of 'bandit' massacres rupture rural life in north-west Nigeria*, 3 June 2020; United States Overseas Security Advisory Council, *Nigeria 2019 Crime & Safety Report: Lagos*, 16 August 2019; Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020.

<sup>378</sup> CFR, *Nigerian Police Are in Desperate Need of Reform*, 7 December 2018. CFR does not specify which states these are.

<sup>379</sup> World Justice Project, *Rule of Law Index 2020*, p. 26, 2020.

has between 280,000 and 400,000 officers for a population of 200,000,000.<sup>380</sup> This means that the ratio is between one officer per 500 and one officer per 700 inhabitants. In addition, the numerous conflicts and security crises in various regions of Nigeria require additional policing, which, according to the CFR, means that fewer officers are available for core tasks in all regions of the country.<sup>381</sup>

#### *Negligence in emergencies*

In emergencies, the police often fail to appear or arrive late.<sup>382</sup> Nigeria has two national emergency numbers: 112 and 199. Several states also have their own emergency numbers. In Lagos, for example, there are special telephone numbers that can be called in the event of domestic violence or violence against children.<sup>383</sup> However, the United States Overseas Security Advisory Council (OSAC) stated in 2019 and 2020 that the national emergency numbers are ineffective and unreliable.<sup>384</sup> OSAC also stated that the response from the NPF (in Lagos) is generally slow when people call for help and that in some cases the police do not show up at all, or ask for money in exchange for help.<sup>385</sup> The previous chapter also indicated that several violent incidents, including some large-scale ones, took place during the reporting period in which the police did not intervene or failed to show up after being warned of violence that was imminent or already taking place.<sup>386</sup> After the widespread protests against police violence in the autumn of 2020, the police were also largely absent as violence escalated in Nigeria's major cities.<sup>387</sup>

#### *Issuance of documents when a crime is reported*

The police department to which a report is made determines whether this has to be done orally or in writing, according to a confidential source.<sup>388</sup> Crimes and incidents involving other citizens can be reported to the nearest police station and orally. The officer on duty will then (in theory) draw up a report, according to this source. If one wishes to report a crime to the regional directorate or to the national directorate in Abuja, one must submit a written request, this source states.<sup>389</sup> In 2019, the IRBC investigated the issuing of documents by the police after a crime is reported. Based on interviews from 2017 with a Lagos lawyer and spokesperson for the Nigeria Police Special Fraud Unit, the investigation concluded that no written confirmation of the report is issued by the police after a crime has been reported. If a police investigation is initiated, the person who reported the crime may request an investigation report and, in some cases, an interim investigation report.<sup>390</sup>

#### *Inadequate handling of reports and a high level of corruption*

<sup>380</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, pagina 18, November 2018; Premium Times, #EndSARS: ANALYSIS: Poor remuneration and its contribution to excesses of Nigerian police officers, 1 November 2020.

<sup>381</sup> CFR, *The Prospect of Local Policing Amid Security Breakdown in Nigeria*, 14 July 2020.

<sup>382</sup> United States Overseas Security Advisory Council, *Nigeria 2019 Crime & Safety Report: Lagos*, 16 August 2019; Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020.

<sup>383</sup> United States Overseas Security Advisory Council, *Nigeria 2019 Crime & Safety Report: Lagos*, 16 August 2019.

<sup>384</sup> United States Overseas Security Advisory Council, *Nigeria 2019 Crime & Safety Report: Lagos*, 16 August 2019.

<sup>385</sup> United States Overseas Security Advisory Council, *Nigeria 2020 Crime & Safety Report: Abuja*, 28 April 2020.

<sup>386</sup> Pulse, *190 police officers refuse to fight Boko Haram, flee military training camp*, 26 December 2018; Premium Times, *Boko Haram: Despite evidence, Nigerian police deny 167 officers absconded*, 26 December 2018; Amnesty International, *Nigeria: Government failures fuel escalating conflict between farmers and herders as death toll nears 4,000*, 17 December 2018; Amnesty International, *Nigeria: Rise in Cult Related killings in Rivers state*, 9 January 2020.

<sup>387</sup> Premium Times, *Despite absence on the streets, police say they're 'on duty' in Lagos*, 30 October 2020; Vanguard, *Presidency worries over Police absence, as street violence escalates*, 28 October 2020; Business Day, #ENDSARS: Tension grips Abuja residents over near police absence in major streets, areas, 23 November 2020.

<sup>388</sup> Confidential source, 8 October 2020.

<sup>389</sup> Confidential source, 8 October 2020.

<sup>390</sup> IRBC, *Nigeria: Documents issued by police during criminal investigations or in response to a complaint; procedures for an individual to obtain a copy of a police report within the country as well as from abroad; appearance of police reports, including whether there are uniform characteristics or variance across the country (2015-November 2019)*, 2019.

Although police corruption in Nigeria decreased between 2016 and 2019 according to UN research,<sup>391</sup> sources indicated that reported crimes were often not handled due to the understaffing of the NPF, and that in many cases it was still necessary to pay officers to get them to take action.<sup>392</sup> Research among the Nigerian population by the United Nations Office on Drugs and Crime (UNODC) indicated that 33% of Nigerians who had been in contact with the police in 2019 had paid a bribe.<sup>393</sup> OSAC stated that victims should keep on contacting the police regularly to ensure that they took action.<sup>394</sup> However, it also stated that most criminals/gangs in Lagos do not fear prosecution due to police inefficiency and corruption. A confidential source indicated that officers will only start an investigation if the person reporting the crime is willing and able to pay the officers.<sup>395</sup>

#### *Private security*

Police negligence was so great that Nigerians set up alternative private initiatives such as neighbourhood guards/vigilantes for emergency support.<sup>396</sup> Wealthier residents often rely on the services of private security companies. The use of police officers as private security guards for prominent politicians, other powerful individuals and businesses was one of the reasons for the NPF's inability to perform its basic duties during the reporting period.<sup>397</sup> In the Niger Delta in particular, businesses relied heavily on private security,<sup>398</sup> but this was also a common phenomenon in other regions. Private security companies are not allowed to carry weapons under Nigerian law.<sup>399</sup> To get around this, these companies worked with police officers. This affected the NPF's ability to protect other (disadvantaged) citizens.<sup>400</sup> In October 2020, during the #EndSARS protests, the Inspector General ordered all police officers working for VIPs to cease these activities.<sup>401</sup> It is not clear whether this order was complied with in practice.

#### *Internal oversight of the daily functioning of the NPF*

The Police Service Commission (PSC), the body designated by the Constitution to oversee the functioning of the police force, was hampered by lack of resources and lack of independence. The PSC has the authority to appoint, promote, punish or clear all officers of the NPF with the exception of the Inspector General of Police. It also has the authority to formulate policies and recommendations in these areas. In practice, however, the PSC had little power to combat abuses; complaints were referred back to the police themselves for further investigation. A 2018 report by EASO also stated that the PSC was suffering from a lack of resources.<sup>402</sup>

#### *Evidence of positive influence of CRU on corruption within NPF*

There are indications that the introduction of the Complaints Response Unit (CRU) has had a positive effect on the level of corruption within the police. The CRU has

<sup>391</sup> UNODC, *CORRUPTION IN NIGERIA: PATTERNS AND TRENDS - Second survey on corruption as experienced by the population*, p. 7, December 2019.

<sup>392</sup> Confidential source, 8 October 2020.

<sup>393</sup> UNODC, *CORRUPTION IN NIGERIA: PATTERNS AND TRENDS - Second survey on corruption as experienced by the population*, p. 7, December 2019.

<sup>394</sup> United States Overseas Security Advisory Council, *Nigeria 2019 Crime & Safety Report: Lagos*, 16 August 2019.

<sup>395</sup> Confidential source, 8 October 2020.

<sup>396</sup> Rest of World, *Nigerians don't trust the government to respond to emergency calls. So they created apps instead.*, 24 October 2020.

<sup>397</sup> Sahara Reporters, *80 percent Of Our Policemen Are Deployed To Protect Politicians And VIPS, Says Nigeria Police Chief*, 8 February 2018; Confidential source, 8 October 2020; The Guardian NG, *CSOs doubt compliance to withdrawal of police attaches from VIPS*, 23 October 2020.

<sup>398</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, p. 23, November 2018; Confidential source, 8 October 2020.

<sup>399</sup> United States Overseas Security Advisory Council, *Nigeria 2020 Crime & Safety Report: Abuja*, 28 April 2020.

<sup>400</sup> Confidential source, 8 October 2020; Vanguard, *IGP orders withdrawal of police personnel attached to VIPS nationwide*, 21 October 2020.

<sup>401</sup> Nairametrics, *IGP orders immediate withdrawal of police officers attached to VIPS*, 22 October 2020; Vanguard, *IGP orders withdrawal of police personnel attached to VIPS nationwide*, 21 October 2020.

<sup>402</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, p. 25, November 2018.

existed since 2015.<sup>403</sup> It receives complaints by telephone, text message, email and social media and has worked with NGOs to deal more effectively with complaints about the functioning of the NPF.<sup>404</sup> While the existence of the CRU has not improved the response to serious cases of abuse and human rights violations by the NPF,<sup>405</sup> the number of police corruption cases fell sharply between 2016 and 2019, according to UNODC. In 2016, 46% of respondents who had been in contact with the police in the previous year said they had paid a bribe. In 2019 that percentage had fallen to 33%.<sup>406</sup>

### 3.1.2 Nigerian Armed Forces (NAF)

The Nigerian armed forces, the NAF, consist of three branches (the army, the air force and the navy) and have about 200,000 military personnel.<sup>407</sup> Due to the dysfunctionality of the NPF, the Nigerian armed forces have taken on a more prominent role in protecting the civilian population. Although the Armed Forces Act, the legal framework for the armed forces, contains no references to the role they play in protecting civilians, DFAT states that the police's inability to ensure security in various regions of Nigeria has led to increasing reliance by the authorities on the military for policing tasks.<sup>408</sup> This is especially the case in the Middle Belt region, where the conflict between herders and farmers is raging.<sup>409</sup> The military is also active in the North-West zone, the North-East zone, the Niger Delta and the South-East zone.<sup>410</sup>

As described in the first chapter, the military regularly failed to protect civilians from emerging or ongoing violence during the reporting period.<sup>411</sup> Its latest strategy in the fight against Boko Haram, in which soldiers withdraw wherever possible to fortified super camps at night to minimise the number of casualties among their own ranks, has also led to greater insecurity for civilians in surrounding communities (see 1.2.2).<sup>412</sup>

### 3.1.3 Other law enforcement agencies

Section 214 of the Constitution prohibits states and local governments from setting up their own police forces.<sup>413</sup> In practice, however, the NPF and the armed forces are not the only agencies in Nigeria engaged in providing protection. Vigilantes and civil militias across the country have tried to fill the gaps left by the NPF and the military. In 2019, this led to a compromise between the federal government and the governors of six states in South-West Nigeria, who – in violation of Section 214 of the Constitution – were calling for the creation of a unit of local law enforcement officers, the Amotekun, to support the NPF. Although the attorney general initially rejected this idea, the vice president eventually approved the deployment of the Amotekun. In addition to the Amotekun in the South-West, many other vigilante

<sup>403</sup> The CRU has its own website: <https://www.npf.gov.ng/complaint22/>. PM News, *3,398 complaints against Nigerian police, 139 on excessive use of force*, 18 October 2020.

<sup>404</sup> Transparency International, *Building trust in Nigeria's Criminal Justice System: Improving Channels for Access to Information and Complaints*, 7 February 2019.

<sup>405</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, p. 21, 2020.

<sup>406</sup> UNODC, *CORRUPTION IN NIGERIA: PATTERNS AND TRENDS - Second survey on corruption as experienced by the population*, p. 7, December 2019.

<sup>407</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, pp. 26-27, November 2018.

<sup>408</sup> Confidential source, 2 July 2019.

<sup>409</sup> Australia, *DFAT Country Information Report Nigeria*, p. 29, 9 March 2018; The Conversation, *How using the military in Nigeria is causing, not solving problems*, 14 May 2019.

<sup>410</sup> US Department of State, *Nigeria 2019 Human Rights Report*, 2020.

<sup>411</sup> Bundesamt für Migration und Flüchtlinge, *Group 62 – Information Centre for Asylum and Migration Briefing Notes*, 4 February 2019; UN News, *'No other possibility but to leave': UN News special report from the Nigeria-Cameroon border as 35,000 newly-displaced seek safety*, 1 February 2019; CFR, *Military Failures Mount in Borno Against Boko Haram*, 13 February 2020.

<sup>412</sup> CFR, *Military Failures Mount in Borno Against Boko Haram*, 13 February 2020.

<sup>413</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999: Section 214. This section has not been amended since 1999.

groups are active throughout southern Nigeria.<sup>414</sup> In northern Nigeria, both the Islamic religious police, the hisbah, and vigilantes play an important role in maintaining law and order in practice. Both the hisbah and the vigilantes and militias have been accused of serious human rights violations, which will be described below.

### *Hisbah*

As already noted, informal religious morality police are active in the northern states of Nigeria in addition to the NPF. These are referred to by the term hisbah. Hisbah organisations in northern Nigeria differ in terms of their mandate and functioning. In some states such as Kano and Zamfara, the hisbah are well organised, and officers (*Muhtasib*) receive a salary from the state. In other states such as Gombe, Kaduna and Katsina, the hisbah consist entirely of volunteers.<sup>415</sup> Despite these differences, hisbah generally engage in three core tasks:<sup>416</sup>

- Social functions that contribute to social welfare such as dispute resolution, arranging marriages and helping the needy;<sup>417</sup>
- Religious functions such as encouraging zeal through preaching, converting unbelievers, and protecting people during religious ceremonies;
- Disciplinary functions such as (forcibly if necessary) preventing the mixing of the sexes in public transport, destroying alcohol,<sup>418</sup> enforcing dress and hairstyle codes,<sup>419</sup> and preventing musical performances and the showing of films.<sup>420</sup>

There is much debate as to whether the hisbah are actually entitled to perform the last category of activities. They do so in any case. Based on research into the functioning of the hisbah in the states of Kano, Sokoto and Zamfara between 2017 and 2019, USCIRF stated that hisbah organisations in all three states exceeded their mandate by arresting non-Muslims, using excessive force and locking people up.<sup>421</sup> Members of the LGBTI community and women were among those who were regularly victims of these actions during the reporting period.<sup>422</sup>

### *Vigilantes and civil militias*

Both vigilantes and civil militias are active in Nigeria. Civil militias fight against hostile groups in conflict situations. Vigilantes operate in relatively peaceful parts of Nigeria to maintain order and fight crime when the police are largely absent/invisible.<sup>423</sup> However, both groups have been guilty of violence and extortion, with innocent civilians among their victims. One major concern about vigilantes and militias is lack of clarity about who they are accountable to/who runs them; there are indications that vigilantes are used by powerful individuals, including local rulers, as private armies.<sup>424</sup> The previous chapter described the use

<sup>414</sup> The Guardian NG, *Operation Amotekun: Metaphor for FG's indecisiveness on insecurity*, 18 January 2020.

<sup>415</sup> EASO, *Country of Origin Information Report Nigeria: Actors of Protection*, November 2018; The Punch, *With govt backing, Hisbah, CJTF thrive in Kano, Borno, others*, 18 January 2020.

<sup>416</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

<sup>417</sup> The Punch, *With govt backing, Hisbah, CJTF thrive in Kano, Borno, others*, 18 January 2020.

<sup>418</sup> PM News, *Ganduje orders destruction of beer worth N200m in Kano*, 9 November 2020.

<sup>419</sup> The Daily Vendor, *Hisbah in Kaduna bans girls, ladies from using mobile phones, wearing sunglasses*, 9 October 2020; Sahara Reporters, *Hisbah Officials Shave Hair Of Young People In Kano For Being 'UnIslamic'*, 4 October 2020.

<sup>420</sup> Nigeria Stability and Reconciliation Programme, *Sharia Implementation in Northern Nigeria over 15 years: The Case of Hisbah*, 2016.

<sup>421</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA: Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 6, December 2019.

<sup>422</sup> Vanguard, *Hisbah arrests 2 in Jigawa over alleged homosexual act*, 3 September 2020; Daily Post, *Kano: Sharia Police arrest 32 prostitutes*; 11 January 2020; PinkNews, *Nigerian university graduates arrested for simply being gay in heinous Sharia law police raid*, 7 January 2020; Human Rights Watch, *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity – Nigeria*, last updated 22 June 2020; Vanguard, *Hisbah arrests 15 teenagers over immoral acts in Kano club*, 27 September 2020.

<sup>423</sup> CFR, *Facing Rising Insecurity, Southwest Governors in Nigeria Launch Policing Initiative*, 24 January 2020.

<sup>424</sup> CFR, *Facing Rising Insecurity, Southwest Governors in Nigeria Launch Policing Initiative*, 24 January 2020.



of civil militias such as the CJTF in military operations. These militias operate with the consent of the authorities and in conjunction with the military. However, due to a lack of oversight and control, they are also regularly guilty of human rights violations (see 1.2.2).<sup>425</sup> In southern Nigeria, as well the Amotekun (mentioned earlier), several other groups are active. For example, the Anambra Vigilant Services (AVS) operate in Anambra, the Neighbourhood Safety Corps Agency in Rivers and the Neighborhood Watch Group in Ebonyi.<sup>426</sup> In northern Nigeria, in addition to the NPF and the hisbah, vigilantes also operate, patrolling neighbourhoods at night and rounding up thieves in Kano and Taraba, for example.<sup>427</sup> Media reports indicate that vigilante groups were created to reduce local crime in the absence of the NPF, but that they are also responsible for human rights violations themselves and are sometimes used for extortion and political purposes.<sup>428</sup>

## 3.2 Judicial process

Both the NPF and NAF were accused of serious human rights violations and excessive violence against innocent civilians during the reporting period. After discussing the nature of these incidents, this section examines the extent to which the perpetrators were prosecuted and punished. The second part of this section discusses the application of the death penalty in Nigeria.

### 3.2.1 *Human rights violations by the NPF*

During the reporting period, various units of the NPF were guilty of serious human rights violations, and the perpetrators escaped criminal prosecution. Large-scale demonstrations against police violence in the autumn of 2020 led to the disbanding of one of the most violent elements of the NPF. The following paragraphs discuss these developments in more detail.

#### *Human rights violations by SARS*

In addition to the NPF's inability to ensure security in Nigeria, some units were themselves actively guilty of excessive violence and serious human rights violations during the reporting period. In particular, the Special Anti-Robbery Squad (SARS) was accused of such actions by both domestic and foreign groups. Based on 113 complaints and 22 memoranda, the NHRC stated that SARS officers had committed various human rights violations such as arbitrary detention, torture and other forms of cruel and inhumane treatment.<sup>429</sup> Amnesty International documented 82 cases of the torturing of suspects by SARS between January 2017 and May 2020.<sup>430</sup> A USDoS report in 2019 stated that SARS has been guilty of extrajudicial killings, the use of excessive, sometimes lethal, force during protests, enforced disappearances, torture and arbitrary arrests.<sup>431</sup> In civil cases brought against SARS officers by victims of SARS violence and their relatives, judges came to the same conclusion.<sup>432</sup> Most of the victims were men between the ages of 18 and 35 from socio-economically disadvantaged backgrounds.<sup>433</sup> In addition, during the #EndSARS demonstrations it also emerged that there had been many arbitrary arrests of young Nigerians, including from middle-class backgrounds, who were accused of cult membership

<sup>425</sup> US Department of State, *Nigeria 2019 Human Rights Report*, 2020.

<sup>426</sup> The Guardian NG, *Operation Amotekun: Metaphor for FG's indecisiveness on insecurity*, 18 January 2020.

<sup>427</sup> The Guardian NG, *Operation Amotekun: Metaphor for FG's indecisiveness on insecurity*, 18 January 2020.

<sup>428</sup> Vanguard, *Excesses of vigilante groups worry South East communities*, 29 July 2020.

<sup>429</sup> The report has not been published, but it is referred to by Amnesty International in the report: Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>430</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>431</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 6, March 2020.

<sup>432</sup> Confidential source, 8 October 2020; A long house, *The Tragedy of Alfa Hassan*, 19 October 2020; The Punch, *Police officer accused of murder receives double promotion*, 12 February 2020.

<sup>433</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

without any evidence.<sup>434</sup> This was a particular problem for young people who looked 'alternative' (dreadlocks, tattoos, etc) or who looked prosperous. Members of the LGBTI community and individuals who were perceived as such by the police, for example because of their 'hipster' appearance, were the targets of arrests and violence by SARS with disproportionate frequency.<sup>435</sup>

#### *Human rights violations by other NPF units*

Although SARS was disbanded in October 2020, other police units that were responsible for similar forms of excessive violence and human rights violations remained active. A confidential source indicated that SARS was not the only police force guilty of excessive violence and serious human rights violations. According to this source, the Intelligence Response Team, the Special Tactical Squad and the Anti-Kidnapping Units in various states were 'equally violent and corrupt'.<sup>436</sup> For example, a *Premium Times* report in 2020 described torture and extortion by the Anti-Cultism Unit at the Gbagada Detention Centre in Lagos.<sup>437</sup> Police also regularly 'paraded' detainees in public places so that they could be subjected to abuse and insults from onlookers.<sup>438</sup> The confidential source stated that greater attention had been paid to SARS violence because this unit had existed for longer and thus had more incidents to its name, because it was active at the national level and because violence by other units was sometimes mistaken for SARS violence by citizens who were poorly informed about the structure of the Nigerian police.<sup>439</sup>

#### *Limited access to a lawyer*

Suspects/victims of random police violence did not always have access to a lawyer. Under Nigerian law, suspects must be brought to court within 48 hours and have access to a lawyer.<sup>440</sup> In practice, however, many suspects did not have access to legal assistance, either because they could not afford the fees<sup>441</sup> or because the authorities did not allow them to contact a lawyer.<sup>442</sup> In the report on SARS violence mentioned earlier, Amnesty International referred to 30 cases in which suspects were held for months without access to a lawyer, and also highlighted cases in which suspects who initially had access to a lawyer were tried without the lawyer's knowledge.<sup>443</sup> A 2019 USDoS report confirmed this picture.<sup>444</sup> As a result, suspects of minor crimes and victims of arbitrary arrest/police brutality were held in custody for months without any legal basis and without any prospect of a trial.<sup>445</sup>

#### *Free legal aid*

Although several free legal aid schemes exist in Nigeria, they were not accessible to all suspects/detainees that needed them. There is a Legal Aid Council that offers free legal aid. According to Section 10 of the Legal Aid Act, 2011, only Nigerians who earn less than the national minimum wage (30,000 naira per month in 2020) are eligible for this aid.<sup>446</sup> However, one confidential source described the Legal Aid Council as inefficient.<sup>447</sup> In addition, the fees for a lawyer are often still too high for

<sup>434</sup> *Premium Times, Justice For Sale (I): Inside Lagos Police's fraudulent detention centre*, 5 March 2020.

<sup>435</sup> *PinkNews, End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020. *Metro, I've been beaten up, spat on and abducted by the police, all for being gay in Nigeria* 14 July 2020; *Vogue, Why #ENDSARS Is Also A Defining Moment For Nigeria's Queer Community*, 22 October 2020.

<sup>436</sup> Confidential source, 8 October 2020.

<sup>437</sup> *Premium Times, Justice For Sale (I): Inside Lagos Police's fraudulent detention centre*, 5 March 2020.

<sup>438</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 6, March 2020.

<sup>439</sup> Confidential source, 8 October 2020.

<sup>440</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 11, 2020.

<sup>441</sup> *Al Jazeera, The all-women law firm helping prisoners get justice in Nigeria*, 24 June 2020.

<sup>442</sup> *Premium Times, Nigeria: Many Ways Indigent Nigerians Can Access Free Legal Representation*, 28 August 2019.

<sup>443</sup> *Amnesty International, Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020: 11, 14, 17.

<sup>444</sup> US Department of State, *Nigeria 2019 Human Rights Report*, 2020: 11.

<sup>445</sup> *Al Jazeera, The all-women law firm helping prisoners get justice in Nigeria*, 24 June 2020.

<sup>446</sup> On 26 November 2020, 30,000 naira was worth 66.98 euros, according to *CoinMill.com*, an online exchange rate converter.

<sup>447</sup> Confidential source, 13 December 2020.

Nigerians who earn more than the minimum wage.<sup>448</sup> For this group, there are several private schemes for free legal aid, such as law firms that work *pro bono* and NGOs that offer similar assistance.<sup>449</sup>

#### *Specific groups targeted by the NPF*

A series of specific groups were targeted by the police during the reporting period: IMN supporters (see 3.4.1), members of political separatist movements such as IPOB and MASSOB (see 1.2.6),<sup>450</sup> journalists and LGBTI individuals (see 3.4.4).<sup>451</sup> There were also reports of arrests and detention of women and children suspected of having links with Boko Haram fighters in north-eastern Nigeria.<sup>452</sup> Individuals on the margins of society such as prostitutes also generally had to manage without police protection and were at risk of being the target of police brutality or arbitrary arrest (see 6.5). There were several examples of incidents during this reporting period in which women were victims of sexism and intimidation by the police (see 3.4.5).<sup>453</sup> The following sections examine in more detail the treatment of these groups by both the authorities and other groups.

#### *No criminal prosecution and punishment of human rights violations by the NPF (SARS)*

The prosecution did not take any cases against SARS officers or their commanders to court during the reporting period and thus there were no convictions of perpetrators of police brutality.<sup>454</sup> Amnesty International stated in May 2020 that in not a single one of the 84 cases of SARS violence it had documented had the responsible SARS officers or their commanders been prosecuted.<sup>455</sup> This was true despite the fact that Nigeria passed the Anti-Torture Act in 2017 criminalising torture.<sup>456</sup> According to Amnesty International, this law did not improve the rate of prosecution and punishment of SARS officers due to the lack of effective external enforcement of it.<sup>457</sup> The law has designated an internal body of the NPF, the PSC (see 3.1.1), to investigate complaints about police behaviour. If complaints are justified, the PSC must then always refer these matters back to the NPF itself for further investigation. According to Amnesty International, the NPF then failed to initiate an investigation and bring cases to court.<sup>458</sup>

In August 2018, the Nigerian government announced a reform of SARS, and the NHRC was instructed to investigate the abuses within the unit.<sup>459</sup> The committee recommended the dismissal of 37 and the criminal prosecution of 24 SARS officers.<sup>460</sup> On receiving the report, the president instructed the inspector general of

<sup>448</sup> Hiil, *Justice Needs and Satisfaction in Nigeria 2018*, p. 21, 2018.

<sup>449</sup> Lawpadi, *How to get free legal help and assistance in Nigeria*, 3 July 2020. <https://lawpadi.com/get-free-legal-help-assistance-nigeria/>. Premium Times, *Nigeria: Many Ways Indigent Nigerians Can Access Free Legal Representation*, 28 August 2019. <https://allafrica.com/stories/201908280518.html>; Confidential source, 8 October 2020; Confidential source, 27 October 2020.

<sup>450</sup> Confidential source, 8 October 2020.

<sup>451</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 1, 2020.

<sup>452</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 18, 2020.

<sup>453</sup> Nigeria Police Force (Twitter), *The Inspector General of Police has ordered discreet investigations into the circumstances surrounding the dehumanizing treatment meted out to a female citizen in the above viral video*, 22 July 2020.

<sup>454</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 1, March 2020; Confidential source, 8 October 2020; Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>455</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>456</sup> Nigeria, *Anti-Torture Act*, 2017.

<sup>457</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>458</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020.

<sup>459</sup> Reuters, *Nigeria's acting president orders overhaul of controversial police unit*, 14 August 2018.

<sup>460</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020. Amnesty International refers to the *Executive Summary of the Presidential Panel on The Reform Of The Anti –Robbery Squad (SARS) Of The Nigerian Police (2018-2019)* and a *Statement of Executive*

police, the Ministry of Justice and the NHRC to draw up a plan of action for its implementation. The report itself was never published.<sup>461</sup> At the time that the #EndSARS demonstrations started, none of these recommendations had been implemented.<sup>462</sup> All the responsible officers were still working and none of the victims had received compensation as recommended by the NHRC.<sup>463</sup> At the time of writing this country of origin information report, it was not clear whether SARS officers had actually lost their jobs or had been transferred to other parts of the NPF, as was feared by protesters and activists when the president announced that the SARS unit would be replaced by the new SWAT unit (see 1.1.2). It seems likely that many SARS officers were transferred to the SWAT unit. It was also unclear what effect the disbanding of SARS would have on the criminal prosecution of officers suspected of serious human rights violations. Judicial commissions of inquiry were set up in several states to investigate SARS violence and police brutality during the #EndSARS protests.<sup>464</sup>

### 3.2.2 *Human rights violations by the NAF*

The Nigerian military has been accused of a series of violations of human rights and humanitarian law.<sup>465</sup> Amnesty International released a report in April 2019 accusing the NAF of sexual assaults against women (including women who had been released by Boko Haram) in Giwa prison in Borno state.<sup>466</sup> This report also accused the military of holding children in the same facilities as adults, resulting in the sexual abuse of these children by adult prisoners.<sup>467</sup> HRW reported on the same phenomenon in 2019, as did the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>468</sup> During this reporting period, the military was also guilty of excessive, lethal violence against peaceful IMN protesters (see 3.4.1). During anti-government protests in the autumn of 2020, the military was deployed to control the demonstrations, leading to the deaths of at least 15 protesters, according to multiple witnesses (see 1.1.2). However, the UN Special Rapporteur welcomed the fact that the number of arbitrary executions of civilians by the military had fallen between 2016 and 2019.<sup>469</sup>

### *Criminal prosecution and punishment of human rights violations by the NAF*

The prosecution and punishment of human rights violations by the NAF is another area where Nigeria has failed to meet its obligations under international law, according to Amnesty International. In December 2020, the prosecutor of the International Criminal Court in The Hague announced that, on the basis of preliminary investigations, there is sufficient basis for an extensive investigation into war crimes by Boko Haram, the military and the CJTF.<sup>470</sup> Twenty commissions,

*Secretary NHRC and Chairman Presidential Panel on SARS Reform, Tony Ojukwu, during the Submission of Report held At Presidential Villa On 3 June 2019.* These sources are not publicly accessible.

<sup>461</sup> Office of the High Commissioner for Human Rights, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019; Human Rights Watch, *Nigeria: Events of 2018, 2019*.

<sup>462</sup> Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020; Confidential source, 8 October 2020.

<sup>463</sup> Confidential source, 8 October 2020; Amnesty International, *Nigeria: Time to End Impunity – Torture and other violations by Special Anti-Robbery Squad (SARS)*, 2020. See also: Al Jazeera, *Nigeria's SARS: A brief history of the Special Anti-Robbery Squad*, 22 October 2020.

<sup>464</sup> The Native Magazine, *Here's What We Know About the End Sars Judicial Panels*, 4 November 2020; BBC, *Nigeria's Lekki shooting: What has happened so far at Lagos judicial panel*, 27 November 2020.

<sup>465</sup> Center for Strategic & International Studies, *Conduct Is the Key: Improving Civilian Protection in Nigeria*, 9 July 2020.

<sup>466</sup> Amnesty International, *Nigeria: Children and women face sexual violence in Borno prisons*, 29 April 2019.

<sup>467</sup> Amnesty International, *Nigeria: Children and women face sexual violence in Borno prisons*, 29 April 2019.

<sup>468</sup> Human Rights Watch, *"They Didn't Know if I Was Alive or Dead": Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria*, 10 September 2019.

<sup>469</sup> Office of the High Commissioner for Human Rights, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019.

<sup>470</sup> ICC, *Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria*, 11 December 2020; NOS, *Aanklager Strafhof wil onderzoek naar oorlogsmisdaden Nigeria*, 11 December 2020.

committees, panels and other forms of proceedings were set up between 2009 and 2018 to investigate human rights violations by the NAF and CJTF in the context of the conflict in north-eastern Nigeria.<sup>471</sup> In addition, the NHRC conducted four investigations into human rights violations by the military in the context of this conflict between 2013 and 2018. However, according to a 2019 Amnesty International report, none of these investigations have led to the trial of the individuals held responsible for these human rights violations.<sup>472</sup> Following her visit to Nigeria in September 2019, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions confirmed the observation that Nigeria is failing to prosecute human rights violators. In the statement she published at the end of her visit, she spoke of an 'accountability crisis' and called the lack of justice for victims of human rights violations a 'tragedy for the Nigerian people'.<sup>473</sup>

### 3.2.3 *The death penalty: new sentences, but no executions*

Although the death penalty was imposed dozens of times during the reporting period, no executions were carried out, according to Amnesty International.<sup>474</sup> As noted in the previous report, regular Nigerian criminal law includes the death penalty for murder, armed robbery, illegal possession of weapons, treason, desertion in wartime and (since 2016) kidnapping.<sup>475</sup> In 2018, the number of offences punishable by death was increased when Rivers state introduced the death penalty for cultism by approving Rivers State Secret Cult and Similar Activities (Prohibition) (Amendment) Law No.6 of 2018.<sup>476</sup> In 2020, the Governor of Kaduna announced the introduction of surgical castration and/or the death penalty for the rape of minors.<sup>477</sup> In addition, Sharia courts can impose the death penalty for a range of offences,<sup>478</sup> including blasphemy, on the basis of the sharia-inspired criminal law introduced in the northern states of Nigeria (see 3.4.1).<sup>479</sup> When a Nigerian sharia court issues the death penalty, it can only be carried out with the consent of the governor of the state in which the sentence was pronounced.<sup>480</sup>

According to Amnesty International, the death penalty was imposed at least 46 times in 2018 and at least 54 times in 2019.<sup>481</sup> The previous country of origin information report stated that the death penalty was imposed more than ten times as often in 2017 (621 times).<sup>482</sup> However, no executions were carried out during the reporting period.<sup>483</sup> The last three executions were carried out in 2016, and before that in 2013.<sup>484</sup> Figures were not yet available on the number of times the death penalty was imposed in 2020, but media articles show that the practice continued, with a number of cases from that year causing national and international outrage. In

<sup>471</sup> Amnesty International, *Willingly Unable: ICC Preliminary Examination and Nigeria's Failure to Address Impunity for International Crimes*, p. 10, December 2019.

<sup>472</sup> Amnesty International, *Willingly Unable: ICC Preliminary Examination and Nigeria's Failure to Address Impunity for International Crimes*, December 2019

<sup>473</sup> Office of the High Commissioner for Human Rights, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019; Human Rights Watch, *Nigeria: Events of 2018, 2019*.

<sup>474</sup> Amnesty International, *Global Report Dead Sentences and Executions 2019*, p. 54, 2020; Amnesty International, *Global Report Dead Sentences and Executions 2018*. 2019.

<sup>475</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 39, June 2018. The federal law imposing the death penalty for kidnapping has only been enacted into state law by a small number of states.

<sup>476</sup> PM News, *I'll sign death warrant of convicted cultists without looking back – Wike*, 15 March 2018. Rivers state also passed legislation in 2018 to implement the death penalty for kidnapping at state level.

<sup>477</sup> BBC, *Nigeria's Kaduna passes law to castrate child rapists*, 11 September 2020.

<sup>478</sup> The other offences are adultery/immorality (*zina*), rape and 'sodomy'. See: The Human Rights Law Service, *Nigeria: The Death Penalty – Joint Stakeholder Report for the United Nations Periodic Review*, undated; Death Penalty News, *Nigeria | Kano court sentences man to death by stoning for raping minor*, 13 August 2020.

<sup>479</sup> BBC, *Nigerian singer sentenced to death for blasphemy in Kano state*, 10 August 2020.

<sup>480</sup> BBC, *Nigerian singer sentenced to death for blasphemy in Kano state*, 10 August 2020.

<sup>481</sup> The Nigerian authorities have not provided any data to Amnesty International on the number of times the death penalty was imposed, so this is a minimum estimate based on Amnesty International's own research.

<sup>482</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 39, June 2018. This was also based on figures from Amnesty International.

<sup>483</sup> Amnesty International, *Global Report Dead Sentences and Executions 2019*, p. 54, 2020.

<sup>484</sup> Death Penalty Database, *Nigeria*, 24 May 2019.

particular, there was a case in which a sharia court in the state of Kano imposed the death penalty for blasphemy (see 3.4.1)<sup>485</sup> and a case in which a judge imposed the death penalty via the online video platform Zoom during the coronavirus epidemic.<sup>486</sup>

Amnesty International estimated that in 2019 more than 2,700 individuals were in prison awaiting the death penalty. The conditions under which these people are imprisoned are poor, according to the Nigerian NGO HURILAW, which is committed to a ban on the death penalty.<sup>487</sup> In 2019, at least 13 people were pardoned and the death penalty was commuted to life imprisonment for 67 people.<sup>488</sup>

### 3.3 External oversight of the functioning of the armed forces and police

In Nigeria, many NGOs, international organisations and journalists are actively monitoring the functioning of the armed forces and the police and advocating improvements in the protection of specific groups such as members of the LGBTI community, religious minorities, journalists and women. In specific cases, the government has worked with civil society to improve government action. An example of this is the partnership between the NPF and the Nigerian NGO Civil Society Legislative Advocacy Centre (CISLAC) to improve the effectiveness of the Complaints Response Unit.<sup>489</sup> These organisations play a particularly important role in documenting operational inefficiency and misconduct by authorities and calling for reforms. The extent to which these actions directly affect the functioning of the armed forces and police appears to be limited, especially in relation to more controversial topics. Despite many reports from human rights organisations of human rights violations by SARS and NAF, there has been no serious attempt to hold the perpetrators of such violence accountable. Efforts by NGOs to bring this about contributed to the outbreak of widespread protests against gender-based violence and ineffective government action in 2020 (see 1.1.2). These protests spurred the government into action. For example, all 36 states declared a state of emergency with regard to violence against women following protests against gender-based violence, and the president announced the abolition of SARS following large-scale protests against the police (see 1.1.2). However, it is still doubtful whether these developments will lead to lasting improvements in the field of legal and other forms of protection, as the authorities have promised improvements fairly frequently in recent years, without any significant reforms having taken place. In fact, criticism of the actions of the authorities can have serious consequences, including arrest and imprisonment. During the reporting period, journalists, bloggers, activists and traditional leaders were arrested by security forces for criticising the actions of the authorities.

#### 3.3.1 *Press freedom*

In the 2020 *World Press Freedom Index* of Reporters without Borders, Nigeria ranked 115<sup>th</sup> out of a total of 180 countries, and was described as one of the most dangerous countries in Africa for journalists.<sup>490</sup> According to the International Federation of Journalists (IFJ), three journalists were murdered in Nigeria in 2020 and one in 2019.<sup>491</sup> In particular, reporting on terrorism, corruption and politics in general is risky. A 2019 USDoS report talks of an increase in arrests, detentions and

<sup>485</sup> BBC, *Nigerian singer sentenced to death for blasphemy in Kano state*, 10 August 2020.

<sup>486</sup> BBC, *Coronavirus: Nigeria's death penalty by Zoom 'inhumane'*, 6 May 2020. The death penalty was imposed for murder.

<sup>487</sup> The Punch, *No more justification for death sentence in Nigeria – Group*, 11 October 2018.

<sup>488</sup> Amnesty International, *Global Report Dead Sentences and Executions 2019*, p. 49, 2020.

<sup>489</sup> Transparency International, *#EndSARS: Accountability and Political Will Needed to Win Public Trust in the Nigeria Police*, 13 November 2020.

<sup>490</sup> Reporters Without Borders, *Nigeria: Climate of permanent violence*, 2020.

<sup>491</sup> International Federation of Journalists, *White Paper on Global Journalism*, 10 December 2020.

kidnappings of journalists.<sup>492</sup> In September 2019, activist IG Wala was sentenced to seven years in prison for making 'unsubstantiated allegations' against the authorities.<sup>493</sup> He was released in April 2020 after being pardoned by President Buhari.<sup>494</sup> In December 2019, the journalist Omoyele Sowore, the founder of the media platform Sahara Reporters, was released after months of imprisonment. He was charged with treason, money laundering and cyber-stalking after criticising President Buhari on national television.<sup>495</sup> In 2020, several journalists were also arrested after reporting on corruption.<sup>496</sup> In November 2019, Nigerian parliamentarians proposed fake news legislation that would penalise the posting of what the government defines as fake news with fines and imprisonment. This development raised fears of censorship among journalists and other free speech advocates,<sup>497</sup> but following a public hearing on this bill in spring 2020, it appears to be off the table for the time being.<sup>498</sup>

### 3.3.2

#### *Consequences of criticism of the functioning of the authorities by other groups*

In addition to journalists and bloggers, other individuals and organisations have also experienced difficulties after criticising the authorities.<sup>499</sup> In 2019, nine traditional leaders were imprisoned in Kaduna state after criticising Governor Nasir El-Rufai's policies. These traditional leaders were imprisoned for months without any official charge.<sup>500</sup> International organisations and NGOs were threatened with closure or were temporarily closed after criticising the Nigerian military. For example, at the end of 2018, the military briefly suspended UNICEF activities in north-eastern Nigeria after accusing the organisation of espionage for Boko Haram.<sup>501</sup> The military also called for the closure of Amnesty International's office in Nigeria in 2018 on the grounds that it was spreading false information about the military.<sup>502</sup> An NGO affiliated with the Nigerian security services also called for action against Amnesty International for spreading 'false information' about the #EndSARS protests.<sup>503</sup> The authorities froze the bank accounts of a number of activists who played a prominent role in the #EndSARS protests, and confiscated their passports.<sup>504</sup>

## 3.4

### Position of specific groups

The Nigerian Constitution provides for equal rights for all citizens regardless of ethnicity, gender, religion, origin or political affiliation.<sup>505</sup> In practice, however, these rights are not always safeguarded by the Nigerian authorities. This chapter examines the role of the authorities in both protecting and violating the human rights of civilians, with specific attention to the position of religious groups, deserters, members of the LGBT community, women and minors.

<sup>492</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 21, 2020.

<sup>493</sup> US Department of State, *Nigeria 2019 Human Rights Report*, 2020: 21.

<sup>494</sup> Sahara Reporters, *JUST IN: Rights Activist, IG Wala Who Was Sent To Prison Over Facebook Post Receives Presidential Pardon*, 21 April 2020.

<sup>495</sup> The New York Times, *Nigeria Releases Leading Critic on Bail After a Campaign an Ocean Away*, 24 December 2019.

<sup>496</sup> Committee to Protect Journalists, *Nigerian journalist in hiding after police arrest and question 5 reporters about his whereabouts*, 9 June 2020.

<sup>497</sup> The Washington Post, *Nigeria's 'fake news' bill could jail people for lying on social media. Critics call it censorship.*, 25 November 2019.

<sup>498</sup> CPJ, *'An attempt to gag the media': Journalists on Nigeria's proposed social media bill*, 1 April 2020; Techcabal, *Nigeria's Social Media Bill suffers its biggest defeat yet*, 9 March 2020.

<sup>499</sup> For an overview of incidents in which the right of association and/or the right to freedom of expression was violated, see the website Closing Civic Space in Nigeria: <https://closingspaces.org/category/right-to-free-speech/>; <https://closingspaces.org/category/right-to-freedom-of-association/>.

<sup>500</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 15, 2020.

<sup>501</sup> BBC, *Nigerian military lifts Unicef ban after 'spy' row*, 15 December 2018.

<sup>502</sup> BBC, *Nigerian military calls for Amnesty International ban*, 18 December 2018.

<sup>503</sup> The Guardian NG, *Group condemns Amnesty International on fake news*, 4 November 2020; Amnesty International Nigeria (Facebook), 5 November 2020.

<sup>504</sup> BBC, *End Sars protests: The Nigerian women leading the fight for change*, 1 December 2020; Premium Times, *#EndSARS: Lawyers, activists condemn Nigerian govt for freezing accounts of protesters*, 7 November 2020.

<sup>505</sup> Nigeria, *Constitution of the Federal Republic of Nigeria*, 1999.

### 3.4.1

#### *Religious groups*

There was discrimination and government violence against dissidents and religious minorities in parts of Nigeria. In some cases the authorities were behind these actions, while in other cases they involved non-state actors. This section takes a closer look at 1) violence by the authorities against members of the Shia IMN movement, 2) violence by non-state actors against Christians in North-East Nigeria and the Middle Belt, and 3) the criminal prosecution of Christians, Muslims and atheists for blasphemy or other religious offences by sharia courts in northern Nigeria.

#### *Violence by the authorities against the Islamic Movement of Nigeria (IMN)*

Members of IMN, a Shia Muslim movement that strives peacefully for the establishment of an Islamic republic modelled on the revolution in Iran,<sup>506</sup> also suffered violence at the hands of the police and military during the reporting period.<sup>507</sup> After the IMN was banned by the Kaduna state authorities in October 2016, the federal government also banned the group nationwide in July 2019 on the basis of a court decision.<sup>508</sup> HRW described this development as a violation of the right to freedom of religion, and also criticised the Nigerian authorities for failing to prosecute those responsible for killing hundreds of Shia protesters since 2015.<sup>509</sup> IMN leader Sheikh El-Zakzaky has been detained since 2015 and during the reporting period, IMN supporters held numerous protests in Abuja to call for his release. These led to several incidents in which security forces acted with sometimes lethal violence against IMN members.<sup>510</sup> IMN members also died of injuries after they were taken into custody and/or imprisoned for weeks without contact with the outside world.<sup>511</sup> The authorities stated in at least one case that violence by the military against IMN members had been provoked by the violent behaviour of the IMN protesters. However, a reconstruction by *The New York Times* based on video footage of deadly violence against IMN supporters by the military during a demonstration in Abuja in October 2018 showed that on that occasion this was not the case, but that the military took up arms of its own accord against peaceful IMN protesters.<sup>512</sup>

#### *The situation of Christians in North-East Nigeria and the Middle Belt*

As already described in Chapter One, during the reporting period several international and local human rights organisations and Christian advocacy groups expressed serious concerns about violence against Christians by Boko Haram and Fulani herders.<sup>513</sup> This section examines the nature and scale of this violence.

#### *Violence in the Middle Belt and religious background*

<sup>506</sup> BBC, *Islamic Movement in Nigeria: The Iranian-inspired Shia group*, 5 August 2019.

<sup>507</sup> The previous report contains a more extensive description of the history and philosophy of IMN. See: Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 77, June 2018.

<sup>508</sup> Human Rights Watch, *Nigeria: Court Bans Shia Group*, 30 July 2019.

<sup>509</sup> Human Rights Watch, *Nigeria: Court Bans Shia Group*, 30 July 2019.

<sup>510</sup> In late October 2018, security forces killed a total of six followers of the IMN movement during protests calling for the release of Sheikh El Zakzaky, IMN's imprisoned leader, in Abuja. See: Human Rights Watch, *Nigeria: End Impunity For Killings of Shia*, 12 December 2018; in July 2019, security forces killed 11 IMN protesters and a journalist during an IMN demonstration in Abuja. Dozens of other protesters were injured and/or arrested. See: Amnesty International, *Nigeria: Authorities must end deadly crackdown on Shi'a protesters*, 22 July 2019; in March 2020, two people were injured by the use of violence (tear gas and bullets) by security forces against IMN supporters during a demonstration for the release of Sheikh El Zakzaky in Abuja. See: Human Rights Watch, *Nigerian Security Forces to Enforce Social Distancing*, 26 March 2020.

<sup>511</sup> Amnesty International, *Nigeria: Authorities must investigate deaths in police custody of three IMN protesters*, 5 August 2019.

<sup>512</sup> The New York Times, *Nigeria Says Soldiers Who Killed Marchers Were Provoked. Video Shows Otherwise*, 17 December 2018.

<sup>513</sup> All-Party Parliamentary Group for International Freedom of Religion or Belief, *Nigeria: Unfolding Genocide? An Inquiry by the UK All-Party Parliamentary Group for International Freedom of Religion or Belief*, July 2020; Diaspoint, *1,421 Christians Hacked To Death In Nigeria By Jihadists In 7 Months Of 2020*, 8 August 2020; International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018.



As described in 1.2.3, a conflict is raging in the Middle Belt between herders and farmers, driven primarily by scarcity and conflicting land claims. Because the division between herders and farmers coincides to a certain extent with religious dividing lines, this conflict was and is increasingly described by local actors on both sides as a religious conflict.<sup>514</sup> Some international interest groups, including Christian advocacy groups, in Europe and the United States have expressed particular concern about the position of Christians. However, this tendency to describe the conflict in religious terms has been strongly called into question by several sources, including the Vatican ambassador to Nigeria.<sup>515</sup> As noted in Chapter One, there are no reliable figures on the number of victims of violence between herders and farmers in the Middle Belt.<sup>516</sup> However, sources confirm that there have been many victims among both Muslim and Christian communities in the Middle Belt.<sup>517</sup> There is no state campaign of violence against Christians or Muslims. Violence against Christians is no more tolerated than against Muslims, nor is there any question of systematic marginalisation of Christians by the government.<sup>518</sup> However, the government has also shown an inability to respond adequately to the violence, and there is a general lack of accountability for all forms of violence by all perpetrators.<sup>519</sup> When there is tension between groups of different religious backgrounds in the Middle Belt, both Christians and Muslims are often more at risk of becoming victims of violence and displacement if they are the (religious) minority in a particular area, according to several confidential sources.<sup>520</sup>

#### *Boko Haram violence against Christians and Muslims*

Christians were also regular victims of Boko Haram violence in North-East Nigeria during this reporting period. Boko Haram violence, however, was not only directed at Christians: in practice, more Muslims in North-East Nigeria – where the majority of the population is Muslim – were victims of such violence (for more details on this violence, see 1.2.2 and 4.1.1).<sup>521</sup> JAS employed violence against both Muslims and Christians throughout the reporting period. Until mid-2020, ISWAP mainly directed its violence against Christians (and employees of the government and international NGOs),<sup>522</sup> but since then it has also claimed more and more victims among the Muslim population (see 1.2.2). Boko Haram violence against Christians targeted Christian individuals, churches and leaders.<sup>523</sup> On 26 December 2019, ISWAP published a video in which it murdered 11 Christians.<sup>524</sup> A voice-over indicated that the video was a 'message to Christians worldwide' and that the executions were revenge for the killing of two ISWAP leaders. Also in 2020, Boko Haram carried out an attack on a Christian village in north-eastern Nigeria during the Christmas season.<sup>525</sup> A pastor of *Ekklesiyar Yan'uwa a Nigeria* (EYN, Church of the Brethren in Nigeria), the largest Christian church in north-eastern Nigeria, said Boko Haram had

<sup>514</sup> Confidential source, 24 September 2020; Confidential source, 29 October 2020.

<sup>515</sup> US Department of State, *2019 Report on International Religious Freedom: Nigeria*, 2020; Vatican News, Nigeria, il nunzio: la violenza nel Paese non è solo di matrice religiosa, August 2018; Confidential source, 24 September 2020; Confidential source, 29 October 2020; Confidential source, ABJ, 26 June 2018.

<sup>516</sup> Confidential source, 24 September 2020.

<sup>517</sup> Between 2018 and the first half of 2020, Open Doors recorded more than 1,800 Christian deaths as a result of this conflict. Figures on Muslim victims are scarcer and all figures on this conflict suffer from a lack of reliability due to inadequate monitoring of the conflict. These figures relate to incidents in both the North-Central zone and Kaduna state in the North-West zone of Nigeria. Open Doors recorded nine attacks in Plateau state in the North-Central zone and eight attacks in Kaduna in the first half of 2020. Open Doors also reports that 24 Christians died as a result of violence by bandits. Open Doors, *Fulani-geweld in Nigeria blijft doorgaan*, 5 August 2020.

<sup>518</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018.

<sup>519</sup> Confidential source, 26 June 2018; International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, 26 July 2018;

<sup>520</sup> Confidential source, 24 September 2020; Confidential source, 29 October 2020.

<sup>521</sup> Confidential source, 28 July 2020.

<sup>522</sup> Barron's, *Nigeria Attacks Spark Fears Of Bloodier Jihadist Strategy*, 18 June 2020; CFR, *ISWA's Recent Attacks Could Signal a New, Deadlier Approach in Nigeria*, 19 June 2020.

<sup>523</sup> Amnesty International, "We dried our tears": Addressing the toll on children of northeast Nigeria's conflict, 2020: 25; BBC, *Islamic State in Nigeria 'beheads Christian hostages'*, 27 December 2019.

<sup>524</sup> The New York Times, *ISIS Affiliate in Nigeria Releases a Video Showing 11 Executions*, 27 December 2019.

<sup>525</sup> CNN, *Boko Haram kills at least seven in Christmas Eve attack in Nigeria, local official says*, 25 December 2020.

carried out 50 attacks on Christian communities in this region in the first half of 2020.<sup>526</sup>

#### *Prosecution for blasphemy and other religious offences by sharia courts*

The Nigerian Constitution prohibits the national and state-level governments from introducing a state religion. However, customary law and Islamic law are sources of law for Nigeria, in addition to federal law, which is based on the English common law system. In criminal matters, the governments of 12 northern states introduced sharia-based legislation two decades ago in the form of Shari'ah Penal Codes and Shari'ah Codes of Procedure.<sup>527</sup> Some sections in this law (hereinafter: Islamist law<sup>528</sup>) clash with fundamental rights guaranteed by the Nigerian Constitution. Several state high courts and the federal court of appeal have therefore ruled since 2002 that the Constitution prohibits the submission of criminal cases – as opposed to civil cases – to a Shari'ah Court of Appeal (such courts are hereinafter referred to as sharia courts).<sup>529</sup> Before the reporting period, there were indications that this rule was not being observed in six northern states.<sup>530</sup> According to recent research into the application of Islamist law in three northern states, sharia courts were not used in criminal appeals in Kano and Sokoto, but this sometimes happened in Zamfara.<sup>531</sup> During the reporting period, Muslims, humanists and atheists were all prosecuted for blasphemy and other religious offences by sharia courts of first instance, on the basis of Islamist law. The following paragraphs discuss a number of these cases in more detail.

#### *Prosecution for blasphemy*

Muslims in northern Nigeria have been prosecuted for blasphemy under Islamist law. This law imposes the death penalty in cases of blasphemy and insults to God and/or the prophet. In August 2020, the singer Yahaya Aminu Sharif was found guilty of blasphemy for praising a sheik of the Tijaniya Sufi order and was sentenced to death by a sharia court.<sup>532</sup> Sharif appealed to the Kano state high court, which ruled on 25 January 2021 against the imposition of the death penalty on Sharif and ordered the sharia court (of first instance) to re-try Sharif.<sup>533</sup> The death sentences imposed by sharia courts for this reporting period were not carried out. This is because convictions for blasphemy by a sharia court of appeal must be brought before a regular court of appeal. In addition, all death sentences – under Islamist law and regular criminal law – must be signed by the governor of the state in which the death penalty was imposed.<sup>534</sup> According to the BBC, a death penalty imposed by a sharia court has only been carried out in Nigeria once since the introduction of Islamist law. This was a case from 2002 in which a man murdered a woman and two children. According to the United States Commission on International Religious Freedom (USCIRF), a death penalty has never been carried out for a crime punishable by death under Islamist law but not under regular criminal law in Nigeria.<sup>535</sup> The last time the death penalty was imposed for blasphemy – prior to Sharif's conviction in 2020 – was in 2016 when Abdulazeez Inyass was sentenced to

<sup>526</sup> CSW, *Over fifty attacks in six months by Boko Haram go unreported*, 3 July 2020.

<sup>527</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

<sup>528</sup> This name has been chosen because the legislation does not necessarily reflect sharia/Islam, but is the product of attempts to apply the values and norms of Islam to the organisation of politics and society.

<sup>529</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 12, December 2019.

<sup>530</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 12, December 2019.

<sup>531</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 12, December 2019.

<sup>532</sup> BizWatch Nigeria, *Muslim Cleric Warns Muslim Lawyers against Defending Convicted Kano Musician*, 7 September 2020; De Volkskrant, *Nigeriaanse zanger vanwege blasfemie ter dood veroordeeld*, 10 August 2020.

<sup>533</sup> Premium Times, *Blasphemy: Kano musician freed of death penalty appeals against retrial*, 25 January 2021.

<sup>534</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

<sup>535</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 12, December 2019.

death in Kano. In his case, the death penalty was overturned by a state high court.<sup>536</sup> Nevertheless, he was still in detention in August 2020, according to the BBC.<sup>537</sup>

In September 2020, 13-year-old Omar Farouq was sentenced to 10 years in prison for insulting God during an argument with his friend.<sup>538</sup> In this case, too, the high court decided on 26 November 2020 to postpone the appeal decision until a date to be determined. In April 2020, Mubarak Bala, head of the Humanist Foundation of Nigeria, was arrested in Kaduna state and handed over to Kano state police after a group of Muslim lawyers accused him of insulting the Prophet Mohammed on his personal Facebook page.<sup>539</sup> After his arrest, Bala's whereabouts were unknown for a long time.<sup>540</sup> However, in October 2020, he was granted an interview with his lawyer, according to the NGO Humanists International.<sup>541</sup> His lawyers brought a legal challenge against his arrest and imprisonment before the federal high court in Abuja. This case was heard on 19 October 2020, and on 21 December 2020 the Abuja high court ordered Bala's immediate release.<sup>542</sup> In order to prevent Bala from falling victim to violence by angry mobs after his release, a suitable location to release him was being sought in early 2021. On 22 February 2021, Humanists International indicated that Bala had not yet been released.<sup>543</sup>

As well as blasphemy, sharia courts also imposed sentences for other religious offences. In May 2019, a man in Kano state was punished with lashes for eating a mango during the fasting month of Ramadan.<sup>544</sup>

#### *Islamic law and Christians*

Islamic criminal law as codified in the Shari'ah Penal and Criminal Procedure Codes in northern Nigeria does not apply to Christians. According to USCIRF, this prohibition is complied with.<sup>545</sup> In civil cases between Christians and Muslims, Christians may choose whether to submit them to a sharia court or a regular court. In practice, Christians sometimes opt for a sharia court, because it is perceived as more efficient and less corrupt than the regular courts.<sup>546</sup> While USDoS indicates that there have been reports in the past of Christians being forced to submit disputes to sharia courts in civil cases,<sup>547</sup> USDoS and USCIRF reports make no mention of such cases in recent years.<sup>548</sup>

#### 3.4.2 *Individually targeted violence by cults*

Chapter One discussed cults and the effect of cult clashes on the overall security situation in Nigeria, especially the south of the country (see 1.2.5). These clashes mainly involved deaths among cult members, although innocent civilians also died as collateral damage. Cults were also guilty of individually targeted threats and

<sup>536</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, p. 9, December 2019.

<sup>537</sup> BBC, *Nigerian singer sentenced to death for blasphemy in Kano state*, 10 August 2020.

<sup>538</sup> NOS, *Tien jaar cel voor 13-jarige Nigeriaan wegens godslastering*, 17 September 2020.

<sup>539</sup> United States Commission on International Religious Freedom, *Mubarak Bala*, last accessed 24 November 2020.

<sup>540</sup> The New York Times, *Outspoken Atheist, Arrested in Nigeria for Blasphemy, Hasn't Been Seen Since*, 25 August 2020.

<sup>541</sup> Humanists International, *Mubarak Bala meets with lawyer*, 7 October 2020.

<sup>542</sup> Atheist Alliance International, *Mubarak Bala: Best News for 24 Weeks*, 19 October 2020; Humanists International, *Mubarak Bala must be released, says Abuja High Court*, 21 December 2020.

<sup>543</sup> Humanists International, *Mubarak Bala: The 300 Day Campaign*, 22 February 2021.

<sup>544</sup> US Department of State, *Nigeria 2019 Human Rights Report*, p. 7, 2020.

<sup>545</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

<sup>546</sup> USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

<sup>547</sup> US Department of State, *2014 Report on International Religious Freedom – Nigeria, 2015*; US Department of State, *Nigeria 2016 Report on International Religious Freedom*, page 9, 2017.

<sup>548</sup> US Department of State, *Nigeria 2018 Report on International Religious Freedom*, 2019; US Department of State, *Nigeria 2019 Report on International Religious Freedom*, 2020; USCIRF, *SHARI'AH CRIMINAL LAW IN NORTHERN NIGERIA Implementation of Expanded Shari'ah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017–2019*, December 2019.

violence against former members and innocent civilians. This violence was often accompanied by the use of religious oaths (juju) to keep the individuals concerned under control.<sup>549</sup> This section examines the extent to which cults react to breaches of a ritual oath or other agreement through (non-supernatural) violent reprisals.

#### *Individually targeted violence against former cult members*

Admission to a cult involves initiation rituals in which the aspiring member swears allegiance to the cult, participates in rituals, and in some cases is also subjected to physical violence.<sup>550</sup> Sources indicated that initiations could be linked with abuse, torture, rape and alcohol and/or drug abuse.<sup>551</sup> Women who wanted to join a cult were also sometimes gang-raped.<sup>552</sup> The purpose of using ritual oaths during initiation is to ensure loyalty to the cult. In a July 2018 report, a young member of a cult in the Niger Delta said he was afraid to leave his cult for fear of the consequences of breaking his oath.<sup>553</sup> Some other sources also indicated that they had evidence that it is very hard to leave a cult.<sup>554</sup>

It is less clear to what extent leaving a cult actually involves violent reprisals. One confidential source indicated that there are known cases of violence against cult members who wanted to leave their cults. However, this source pointed out that the risk of reprisals especially applied to former high-ranking cult members. These individuals are at risk because of their knowledge of how the cult operates. They could betray information about these activities to third parties and/or join a rival cult, according to this source.<sup>555</sup> Two recent articles also indicated that former cult members have been assaulted or even killed in some cases,<sup>556</sup> but neither source provided concrete examples of such cases. Literature research for this country of origin information report also did not lead to the identification of specific examples of such incidents during the reporting period.<sup>557</sup> Another source indicated that while cult members can never officially completely leave the cult, it is possible to build a new life undetected in big cities.<sup>558</sup> The confidential source cited above confirmed that it is possible for low-ranking people to turn their backs on the cult without being subject to reprisals, but that this is not always the case.<sup>559</sup> It is not known to what extent the authorities took action against reprisals against former cult members.

#### *Individually targeted violence against third parties by cults*

According to several confidential sources, cults also used a combination of juju and other forms of coercion to keep external individuals under control for criminal purposes.<sup>560</sup> The best-known example of this is victims of human trafficking (see 6.2), but confidential sources indicated that they were also aware of other Nigerians who feared cult reprisals. Research for this report did not yield any further insight into how much use cults made of juju to control other individuals and to what extent these individuals were subject to violent reprisals if they attempted to evade the control of the cult. A confidential source said he knew of a case in which a boy fled a

<sup>549</sup> ICWA, *Thriving cults are harming young people in Nigeria*, 23 July 2018.

<sup>550</sup> Lavaud-Legendre & Plessard, *Groupes cultistes et traite des êtres humains du Nigéria vers l'Europe*, p. 22-23, 2019.

<sup>551</sup> ICWA, *Thriving cults are harming young people in Nigeria*, 23 July 2018.

<sup>552</sup> ICWA, *Thriving cults are harming young people in Nigeria*, 23 July 2018; Chronicle, *Girl, 19, sleeps with 10 men in Edo in cult initiation*, 17 July 2020.

<sup>553</sup> ICWA, *Thriving cults are harming young people in Nigeria*, 23 July 2018

<sup>554</sup> EASO, European Asylum Support Office, *Country of Origin Information Report Nigeria: Targeting of Individuals*, page 119, November 2018. BBC, *Nigeria's campus cults: Buccaneers, Black Axe and other feared groups*, 2 June 2020.

<sup>555</sup> Confidential source, 27 November 2020.

<sup>556</sup> ICWA, *Thriving cults are harming young people in Nigeria*, 23 July 2018; BBC, *Nigeria's campus cults: Buccaneers, Black Axe and other feared groups*, 2 June 2020.

<sup>557</sup> However, it did lead to the identification of an incident in which a former cult member was lynched by 20 other cult members after publicly turning away from the cult. Harpers Magazine, *The Black Axe: How a pan-African freedom movement lost its way*, September 2019.

<sup>558</sup> Harpers Magazine, *The Black Axe: How a pan-African freedom movement lost its way*, September 2019.

<sup>559</sup> Confidential source, 27 November 2020.

<sup>560</sup> Confidential source, 12 November 2020; Confidential source, 28 October 2020.

cult because of his father's debts to the cult. After the father was murdered, the cult tried to recover these debts from the boy.<sup>561</sup> This source also knew of cases where women and children went into hiding because their husbands and/or fathers had fled cults.<sup>562</sup> Another confidential source stated that cults involved in the smuggling of (male) migrants forced these migrants to participate in compromising activities along the way. These compromising activities, according to this source, consisted of being forced to abuse others or being subjected to sexual violence themselves. These actions were then filmed with the aim of ensuring the obedience of these migrants. This source had also heard of cases of smugglers on the way to Libya staging scenes in which their accomplices pretended to be officials, to test whether migrants were keeping to their agreements with the smugglers and not reporting them to the authorities under questioning.<sup>563</sup> It is not known to what extent the authorities acted against such violence (impunity is a common problem in Nigeria: for more information on the functioning of the Nigerian police when violence is reported, see 3.1.2).

### 3.4.3

#### *Deserters*

Research for this report did not produce any examples of deserters being punished with imprisonment or more severe sentences during the reporting period. However, there were discharges for absence without leave. Morale in the Nigerian military is low,<sup>564</sup> and cases of absence without leave and desertion occurred several times during the reporting period.<sup>565</sup> Under Sections 59 and 60 of the Armed Forces Act, both absence without leave and desertion are punishable by up to two years in prison.<sup>566</sup> In some cases, military personnel who fled their posts were prosecuted. In October 2019, 22 soldiers were declared wanted after fleeing a Boko Haram attack in Gubio (Borno).<sup>567</sup> In November 2019, a military court was established in North-East Nigeria to prosecute 70 soldiers for various acts of 'cowardice', including desertion.<sup>568</sup> A search of the literature did not yield information about the punishment imposed on these soldiers. In practice, the punishment for absence without leave consisted of discharge.<sup>569</sup>

### 3.4.4

#### *LGBTI*

In Nigeria, same-sex marriage is prohibited and both national and Islamic criminal law criminalise sex between individuals of the same sex. Also, members of the LGBTI community do not enjoy legal protection against discrimination. However, several studies indicated that social attitudes towards LGBTI individuals have slightly improved over the past years. There was little opportunity for LGBTI people to express their sexual orientation or gender identity, despite NGOs and the wider community creating a number of safe spaces in major cities. Various sources indicated that the socio-economic situation of LGBTI individuals largely determines to what extent they can survive in Nigerian society. The following sections will discuss the situation of LGBTI individuals in more detail and will distinguish between different subgroups as far as possible.

<sup>561</sup> Confidential source, 25 November 2020.

<sup>562</sup> Confidential source, 25 November 2020.

<sup>563</sup> Confidential source, 12 November 2020.

<sup>564</sup> Confidential source, 28 February 2020; Premium Times, *EXCLUSIVE: Boko Haram War: Nigerian Army suspends voluntary retirement of soldiers*, 5 April 2020. Premium Times, *Nigerian Army faces morale crisis as 356 soldiers exit over "loss of interest"*, 11 July 2020.

<sup>565</sup> Premium Times, *Nigerian Army faces morale crisis as 356 soldiers exit over "loss of interest"*, 11 July 2020; Sahara Reporters, *Nigerian Army Dismisses 300 Soldiers For Desertion, Absence Without Leave*, 31 July 2020; Onuoha, F et al, *Counterinsurgency operations of the Nigerian military and Boko Haram insurgency: expounding the viscid manacle*, Security Journal, pp. 401-226, February 2020.

<sup>566</sup> Nigeria, *Armed Forces Act*, Section 60.

<sup>567</sup> Premium Times, *Nigerian Army Declares 22 Soldiers Wanted for 'Running' from Boko Haram*, 3 October 2019.

<sup>568</sup> Premium Times, *Nigeria Army to Court Martial 70 Soldiers*, 7 November 2019.

<sup>569</sup> The Punch, *Metele attack: Army dismisses eight soldiers accused of desertion*, 14 July 2019; Sahara Reporters, *Nigerian Army Dismisses 300 Soldiers For Desertion, Absence Without Leave*, 31 July 2020; Premium Times, *Nigerian Army removes commander who complained of Boko Haram attack on troops*, 31 March 2020.

### *Criminalisation of homosexuality*

As described in the previous report, the rights of the LGBTI community in Nigeria are restricted in various ways. The Criminal Code criminalises sexual intercourse between two men<sup>570</sup> as well as acts of 'indecent' between two men.<sup>571</sup> In addition, the Same Sex Marriage Prohibition Act (SSMPA) has been in force since 2014. Under this law, a marriage or civil union between two persons of the same sex is prohibited and penalties are provided for the solemnisation and witnessing thereof. In addition, this law prohibits attendance of gay clubs and the public expression of a same-sex amorous relationship.<sup>572</sup> Islamist law in force in northern Nigeria prohibits same-sex sexual acts between men and between women.<sup>573</sup>

### *Social attitudes towards LGBTI individuals*

Social attitudes towards LGBTI individuals remained predominantly negative, but showed improvement compared to a few years ago. In a global survey of social attitudes toward homosexuality by the Pew Research Centre, 91% of Nigerian respondents believed that homosexuality should not be accepted.<sup>574</sup> Seven percent of the respondents stated that homosexuality should be accepted. This was six percent more than in 2013.<sup>575</sup> A comparison of biennial perception surveys from 2015, 2017 and 2019 by The Initiative for Equal Rights (TIER), a Nigerian NGO that champions the interests of the LGBTI community,<sup>576</sup> confirms this trend. In 2019, 60% of those surveyed indicated that they would not accept an LGBTI family member. In 2017 the figure was 83%. With regard to the SSMPA, 75% of respondents in 2019 indicated that they supported this legislation. In 2017 the figure was 90%, and in 2015 it was 87%. In 2019, 74% of those surveyed said they were in favour of a 14-year prison sentence for having a gay relationship; in 2017 the figure was 91% and in 2015 it was 87%.<sup>577</sup> Religious background is not a determining factor in the degree to which Nigerians accept or reject homosexuality. Research has indicated that acceptance of the LGBTI community is very low among both Christians (6%) and Muslims (8%) in Nigeria.<sup>578</sup> According to the 2019 TIER survey, the South-West has the lowest acceptance of gay family members and the highest support for the SSMPA.<sup>579</sup>

### **Results of TIER perception survey 2017 and 2019**

	2015	2017	2019
% of respondents that would not accept an LGBTI family member	87%	83%	60%
% of respondents in favour of a 14-year prison sentence for having a homosexual relationship	87%	91%	74%
% of respondents supporting the SSMPA	87%	90%	75%

<sup>570</sup> Nigeria, *Criminal Code Act*, Section 214.

<sup>571</sup> Nigeria, *Criminal Code Act*, Section 217.

<sup>572</sup> Nigeria, *Same Sex Marriage Prohibition Act*, 2014.

<sup>573</sup> The Human Dignity Trust, *Nigeria*, last accessed 23 December 2020.

<sup>574</sup> Pew Research Center, *The Global Divide on Homosexuality Persists*, p. 7, 25 June 2020. The Pew Research Center is an independent American think tank and public opinion polling firm based in Washington, D.C. It provides information on social issues, public opinion and demographic trends shaping the United States and the world. It has its own website: <https://www.pewresearch.org/>.

<sup>575</sup> Pew Research Center, *The Global Divide on Homosexuality Persists*, p. 18, 25 June 2020.

<sup>576</sup> TIER has its own website: <https://theinitiativeforequalrights.org/>.

<sup>577</sup> The Initiative for Equal Rights, *Social Perception Survey on Lesbian, Gay, Bi-Sexual and Transgender Persons Rights in Nigeria*, June 2019; The Initiative for Equal Rights, *Social Perception Survey on Lesbian, Gay, Bi-Sexual and Transgender Persons Rights in Nigeria*, May 2015; The Initiative for Equal Rights, *Social Perception Survey on Lesbian, Gay, Bi-Sexual and Transgender Persons Rights in Nigeria*, January 2017.

<sup>578</sup> Pew Research Center, *The Global Divide on Homosexuality Persists*, p. 15, 25 June 2020.

<sup>579</sup> The Initiative for Equal Rights, *Social Perception Survey on Lesbian, Gay, Bi-Sexual and Transgender Persons Rights in Nigeria*, p. 14, June 2019.

*An increase in the number of reports of human rights violations and serious cases of discrimination by the authorities and fellow citizens*

TIER registered 330 incidents in which the rights of 397 LGBTI people (or individuals who were mistaken for LGBTI people) were violated in 2019.<sup>580</sup> This represented an increase in the number of reported incidents on the previous two reporting periods: TIER reported 210 incidents between December 2016 and November 2017,<sup>581</sup> and 213 incidents between December 2017 and November 2018.<sup>582</sup> TIER also identified an increase in reports of organised attacks against LGBTI people and instances of premeditated violence.<sup>583</sup> In 2019, TIER described incidents in which both men and women were subject to serious, violent human rights violations such as assault, torture and rape. The most commonly reported form of aggression against LGBTI individuals was blackmail and extortion.<sup>584</sup>

*Gay and bisexual men are more likely to be victims of discrimination and violence in the public space*

Several sources implied that men who identify as LGBTI are more stigmatised and are more frequently victims of violence. Figures from TIER show that more reports of violence against LGBTI individuals during the reporting period came from gay men: of the 397 victims who reported incidents to TIER in 2019, 344 were men and 53 were women.<sup>585</sup>

*Oppression of lesbian and bisexual women within the family*

Sources interviewed by the IRBC and the Swiss Immigration Service indicated that lesbian and bisexual women were more accepted by Nigerian society than gay and bisexual men. However, several sources indicated that this is a result of their oppression within the family. According to these sources, lesbian women are less likely to be discriminated against or subject to violence because they are not given the opportunity to express their sexual orientation at all.<sup>586</sup> According to various sources, there is a lot of pressure on lesbian and bisexual women to 'convert'. Many lesbians therefore enter into heterosexual marriages.<sup>587</sup>

*Invisibility of transgender people*

Transgender and intersex people remain the least visible categories of LGBTI people in everyday life in Nigeria. This was the conclusion of Lifos, the Swedish migration agency, after a fact-finding mission in 2014<sup>588</sup>, and Nigerian activists stated that this was still the case during the reporting period.<sup>589</sup> An LGBTI activist stated in October 2020 that Nigeria did not yet really have 'a vocabulary' to talk about transgender

<sup>580</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 15, December 2019.

<sup>581</sup> The Initiative for Equal Rights, *2017 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity Expression in Nigeria*, p. v, December 2017.

<sup>582</sup> The Initiative for Equal Rights, *2018 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. vi, December 2018.

<sup>583</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 15, December 2019.

<sup>584</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 17, December 2019.

<sup>585</sup> This is a trend. Over the years, TIER has consistently received significantly more reports of male than of female victims. TIER claimed that this is to some extent due to underreporting of human rights violations against women.

<sup>586</sup> WHER, *About us*, undated. <https://whernigeria.org/>; The Guardian, *Blackmail, prejudice and persecution: gay rights in Nigeria*, 30 March 2018.

<sup>587</sup> Access to Good Health Initiative and others, *Human Rights Situation for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Sexual Rights in Nigeria: Report presented to the UN Human Rights Committee 126th Session*, July 2019; The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, December 2019.

<sup>588</sup> Swedish Migration Agency, Lifos, *Nigeria: Den kulturella kontexten för hbt-personer*, pp. 5-6, 18 December 2014.

<sup>589</sup> Gal-dem, *Who is Bobrisky, Nigeria's controversial transgender social media queen?*, 3 January 2020; OpenDemocracy, *Young, trans Nigerians: 'people need to see that we exist'*, 30 April 2018; PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020.

people.<sup>590</sup> A Nigerian transgender person living in the United Kingdom stated that it is almost impossible to live openly as a transgender person in Nigeria.<sup>591</sup> With regard to discrimination against transgender people, another source also stated that disapproval of transgender women (women who were male at birth) in particular is related to the general disapproval of 'feminine men'.<sup>592</sup> There are a number of transgender celebrities in Nigeria such as the transgender women Bobrisky and Miss SaHHara. These individuals have a lot of followers on social media and are simultaneously very popular and very controversial.<sup>593</sup> Miss SaHHara fled to the UK as a teenager after being subjected to threats and mistreatment from both fellow citizens and the authorities.<sup>594</sup>

#### *Lack of information about intersex people*

The vast majority of the sources consulted for this country of origin information report did not provide any specific insights into the situation of intersex people. This suggests that this is a fairly invisible category, even for researchers and organisations working for the LGBTI community in Nigeria. A video about intersex people in Nigeria by the BBC indicated that these individuals feel misunderstood and experience discrimination from family members and other members of society when they decide (later in life) to adopt a different gender identity from the one assigned to them at birth.<sup>595</sup>

#### *Deviation from traditional gender norms increases the risk of becoming a victim of violence and discrimination*

For all LGBTI people, stigmatisation, oppression and the risk of violence increase when they do not conform to traditional gender norms in their outward presentation.<sup>596</sup> Transgender people, *femme*<sup>597</sup> men and butch<sup>598</sup> lesbians were at increased risk of police violence, according to Nigerian LGBTI activists.<sup>599</sup> According to other sources, these individuals are also the most discriminated against when seeking access to various government services and employment.<sup>600</sup>

#### *The influence of socio-economic status on the situation of LGBT individuals*

The socio-economic situation of LGBTI individuals has a significant influence on their position in society.<sup>601</sup> It is easier for economically independent individuals to express their orientation within the family and also within the wider community. Sources indicated that when LGBTI individuals are the breadwinners for their families, the family will be less likely to treat them badly or speak negatively about them.<sup>602</sup> LGBTI people who are prosperous or who speak English also have greater access to the LGBTI community and to initiatives aimed at supporting LGBTI people, according

<sup>590</sup> PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020.

<sup>591</sup> OpenDemocracy, *Young, trans Nigerians: 'people need to see that we exist'*, 30 April 2018.

<sup>592</sup> Gal-dem, *Who is Bobrisky, Nigeria's controversial transgender social media queen?*, 3 January 2020.

<sup>593</sup> Gal-dem, *Who is Bobrisky, Nigeria's controversial transgender social media queen?*, 3 January 2020

<sup>594</sup> OpenDemocracy, *Young, trans Nigerians: 'people need to see that we exist'*, 30 April 2018.

<sup>595</sup> BBC, *Dis na wetin intersex pipo dey suffer for Nigeria*, 30 September 2019.

<sup>596</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019; Michael Amalumilo, Executive Director Access to Good Health Initiative, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019.

<sup>597</sup> Men who present themselves as 'feminine'.

<sup>598</sup> Lesbians who present themselves as 'masculine'.

<sup>599</sup> PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020; iD, *How Nigeria's queer youth are fighting to #EndSARS*, 15 October 2020. See also: The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 15, December 2019.

<sup>600</sup> Confidential source, 24 September 2020; Confidential source, 16 December 2020.

<sup>601</sup> Confidential source, 24 September 2020; Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>602</sup> Confidential source, 24 September 2020; Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020



to another confidential source. This is partly the case because, until recently, projects and information aimed at LGBTI people often used English.<sup>603</sup> However, wealth and status are no guarantees of security for LGBTI individuals: media coverage shows that wealthy LGBTI people have also been victims of violence.<sup>604</sup>

#### *Human rights violations by government officials*

The number of reports of human rights violations against LGBTI people involving government officials increased during the reporting period, according to TIER figures. As already noted, TIER recorded 330 incidents against LGBTI people in 2019.<sup>605</sup> Government officials were the perpetrators in 71 cases, and 11 cases involved a combination of civilians and state actors.<sup>606</sup> Government officials were the perpetrators in 32 out of 210 cases between December 2016 and November 2017,<sup>607</sup> and in 46 incidents between December 2017 and November 2018.<sup>608</sup> In 2019, state actors were responsible for privacy violations, arbitrary arrests and extrajudicial detention.<sup>609</sup> Examples are discussed in the following paragraphs on criminal prosecution of LGBTI people.<sup>610</sup>

#### *Police investigation of violations of the SSMPA*

There is no single procedure for police and criminal investigations of violations of the SSMPA. With regard to the evidence leading to arrests, TIER stated that arrests were often based on information illegally obtained by confiscating the phones of alleged LGBTI individuals,<sup>611</sup> subjective evidence such as the observation that a male detainee had 'feminine traits',<sup>612</sup> and reports from relatives or neighbours.<sup>613</sup> A report on the human rights situation for LGBTI people in Nigeria between 2016 and 2019 stated that arrests often took place at parties of groups of men in private homes or hotels.<sup>614</sup> A review by the Human Dignity Trust of arrests that had taken place since the SSMPA came into force in 2014 indicated that these arrests were made on the basis of both the SSMPA and other national and local religious laws (including sharia) prohibiting homosexuality.

#### *Arrests of LGBTI people*

The authorities operate an active arrest policy against LGBTI people: dozens were arrested during the reporting period. TIER counted 30 arrests/detentions of LGBTI people in 2018 and 33 such cases in 2019. Several sources interviewed by the Swiss *Staatssekretariat für Migration* in April 2020 indicated that a number of arrests had

<sup>603</sup> Confidential source, 16 December 2020.

<sup>604</sup> CNN, *Opinion: Nigeria is a cold-blooded country for gay men -- I have the scars to prove it*, 17 April 2019

<sup>605</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 15, December 2019.

<sup>606</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 7, December 2019.

<sup>607</sup> The Initiative for Equal Rights, *2017 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity Expression in Nigeria*, p. v, December 2017.

<sup>608</sup> The Initiative for Equal Rights, *2018 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. vi, December 2018.

<sup>609</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 18, December 2019.

<sup>610</sup> Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Segun, Story of Andy, Story of Wealth.

<sup>611</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, pp. 19-20, December 2019; Michael Amalumilo, Executive Director Access to Good Health Initiative, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>612</sup> Equal Eyes, *Nigeria: Discussion on Police Brutality Against LGBT+ Persons*, 20 October 2020; PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020.

<sup>613</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, December 2019:

<sup>614</sup> Access to Good Health Initiative and others, *Human Rights Situation for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Sexual Rights in Nigeria: Report presented to the UN Human Rights Committee 126th Session*, July 2019.

also taken place in 2020.<sup>615</sup> There were several mass arrests of actual or alleged LGBTI individuals during gatherings/parties in hotels.<sup>616</sup> Witness accounts from LGBTI individuals indicated that these arrests could be accompanied by intimidation, humiliation and violence.<sup>617</sup> One common practice during arrests was the filming and broadcasting of videos of detainees, who were presented to the public by the police as homosexuals.<sup>618</sup> In some cases, arrests and detention were associated with serious human rights violations such as abuse and torture.<sup>619</sup> Some LGBTI people who were detained experienced inhumane treatment such as abuse, sleep deprivation and unsanitary practices that carried the risk of HIV infection.<sup>620</sup>

#### *Extortion against LGBTI detainees*

In most cases, detainees were released on condition that they paid large ransoms to the officers who had arrested them.<sup>621</sup> Almost all sources consulted for this report stated that extortion against LGBTI individuals by police officers is a very common phenomenon in Nigeria.<sup>622</sup> A confidential source indicated that if detainees could not afford this ransom themselves, Nigerian LGBTI interest groups often paid it on their behalf.<sup>623</sup> These organisations have set up legal help desks that try to monitor when individuals are arrested so that they can assist them if necessary.<sup>624</sup> Despite these efforts to get LGBTI people released in return for payment, media and advocacy groups reported on various cases where LGBTI individuals spent several weeks in detention,<sup>625</sup> sometimes in very poor conditions (see previous paragraph). There was one report in May 2018 of a gay man who at that time had spent nine months in prison on charges of homosexual activity.<sup>626</sup> According to the NGO Erasing 76 Crimes, it is impossible to compile a complete list of Nigerian LGBTI people currently in detention, because media coverage does not consistently monitor who is arrested and released.<sup>627</sup>

#### *First legal case under the SSMPA*

<sup>615</sup> Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>616</sup> Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020; Mamba Online, *Nigeria | Police arrest dozens of party-goers "accused" of homosexuality*, 12 June 2018.

<sup>617</sup> Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020; PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020. Metro, *I've been beaten up, spat on and abducted by the police, all for being gay in Nigeria* 14 July 2020; Vogue, *Why #ENDSARS Is Also A Defining Moment For Nigeria's Queer Community*, 22 October 2020.

<sup>618</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, december 2019: 16; Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Smart.

<sup>619</sup> The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Segun & Story of Wealth. Metro, *I've been beaten up, spat on and abducted by the police, all for being gay in Nigeria* 14 July 2020.

<sup>620</sup> The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Segun & Story of Wealth

<sup>621</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, December 2019: 20; Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; Confidential source, 24 September 2020.

<sup>622</sup> Nwankwo Francis Casmir, Gender Focal Person Society for Human Health Care Intervention (SHCI), Onitsha, 22.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Segun, Story of Andy, Story of Wealth.

<sup>623</sup> Confidential source, 24 September 2020.

<sup>624</sup> Confidential source, 24 September 2020.

<sup>625</sup> Infomigrants, *Arrested for being gay in Nigeria: 'My community is threatening to kill me if I return home'*, 7 January 2019; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Segun; Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020.

<sup>626</sup> Erasing 76 Crimes, *Nigeria: Man facing homosexuality charges languishes in prison*, 10 May 2018.

<sup>627</sup> Erasing 76 Crimes, *100s are in prison for being gay*, last accessed 11 March 2021.

There have been no convictions under the SSMPA since this law came into force in 2014. LGBTI people were brought to court on the basis of this law for the first time during the reporting period. The case was eventually struck out.<sup>628</sup> In December 2019, 47 men were brought to trial under the SSMPA for same-sex displays of affection in public places, an offence that carries a ten-year prison term.<sup>629</sup> The men were among 57 individuals arrested in a police raid on a hotel in a poor neighbourhood of Lagos in 2018.<sup>630</sup> Initially, the men were brought to court on charges of conspiracy, membership of a secret cult and participation in an illegal meeting. They were taken into custody pending satisfaction of their bail conditions (200,000 naira per person)<sup>631</sup> and then charged under the SSMPA for participating in initiation into a gay club.<sup>632</sup> The first court hearing took place in December 2019. After the case was repeatedly adjourned after the prosecution witnesses failed to appear,<sup>633</sup> the case was struck out by the Lagos high court in October 2020 due to lack of diligent prosecution. However, because the case has been struck out rather than dismissed, the men can be rearrested on the same charges.<sup>634</sup> A confidential source indicated that the lack of prosecutions under the SSMPA is due in large part to the fact that LGBTI advocacy groups have 'ransomed' most of those arrested under the SSMPA in recent years.<sup>635</sup>

#### *Prosecution of LGBTI individuals under Islamist law*

According to Islamist law applicable in northern states of Nigeria, 'sodomy' between men is punishable by death by stoning.<sup>636</sup> Sexual acts between women are punishable by whipping or imprisonment.<sup>637</sup> However, the 2018 EASO report on vulnerable groups in Nigeria stated that convictions were rare and no executions had taken place.<sup>638</sup> The sources consulted for this report also made no mention of the imposition of the death penalty by sharia courts for homosexual acts during the reporting period. However, there were arrests of alleged LGBTI individuals by the hisbah and the imposition of more lenient penalties by sharia courts.<sup>639</sup>

#### *Influence of sexual orientation on penalties for civil offences*

The sources consulted for this country of origin information report,<sup>640</sup> including the TIER reports on violence against LGBTI individuals, did not contain any specific information on cases where an individual's sexuality or gender identity had resulted

<sup>628</sup> Under the common law system, a judge can either permanently dismiss a criminal case or strike it out with the option of reopening it at some later time.

<sup>629</sup> The Guardian, *First men go on trial under Nigeria's anti-homosexuality laws*, 11 December 2019.

<sup>630</sup> The Guardian, *First men go on trial under Nigeria's anti-homosexuality laws*, 11 December 2019.

<sup>631</sup> On 26 November 2020, 200,000 naira was worth 444.96 euros, according to CoinMill.com, an online exchange rate converter.

<sup>632</sup> The Initiative for Equal Rights, *A Timeline of the 'Egbeda 57' Case*, accessed 4 January 2021. <https://theinitiativeforequalrights.org/acquit57/>

<sup>633</sup> Reuters, *Nigerian court adjourns case of 47 men charged under homosexuality law*, 11 February 2020; Vanguard, *Lagos homosexuality trial suffers more delays*, 3 March 2020.

<sup>634</sup> Al Jazeera, *Nigerian judge throws out homosexuality case against 47 men*, 27 October 2020; Human Dignity Trust, *Court's striking out of case against 47 Nigerian men facing homosexuality charges is welcome, but verdict should have been a dismissal*, 30 October 2020.

<sup>635</sup> Confidential source, 24 September 2020.

<sup>636</sup> The Human Rights Law Service, *Nigeria: The Death Penalty – Joint Stakeholder Report for the United Nations Periodic Review*, undated.

<sup>637</sup> The Human Dignity Trust, Nigeria, last accessed 23 December 2020.

<sup>638</sup> EASO, *Country of Origin Information Report Nigeria: Targeting of Individuals*, p. 67, November 2018. The death penalty has not been carried out in Nigeria since 2016. See section 3.2.3. of this report.

<sup>639</sup> Human Rights Watch, *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity – Nigeria*, last updated 22 June 2020; PinkNews, *Nigerian university graduates arrested for simply being gay in heinous Sharia law police raid*, 7 January 2020.

<sup>640</sup> Inter al. Human Rights Watch, *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity – Nigeria*, last updated 22 June 2020; Access to Good Health Initiative and others, *Human Rights Situation for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Sexual Rights in Nigeria: Report presented to the UN Human Rights Committee 126th Session*, p. 20, July 2019; Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

in heavier penalties for civil offences. A confidential source stated that men guilty of paedophilia are often accused of homosexuality.<sup>641</sup>

#### *Human rights violations by strangers*

In 2019, most of the perpetrators (248 individuals) of the 330 cases of violence and other human rights violations against LGBTI individuals reported by TIER were fellow citizens, including family members, acquaintances and strangers. Regarding violence against LGBTI people by strangers, a confidential source indicated that LGBTI advocacy groups consider fellow citizens, especially aggressive mobs, to be one of the greatest threats to the safety of LGBTI individuals, because the violence can easily get out of hand.<sup>642</sup> According to witness reports, gay men were victims of attacks and rapes by unknown assailants.<sup>643</sup> During the reporting period, LGBTI people were also lured to fake dates through dating apps such as Tinder, and then subjected to assault or rape.<sup>644</sup> Transgender individuals and intersex Nigerians were also vulnerable to excessive violence at the hands of fellow citizens, according to witness accounts in several reports.<sup>645</sup> Some traditional rulers publicly expressed disapproval of homosexuality and in some cases encouraged violence against LGBTI people. In Edo state, traditional rulers placed curses on LGBTI people and same-sex marriages in order to 'curb increase in the rate of homosexuality in the area'. The traditional rulers also conducted a night-time tour of a neighbourhood with the police in order to track down alleged homosexuals.<sup>646</sup>

#### *Human rights violations by acquaintances and family*

Acquaintances (including family members) were also guilty of human rights violations against LGBTI people. For example, there were cases where LGBTI individuals were threatened and blackmailed by neighbours and household members when they found out about their sexual orientation.<sup>647</sup> In many cases, family members were the perpetrators of violence against LGBTI individuals.<sup>648</sup> Sources indicated that lesbians were particularly at risk of being subject to 'corrective' rape.<sup>649</sup> Both LGBTI men and women were abused and/or forced to undergo conversion therapy by family members. Such 'therapies' could be very violent in character. During the reporting period, local NGOs and international media outlets published testimonials of Nigerian participants in conversion therapy who had been subject to various forms of assault such as whipping, rape, the pouring of oil into the vagina and the breaking of bottles over the head.<sup>650</sup>

#### *Very limited protection of LGBTI individuals by the authorities*

The authorities rarely acted against serious violations of LGBTI people's human rights. LGBTI people whose rights had been violated rarely reported the perpetrators

<sup>641</sup> Confidential source, 24 September 2020.

<sup>642</sup> Confidential source, 24 September 2020; Niger Delta Weekly, *Highlighting Vigilantism and Mob Violence in Imo State*, 2-8 August 2020.

<sup>643</sup> CNN, *Opinion: Nigeria is a cold-blooded country for gay men -- I have the scars to prove it*, 17 April 2019; PIND Foundation, *Niger Delta Weekly Conflict Update for August 02-08*, 2020.

<sup>644</sup> Thomson Reuters Foundation, *Blackmailed with nudes, Nigerian lesbians find safety outside the closet*, 6 September 2020; The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, pp. 19, 22, December 2019.

<sup>645</sup> Access to Good Health Initiative and others, *Human Rights Situation for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Sexual Rights in Nigeria: Report presented to the UN Human Rights Committee 126th Session*, p. 20, July 2019; The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 21, December 2019; BBC, *Dis na wetin intersex pipo dey suffer for Nigeria*, 30 September 2019.

<sup>646</sup> Leadership, *Traditional rulers flay homosexuality, gay marriages*, 27 January 2018.

<sup>647</sup> The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Edet & Story of Ifechukwu.

<sup>648</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 25, December 2019.

<sup>649</sup> Access to Good Health Initiative and others, *Human Rights Situation for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Sexual Rights in Nigeria: Report presented to the UN Human Rights Committee 126th Session*, p. 13, July 2019.

<sup>650</sup> BBC, *Gay in Nigeria: 'Everybody sees me as an abomination'*, 30 December 2019; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Edet & Story of Ashley.

and rarely sought protection from the authorities.<sup>651</sup> LGBTI victims feared further stigmatisation or blackmail and arrest.<sup>652</sup> These fears were fuelled by public disapproval of homosexuality by those in positions of authority.<sup>653</sup> However, a confidential source was aware of cases in which LGBTI individuals had successfully turned to the police for *ad-hoc* protection when attacked by angry mobs in Lagos. These individuals were allowed to stay overnight in the police station, but were forced to pay ransoms the next day in order to be released.<sup>654</sup> Another confidential source indicated that there are some 'good' individual officers who do offer protection to LGBTI people in the event of danger, but that at a structural level the police fail to do so.<sup>655</sup>

#### *Access to basic services for LGBTI individuals*

Discrimination against LGBTI individuals by both the authorities and society causes them to experience obstacles in accessing various basic services. The following paragraphs examine in more detail LGBTI people's access to documents, medical care, accommodation, income and education in Nigeria.

**Access to documents:** No information was available on discrimination against LGBTI individuals when applying for a national ID card, passport or other documents. One confidential source indicated that since transgender people are not recognised, it is impossible to change their sex on identity documents.<sup>656</sup> However, another confidential source indicated that if a transgender individual has never had an ID document before his or her transition, it is possible to request an ID document with his/her new sex (for more information on the procedures for applying for identity documents, see Chapter Two). This source was aware of at least one individual who had managed to apply for a passport indicating her sex as female even though she was born male. However, this was not due to legislation or policy, but due to the vulnerability of the Nigerian identity document issuing system (see Chapter Two) and the fact that the officials issuing the document were not aware that this individual had undergone a transition.<sup>657</sup>

**Medical care:** Sources indicated that health professionals sometimes discriminate against LGBTI individuals, and that LGBTI individuals sometimes avoid health care for fear of stigmatisation. Discrimination mainly occurred in rural areas and/or in connection with sexual and reproductive health complaints.<sup>658</sup> This applies to all categories of LGBTI individuals.<sup>659</sup> A confidential source indicated that transgender and intersex people experience the greatest barriers to using health care because it is hardest for them to hide their 'deviant' sexual orientation/gender identity from doctors and nurses (if they wish to do so).<sup>660</sup>

<sup>651</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 18, December 2019.

<sup>652</sup> Confidential source, 24 September 2020.

<sup>653</sup> For example, in 2019, a prominent female police officer from Lagos posted a statement on her personal Instagram account, which had 125,000 followers, warning LGBTI people that they had the choice to leave the country or be subject to criminal charges. CNN, *Nigerian police officer tells gays: Leave country or face prosecution*, 23 January 2019.

<sup>654</sup> Confidential source, 24 September 2020.

<sup>655</sup> Confidential source, 16 December 2020.

<sup>656</sup> Confidential source, 24 September 2020.

<sup>657</sup> Confidential source, 16 December 2020.

<sup>658</sup> Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; Bisi Alimi Foundation, *Not Dancing to Their Music: The Effects of Homophobia, Biphobia and Transphobia on the Lives of LGBTQ People in Nigeria*, 2017; IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019; Al Jazeera, *Coronavirus heightens anxiety among LGBTQ Nigerians with HIV*, 4 May 2020.

<sup>659</sup> Makanjuola and Folayan, *On being gay in Nigeria: Discrimination, mental health distress, and coping*, 2018; Confidential source, 24 September 2020.

<sup>660</sup> Confidential source, 16 December 2020.

One source indicated that in cities, the situation of LGBTI individuals with regard to access to health care has improved significantly compared to five years ago.<sup>661</sup> This and other sources confirmed that in many cities in Nigeria there are both regular health care providers and LGBTI and other organisations outside regular health care that provide medical care to LGBTI people.<sup>662</sup> A growing realisation among health care professionals that it is necessary to provide LGBTI-inclusive health care – in order to combat the spread of HIV – has contributed to this.<sup>663</sup> Initiatives by international groups supporting health care projects in Nigeria have also had a positive impact. For example, according to Michael Amalumilo, the director of the Access to Good Health Initiative (AGHI),<sup>664</sup> thanks to the Global Fund<sup>665</sup>, there are facilities that provide LGBTI-inclusive health care to HIV-positive individuals in every state of Nigeria.<sup>666</sup>

Nevertheless, the association of homosexuality with HIV remains an important reason for the stigmatisation of gay men within health care and beyond. Research showed that HIV-positive individuals in Nigeria generally experienced stigma. For gay men, their sexual orientation exacerbated this sense of being stigmatised;<sup>667</sup> the criminalisation of homosexuality in Nigeria – as in other countries – increased the risk of HIV infection among gay men. A study of 8,113 gay men in ten countries in sub-Saharan Africa, including Nigeria, showed that after adjusting for factors such as age and education level, gay men were 2.21 times more likely to get HIV in countries where homosexual activities were criminalised, and 4.65 times more likely to get HIV in countries where they were severely criminalised.<sup>668</sup> The researchers state that this is clear evidence that criminalisation of same-sex sexual activity is consistently associated with an increased risk of HIV among men who have sex with other men in sub-Saharan African countries.

Income: There is little research on the experiences of Nigerian LGBTI people in the workplace, but there have been cases of discrimination against those who do not meet traditional gender norms. A confidential source stated that especially LGBTI people who do not adhere to traditional gender norms are discriminated against when applying for jobs.<sup>669</sup> The IRBC indicated that LGBTI people were also regularly fired after their sexual orientation became known, and that some companies tested (gay) men for HIV during the application process or after they had been recruited. These practices particularly occurred in small and medium-sized businesses.<sup>670</sup> Alleged LGBT individuals also lost their jobs, or their clients if they were self-employed, after their identity had been made public by the police.<sup>671</sup>

<sup>661</sup> Confidential source, 16 December 2020.

<sup>662</sup> However, a May 2020 report by *Al Jazeera* indicates that the social panic surrounding COVID-19, the closing of the borders and the strict enforcement of a general lockdown have fuelled concerns about access to medication among HIV-positive gay men. However, the article also states that the organisations that provide HIV medication to gay men still have enough supplies and have found alternative ways to provide their clientele with this medication. *Al Jazeera, Coronavirus heightens anxiety among LGBTQ Nigerians with HIV*, 4 May 2020.

<sup>663</sup> Confidential source, 16 December 2020.

<sup>664</sup> AGHI is a Nigerian NGO dedicated to improving human rights, and in particular the sexual and reproductive rights of 'key affected populations'. It has its own website: <https://www.whereloveisacrime.org/?project=abc>.

<sup>665</sup> The Global Fund to Fight AIDS, Tuberculosis and Malaria is an international organisation designed to 'accelerate the end of AIDS, tuberculosis and malaria as epidemics'. It is a public-private partnership and was founded in 2002 by Bill and Melinda Gates, Kofi Annan, Jeffrey Sachs and Amir Attaran. The Global Fund has its own website: <https://www.theglobalfund.org/en/>

<sup>666</sup> Michael Amalumilo, Executive Director Access to Good Health Initiative (AGHI), Enugu, 22.04.2022, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>667</sup> Odimegwu and others, 'HIV-Stigma in Nigeria: Review of Research Studies, Policies, and Programmes', *Aids Research and Treatment*, 2017.

<sup>668</sup> Aidsmap, *MSM living in African countries that criminalise gay sex are at a much higher risk of getting HIV*, 5 July 2020.

<sup>669</sup> Confidential source, 24 September 2020. See also: The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 25, December 2019.

<sup>670</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019.

<sup>671</sup> Reuters, *A police raid, viral videos and the broken lives of Nigerian gay law suspects*, 24 February 2020.

Education: LGBTI pupils and students have been victims of bullying and exclusion from educational institutions,<sup>672</sup> but according to a confidential source education is a slightly safer environment for LGBTI people than many other places in Nigeria.<sup>673</sup> According to a confidential source, there are known cases of LGBTI students who have been expelled from school because of their sexual orientation.<sup>674</sup>

Accommodation: LGBTI people also experience difficulties in finding and remaining in accommodation.<sup>675</sup> A UN report cited examples of cases in which both landlords and neighbours/other members of the community had attacked LGBTI people in their homes or forced them from their homes with (sometimes serious) violence.<sup>676</sup> TIER reported 11 cases of forced eviction in its report on LGBTI rights violations in Nigeria during 2019;<sup>677</sup> it reported 13 such cases in 2018.<sup>678</sup> The evictions were by both landlords and family members.<sup>679</sup> In addition to evictions of LGBTI people, a confidential source indicated that it is also difficult for LGBTI individuals, especially lesbians over the age of 35, to find a home because landlords expect a woman to then be married to a man.<sup>680</sup>

#### *Media and LGBTI*

The Nigerian media contributes to the stigmatisation of the LGBTI community and endangers LGBTI individuals by, for example, openly showing images of them in coverage of arrests.<sup>681</sup> However, there was also increased visibility of LGBTI individuals on social media and in films and books.<sup>682</sup>

#### *Civil society organisations that defend the rights of the LGBTI community*

Membership of an LGBTI organisation carries a ten-year prison term under the SSMPA.<sup>683</sup> Despite this, the number of LGBTI organisations in Nigeria further increased during the reporting period. A confidential source stated that these organisations know how to operate within the law.<sup>684</sup> Even so, there was at least one case in which an organisation's office was closed during the reporting period.<sup>685</sup> Research for this report identified at least 15 active organisations. All of those

<sup>672</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, december 2019: 19; PinkNews, *Nigerian university graduates arrested for simply being gay in heinous Sharia law police raid*, 7 January 2020; The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Edet & Story of Ifechukwu; BBC, *Being intersex in Nigeria: I wanted to kill myself*, 6 juni 2018; Okanlawon, *Homophobia in Nigerian schools and universities: Victimization, Mental Health Issues, Resilience of the LGBT Students and support from Straight Allies. A Literature review*, 2020.

<sup>673</sup> Confidential source, 16 December 2020.

<sup>674</sup> Confidential source, 24 September 2020.

<sup>675</sup> Office of the High Commissioner for Human Rights, *Visit to the Republic of Nigeria by Ms. Leilani Farha, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context: end of mission statement*, 23 September 2019.

<sup>676</sup> Office of the High Commissioner for Human Rights, *Visit to the Republic of Nigeria by Ms. Leilani Farha, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context: end of mission statement*, 23 September 2019.

<sup>677</sup> The Initiative for Equal Rights, *2019 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 15, December 2019.

<sup>678</sup> The Initiative for Equal Rights, *2018 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria*, p. 5, December 2018.

<sup>679</sup> The Initiative for Equal Rights, *Human not a number: Lived experiences of sexual minorities in Nigeria*, 2019: Story of Ashley & Story of Ifechukwu.

<sup>680</sup> Confidential source, 24 September 2020.

<sup>681</sup> Mamba Online, *Nigeria | Police parade 57 arrested at so-called 'gay initiation'*, 28 August 2018. Examples of media outlets that have done this are Naij TV (see: [https://m.facebook.com/legitngnews/videos/1106503449525994/?refsrc=http%3A%2F%2Fwww.google.com%2F&\\_rdr](https://m.facebook.com/legitngnews/videos/1106503449525994/?refsrc=http%3A%2F%2Fwww.google.com%2F&_rdr)); FLIP TV <https://www.youtube.com/watch?v=sttR-dKlAg8>; Core TV NEWS <https://www.youtube.com/watch?v=XTgrmTrPpeI>; TV 360 <https://www.youtube.com/watch?v=5rstCq2YQZI>).

<sup>682</sup> The Conversation, *How young, queer Nigerians use Twitter to shape identity and fight homophobia*, 13 October 2020.

<sup>683</sup> Nigeria, *Same Sex Marriage Prohibition Act*, 2014.

<sup>684</sup> Confidential source, 24 September 2020.

<sup>685</sup> Michael Amalumilo, Executive Director Access to Good Health Initiative (AGHI0, Enugu, 22.04.2022, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

mentioned in the previous report were still active.<sup>686</sup> According to the overview on the website 'Where Love is a Crime', there were organisations active in all geopolitical zones of Nigeria except the North-East, where the security situation and the position of NGOs are in general very precarious due to the Boko Haram conflict (see 1.2.2).<sup>687</sup> The organisations were the following:

- South-West zone: The Initiative for Equal Rights (TIER), House of Rainbow Fellowship (HoRF)
- South-South zone: Queer Alliance (QA), Initiative for Improved Male Health (IMH), Initiative for Advancement of Humanity (IAH)
- South-East zone: Access to Good Health Initiative (AGHI)
- North-Central zone: Women's Health and Equal Rights Initiative (WHER), International Centre for Advocacy on Rights to Health (ICARH)
- North-West zone: Advocates for Grass root Empowerment (AGE)

Other organisations mentioned in reports consulted for this country of origin information report were: Dynamic Initiative for Healthcare and Human Rights (DIHHR), Synergia, Hope Alive Health Awareness Initiative (HAHAI), Initiative for Sexual Reproductive Health and Rights Awareness (ISRHRA), Society for Human Health Care Intervention (SHCI), Men's Health Support Initiative (MHSI), Improved Youth Health Initiative (IYHI), NoStringsNG, SAFE HQUSE, Bisi Alimi Foundation (based in the United Kingdom). This is not an exhaustive list and more organisations may be active.

#### *Activities of LGBTI organisations*

As during the previous reporting period, these organisations provided legal support and health care services to LGBTI people.<sup>688</sup> They also investigated human rights violations, provided information about homosexuality to non-LGBTI communities, provided (online) safety training to LGBTI people, managed LGBTI media platforms, provided psychosocial support to LGBTI people and mediated between LGBTI people and their families.<sup>689</sup>

#### *Safe houses*

LGBTI organisations were also involved in running safe houses for LGBTI people who had been kicked out by their families.<sup>690</sup> Examples of safe houses include The House of Allure for transgender individuals in Lagos<sup>691</sup> and SAFE HQUSE, which offered temporary shelter for LGBTI protesters during the #EndSARS protests.<sup>692</sup> The care and services that these facilities offer vary, as does the length of a possible stay. However, sources raised questions about the actual accessibility and capacity of some of these initiatives. An LGBTI activist stated that most safe houses in Lagos are not easily accessible for young LGBTI people because they do not have a working phone number and/or do not respond to emails.<sup>693</sup>

#### *Geographical differences with regard to the situation of LGBTI people and places*

<sup>686</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 53, June 2018.

<sup>687</sup> Where Love is a Crime, *Organisations*, last accessed 26 November 2020.  
<https://www.whereloveisacrime.org/organisations/>

<sup>688</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 53, June 2018.

<sup>689</sup> Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>690</sup> EASO, *Country of Origin Information Report Nigeria: Targeting of Individuals*, November 2018; Confidential source, 24 September 2020; Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>691</sup> Dazed, *Sabelo Mlangeni's moving photos of life inside a Nigerian queer safe house*, 29 September 2020.

<sup>692</sup> Dazed, *Sabelo Mlangeni's moving photos of life inside a Nigerian queer safe house*, 29 September 2020.

<sup>693</sup> Xtra, *How Nigeria's COVID-19 lockdown affected queer folks*, 20 May 2020.



*where they can express their sexuality with some openness*

As noted above, LGBTI people in Nigeria are at risk of persecution both in the public space and in their own homes.<sup>694</sup> Sources indicated that LGBTI people are more likely to suffer violence, discrimination and exclusion in rural areas, where the climate is generally more conservative.<sup>695</sup> Sources also stated that LGBTI people in northern Nigeria experience additional barriers, as both Islamist and federal law criminalise homosexual behaviour.<sup>696</sup> A confidential source from northern Nigeria indicated that the activities of the hisbah, which among other things oversee efforts to combat homosexuality in the public space and arrest alleged LGBTI people, posed a major threat to LGBTI people in this region.<sup>697</sup> In the south, however, LGBTI people are also threatened by the police, angry mobs and vigilante groups.<sup>698</sup> In the south there are more large cities, where LGBTI people enjoy a little more freedom to exercise their sexual orientation.<sup>699</sup> A source stated that in Victoria Island, an affluent neighbourhood in Lagos, it is possible for two men to walk hand in hand, but that this is not the case in most other places in Nigeria.<sup>700</sup> However, several sources indicated that LGBTI people were also discriminated against in cities if they openly displayed their sexual orientation. The arrests of LGBTI people at private gatherings in Lagos, which is supposed to be one of the more tolerant cities for LGBTI people in Nigeria, illustrated that there are also risks for LGBTI individuals in cities.<sup>701</sup> Some LGBTI individuals profiled themselves as openly queer during the #EndSARS protests, but this also provoked intimidation, threats and violence from fellow protesters.<sup>702</sup>

*Reopening of gay clubs*

According to various sources, there are some locations in large cities in Nigeria where LGBTI people could express their sexuality provided certain precautions were taken.<sup>703</sup> In addition, at least one gay club in Lagos that had decided to close after the introduction of the SSMPA reopened during the reporting period.<sup>704</sup> There were also a number of gay-friendly bars in Abuja, Lagos and Owerri.<sup>705</sup> According to an LGBTI activist, it was possible for LGBTI people to express themselves freely to some extent in such bars (in his own words: 'seventy percent freely').<sup>706</sup> However, social events mostly took place in secret and were usually organised via social media

<sup>694</sup> UN Human Rights Council, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, January 2020; 14.

<sup>695</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019: section 9.1; Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; Confidential source, 24 September 2020.

<sup>696</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019.

<sup>697</sup> Confidential source, 16 December 2020.

<sup>698</sup> Niger Delta Weekly, *Highlighting Vigilantism and Mob Violence in Imo State*, 2-8 August 2020.

<sup>699</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019: section 9.1; Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>700</sup> Michael Amalumilo, Executive Director Access to Good Health Initiative (AGHI), Enugu, 22.04.2022, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>701</sup> Nwankwo Francis Casmir, Gender Focal Person Society for Human Health Care Intervention (SHCI), Onitsha, 22.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>702</sup> PinkNews, *End SARS: Queer Nigerians are being abused, humiliated and killed by a corrupt police unit – and it's nothing new*, 21 July 2020.

<sup>703</sup> Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020; Confidential source, 24 September 2020

<sup>704</sup> Huck, *Inside Lagos's underground queer clubbing scene*, 2 May 2020.

<sup>705</sup> IRBC, *The Situation of Sexual and Gender Minorities in Nigeria (2014-2018)*, February 2019; Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

<sup>706</sup> Nwachukwu Fabulous Stanley, Executive Director, Men's Health Support Initiative (MHSI), Owerri, 30.04.2020, cited in: Staatssekretariat für Migration - Bern, *Sexual minorities. Three phone interviews with members of support organisations in South-Eastern Nigeria*, 18 May 2020.

in rented locations such as AirBnBs or hotels.<sup>707</sup> Due to the risk of police raids, organisers often used strict protocols for admitting guests.<sup>708</sup>

### 3.4.5

#### *Women*

Discrimination and gender-based violence against women are a common and widespread phenomenon in Nigeria, and the authorities again largely failed to protect women against these forms of violence during the reporting period. However, the reporting period was also characterised by increased awareness of this issue and efforts to improve the protection of women against gender-based violence.<sup>709</sup> For example, all 36 states declared a state of emergency in 2020 due to a wave of rape and gender-based violence.<sup>710</sup> The following sections take a closer look at the social position of single women, the occurrence of gender-based violence in Nigeria, the response of the authorities and the possibilities that exist for women to escape this type of violence.

#### *Discrimination against single women*

Several sources indicated that women over a certain age who are not married are stigmatised because they do not meet the social norm that women should marry and start a family. The pressure to get married is considerable for young women in Nigeria, as is clear from the fact that 44% of Nigerian women are married before they turn 18 and 18% before they turn 15 (for more information on child marriage, see 3.4.8).<sup>711</sup> This observation is further supported by the fact that there is a significant difference between the percentage of men and the percentage of women aged 15-49 who have never been married. The figures were 42% for men and 25% for women according to the 2018 NDHS.<sup>712</sup> Single women experienced various forms of discrimination during the reporting period and were victims of violence more often than married women, according to the 2018 NDHS: 36% of single women who had never been married reported having been victims of violence at some point, compared with 28% of married women.<sup>713</sup> One specific form of discrimination against single women involved the refusal of accommodation by landlords in Lagos.<sup>714</sup>

#### *Single mothers and 'baby factories'*

Single mothers who have never been married are particularly at risk of social exclusion, exploitation and poverty.<sup>715</sup> Single mothers continue to be seen as a socially undesirable phenomenon, according to a confidential source, and this has a negative impact on the willingness of their families and the wider community to help them. This source also stated that there is a lot of poverty among single mothers due to the lack of any social safety net.<sup>716</sup> Single mothers who wanted to work and find a job were often hindered in their efforts to earn an income by lack of childcare, according to this source.<sup>717</sup> During the reporting period, there was extensive media coverage of one of the excesses resulting from the marginalisation of single pregnant women and single mothers: 'baby factories'.<sup>718</sup> These are centres where new-born babies of single young mothers are traded. In some cases this happened

<sup>707</sup> iD, *Nigeria's queer history told by those who lived through it*, 29 July 2020.

<sup>708</sup> Confidential source, 24 September 2020.

<sup>709</sup> People's Dispatch, *Massive protests against gender-based violence in Nigeria force government to take measures*, 13 June 2020.

<sup>710</sup> VOA News, *All 36 Nigerian Governors Declare State of Emergency Over Rapes and Violence*, 10 June 2020.

<sup>711</sup> Girls Not Brides, *Nigeria*, last accessed 2 December 2020.

<sup>712</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 79, October 2019.

<sup>713</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019.

<sup>714</sup> BBC, *Why single Nigerian women battle to rent homes*, 14 August 2018.

<sup>715</sup> Ojma Adejoh and others, *Single Motherhood: Experiences of Never Married Women in Lagos*, Nigeria, 2019; Amakor, *Unmarried Young Mothers in South-Eastern Nigeria: Attitudes and Experiences*, PhD thesis Aston University, 2018.

<sup>716</sup> Confidential source, 27 October 2020.

<sup>717</sup> Confidential source, 27 October 2020.

<sup>718</sup> The Guardian, *'I had no choice': the desperate Nigerian women who sell their babies*, 6 May 2020; CNN, *19 pregnant teens and women rescued from suspected baby traffickers in Nigeria, police say*, 30 September 2019.

with the mothers' knowledge,<sup>719</sup> but there were also cases where mothers were lured to these centres under a false pretence and then forced to give up their babies.<sup>720</sup>

#### *Divorced women*

Divorced women also experience stigma. The Organisation for Economic Co-operation and Development (OECD) stated in 2019 that this is the case regardless of the reason for the divorce, and that this is most pronounced in the east of the country.<sup>721</sup> Divorced women in Nigeria were more likely to have been victims of physical violence than married women, according to 2018 NDHS data.<sup>722</sup> In addition, they were subject to a range of discriminatory practices. In Muslim communities, this is partly due to the application of Islamic jurisprudence. Although the Civil Code gives both men and women the right to seek a divorce, Muslim women do not have the same option under the Islamic law enforced in northern Nigeria. A man may unilaterally repudiate his wife by pronouncing the *talaq* (divorce) without the need for a judge to be present. The divorce is then religiously valid after a waiting period of three months from the pronouncement of the *talaq*, and the woman retains the dowry. In principle, women can only divorce through the courts by the *khul* or *tafriq* route. In a *tafriq* divorce, the wife must prove to the court that the husband has not fulfilled his marital obligations. Since this is often difficult to prove,<sup>723</sup> women file for *khul* divorce. In a *khul* divorce, the wife loses the right to maintenance and the bride price (the sum that the groom has to pay for his bride).<sup>724</sup> With regard to the custody of young children, under Islamic jurisprudence the care of the children (*hadana*) is generally assigned to the woman. The father retains legal authority and is responsible for the maintenance and education of the children.<sup>725</sup>

#### *Widows*

Widows are subject to discriminatory practices in both southern and northern Nigeria and, compared to divorced, married and single women, were the most likely to be victims of physical and sexual violence, according to the NDHS.<sup>726</sup> Forty-nine percent of Nigerian widows between the ages of 15 and 49 reported having experienced physical violence, compared to 28% of married women in that age group.<sup>727</sup> Fifteen percent of widows had experienced sexual violence, compared to 8% and 9% among divorced and married women respectively. Childless widows were especially vulnerable to such incidents, according to academic research.<sup>728</sup> This is related to the fact that childlessness is seen as suspicious and associated with witchcraft. In addition, they do not have (adult) children on whom to rely for economic or other support.<sup>729</sup>

#### *Malnutrition and disinheritance of widows*

<sup>719</sup> The Guardian, 'I had no choice': the desperate Nigerian women who sell their babies, 6 May 2020.

<sup>720</sup> CNN, 19 pregnant teens and women rescued from suspected baby traffickers in Nigeria, police say, 30 September 2019.

<sup>721</sup> OECD, *SIGI: Nigeria*, 2019. The Social Institutions and Gender Index (SIGI) of the OECD Development Centre measures discrimination against women in social institutions in 180 countries. By taking account of laws, social norms and practices, the SIGI captures the underlying drivers of gender inequality with the aim of providing the data needed for transformative policy change. More information about the OECD SIGI can be found at: <https://www.genderindex.org/>.

<sup>722</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

<sup>723</sup> Baobab for Women's Human Rights Legal Literacy Series, *Divorce- The Dissolution of a Marriage in Muslim Personal Laws in Nigeria*, undated.

<sup>724</sup> Baobab for Women's Human Rights Legal Literacy Series, *Divorce- The Dissolution of a Marriage in Muslim Personal Laws in Nigeria*, undated.

<sup>725</sup> Hon. Justice Mohamed Lawal Omar, Cam Shari'a Court Of Appeal, Katsina State, *Custody And Guardianship Of Children: Shari'a Perspective*, 2019.

<sup>726</sup> World Bank Group, *Nutrition, Religion, and Widowhood in Nigeria*, August 2018.

<sup>727</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

<sup>728</sup> Ugwu and others, *Narratives of childless widows: exploring the lived experiences and well-being of childless widows in rural Nigeria*, 2020.

<sup>729</sup> Ugwu and others, *Narratives of childless widows: exploring the lived experiences and well-being of childless widows in rural Nigeria*, 2020.

Inheritance practices in Nigeria are one of the main causes of widows' vulnerable position in general.<sup>730</sup> In 2017, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern that inheritance law is still mainly based on a system in which inheritances are reserved for male descendants.<sup>731</sup> This picture is confirmed by the World Bank, which stated that land ownership laws as well as the customary law enforced in some states exclude women from property ownership. The World Bank states that in South-East Nigeria, a widow's right to own or use land is not guaranteed and family members usually seize her property.<sup>732</sup> While widows are vulnerable all over Nigeria, there seem to be differences between their treatment in Muslim and Christian communities. Research by the World Bank indicated that Christian widows – who have less to eat due to their marginalised position – were more likely to be underweight than Muslim widows, even after checking for other factors. This is striking because single and married Christian women were less underweight than Muslim women.<sup>733</sup> The study also found that Christian widows inherited considerably less and were more likely to be disinherited than Muslim widows, and that they were also more likely to be the victims of exclusion and mistreatment by in-laws after their husband's death.<sup>734</sup>

#### *Mourning rituals*

As in the previous reporting period, widows were subjected to various mourning rituals during this reporting period, in some cases with damaging consequences, in both northern and southern Nigeria.<sup>735</sup> The previous report indicated that after the death of their husbands, widows in North-East Nigeria have their heads shaved and are restricted in their social interactions for a year. The report further indicated that in southern Nigeria, widows must undergo various rituals to prove that they were not responsible for the death of their husband.<sup>736</sup> Widows who refuse to participate in these practices run the risk of being excluded by their husband's family. The Violence against Persons (Prohibition) Act (VAPP) of 2015 contains a section criminalising these practices. In practice, however, family members who mistreated widows were rarely arrested or prosecuted.<sup>737</sup>

#### *Violence against women*

Violence against women is widespread in Nigeria, and the most recent population survey from 2018 shows that the incidence of this violence has increased compared to the previous population survey from 2013.<sup>738</sup> According to the 2018 NDHS, 31% of Nigerian women aged 15-49 have experienced physical violence and 9% have experienced sexual violence. This percentage was 28% in 2008 and 2013.<sup>739</sup> Thirty-six percent of respondents who had been married in the past reported having been victims of domestic violence. This is higher than the figures recorded in 2008 (31%) and 2013 (25%).<sup>740</sup> Married women and women who had been married in the past most often identified their husband as the perpetrator of physical violence (58%). Women who had never been married most often identified their mother or stepmother as the perpetrator (36%). The percentage of women who had experienced physical violence was highest in the South-South zone (46%) and lowest in the North-West zone (12%). With regard to sexual violence, it was highest

<sup>730</sup> Vanguard, *Nigeria: Ugly Stories of How Widows Are Maltreated in Igboland*, 21 oktober 2020; World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 14, 2019.

<sup>731</sup> CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Nigeria*, July 2017.

<sup>732</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 14, 2019.

<sup>733</sup> World Bank Group, *Nutrition, Religion, and Widowhood in Nigeria*, pp. 43-49, August 2018.

<sup>734</sup> World Bank Group, *Nutrition, Religion, and Widowhood in Nigeria*, p. 50, August 2018.

<sup>735</sup> CNN, *Her husband died. Then his family shaved her head and made her strip beside his grave*, 27 March 2020; PassBlue, *Widows Lose Much More Than a Spouse: They Lose Their Dignity*, 17 June 2019; Confidential source, 27 October 2020.

<sup>736</sup> Ministerie van Buitenlandse Zaken, *Algemeen ambtsbericht Nigeria*, p. 42, June 2018.

<sup>737</sup> CNN, *Her husband died. Then his family shaved her head and made her strip beside his grave*, 27 March 2020.

<sup>738</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

<sup>739</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

<sup>740</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

in the North-East. In Gombe State, 45% of women have experienced such violence.<sup>741</sup>

*The Violence against Persons (Prohibition) Act (VAPP)*

In 2015, Nigeria adopted the VAPP in order to respond more appropriately to violence against women. The VAPP criminalises rape and other forms of sexual, physical and psychological violence and harmful traditional practices, and obliges the government to provide protection and services to victims, including medical, psychological, social and legal assistance by specialist service providers and government agencies, judicial protection measures for victims, a register of sex offenders and a special legal aid fund for victims.<sup>742</sup> The VAPP is federal legislation which so far has only been adopted in FCT (Abuja) and some of the 36 states. This means that women who are victims of violence, especially in northern Nigeria, cannot rely on the VAPP. According to the online VAPP Tracker, 17 states had passed legislation to implement the VAPP by November 2020: Abia, Kwara, Akwa Ibom, Bauchi, Kaduna, Anambra, Oyo, Benue, Ebonyi, Edo, Ekiti, Enugu, Osun, Ogun, Cross River, Lagos and Plateau.<sup>743</sup>

*Very low willingness among female victims to report violence*

The 2018 NDHS indicates that only a small proportion of female victims of violence seek help to put a stop to violence (32%). Fifty-five percent of victims said that they had never spoken to anyone about it. The percentage of women seeking help had increased by 1% compared with 2013. Most women who sought help did so from their own family or the family of their husband or partner. Among women who had experienced physical violence, 0.5% said that they had sought help from the police. Among women who had been victims of sexual violence, 7.4% said that they had gone to the police.<sup>744</sup>

*Criminal prosecution of perpetrators of violence against women*

Even when victims did report gender-based violence, the perpetrators were generally not prosecuted.<sup>745</sup> CEDAW stated as early as 2017 that there was no 'enforcement procedure' for the VAPP.<sup>746</sup> In a number of different states, special sexual assault referral centres have been set up where the Ministries of Justice, Health and Women's Affairs have joined forces to provide a better response to gender-based violence. Sources stated that by the end of 2020, about 30 such centres had opened in 17 Nigerian states and FCT.<sup>747</sup> These centres provide health care, legal assistance, psychological assistance and physical protection.<sup>748</sup> However, the World Bank stated in 2019 that the police and the judiciary are generally unable to respond adequately to reports of violence against women.<sup>749</sup> Despite the establishment of gender desks at most police commands in Nigeria, little progress has been made in dealing with allegations of violence against women, because most

<sup>741</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 429, October 2019.

<sup>742</sup> Nigeria, *Violence against Persons Prohibition Act*, 2015.

<sup>743</sup> Partners West Africa – Nigeria, *VAPP Tracker*, last accessed 26 November 2020. See: <https://www.partnersnigeria.org/vapp-tracker/>. There are a number of states that adopted the VAPP during the reporting period. Abia and Kwara were the most recent states to do so, in October 2020. Akwa Ibom and Bauchi did so in June and July 2020, Enugu in May 2019 and Kaduna in December 2018. Ynaija.com, *Akwa Ibom just signed the VAPP Act into law, what does this mean?*, 23 June 2020; News Diary, *Bauchi Assembly passes VAPP bill*, 30 June 2020.

<sup>744</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 456, October 2019.

<sup>745</sup> Confidential source, 27 October 2020.

<sup>746</sup> CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Nigeria*, p. 8, July 2017.

<sup>747</sup> Confidential source, 13 December 2020; Justice-Security Nigeria, *Awyetu sexual assault referral centre established in Abuja*, November 2020.

<sup>748</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, 2019.

<sup>749</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, 2019; Confidential source, 27 October 2020.

desks lacked resources,<sup>750</sup> and/or the staff on these desks lacked the necessary expertise to respond adequately to reports of gender-based violence, according to a confidential source.<sup>751</sup> In many police stations in rural and semi-urban areas, there is also a lack of female officers to whom victims can turn.<sup>752</sup> Specifically with regard to partner violence, several sources stated that many police officers believe this is matter between a husband and wife that the police should not get involved in.<sup>753</sup>

Very few charges of domestic violence or violence against women are brought to trial. When the police bring cases to court, according to a 2019 IRBC report, there are a series of obstacles that prevent effective trial of the perpetrators: female victims are unaware of their rights; in cases of domestic violence, the family often forces victims to withdraw their reports; and going to court is expensive. These obstacles are even greater for rural women, who tend to be less aware of their rights and who live further away from the courts (which are located in cities). While there are schemes to provide free legal aid for women who are victims of violence,<sup>754</sup> these were inadequate, according to the IRBC.<sup>755</sup>

#### *Sexual and other violence against women by police officers*

In 2019 and 2020 there were several cases of police officers being accused of using violence, including sexual violence, against women. In some cases the responsible officers were prosecuted. In 2019, female protesters in Abuja claimed they had been raped by police officers after being arrested. They said that the officers accused them of prostitution. Police announced an investigation into the claims, the outcome of which is unknown.<sup>756</sup> In January 2020, a female lawyer who assisted a woman who was reporting a rape was attacked by police officers in Enugu state. A few days after the report, the police raided the office of the Women's Aid Collective, a women's rights organisation to which the lawyer was affiliated.<sup>757</sup> In May 2020, two police officers were arrested for killing a 16-year-old girl in Lagos after a Twitter storm had erupted in which Nigerians demanded justice for the victims' relatives.<sup>758</sup> In July 2020, a police officer was arrested in Rivers state for raping a woman at a checkpoint because she was not wearing a face mask to prevent the spread of COVID-19.<sup>759</sup>

#### *Conflict-related sexual violence*

As already noted in Chapter One, the conflict with Boko Haram in north-eastern Nigeria is characterised by the widespread use of sexual violence against women and children.<sup>760</sup> In 2019, the UN documented 826 allegations of sexual assault in connection with the Boko Haram conflict.<sup>761</sup> In 88% of these cases, the perpetrator was a member of a non-state armed group such as one of the Boko Haram factions

<sup>750</sup> IRBC, *Nigeria: Domestic violence, including legislation; protection and support services offered to victims (2016-November 2019)*, 14 November 2019; Confidential source, 27 October 2020.

<sup>751</sup> Confidential source, 27 October 2020.

<sup>752</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 9-10, 2019.

<sup>753</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 31, 2019; Australia, *DFAT Country of Information Report – Nigeria*, p. 22, 2018.

<sup>754</sup> For example, *The International Federation of Women Lawyers* works with the Ministry of Justice to provide women with such support. In Lagos, a *Sexual and Domestic Violence Response Team* supported by the state provides medical, psychological and social support to victims. In Lagos, victims also have access to free legal aid from the *Office of the Public Defence*.

<sup>755</sup> IRBC, *Nigeria: Domestic violence, including legislation; protection and support services offered to victims (2016-November 2019)*, 14 November 2019.

<sup>756</sup> BBC, *#WeAreTired: Nigerian women speak out over wave of violence*, 4 June 2020; CNN, *Nigerian police arrested 65 women in a raid. Some of the women say officers raped them*, 13 May 2019.

<sup>757</sup> Human Rights Watch, *Nigeria: Lawyer Says Police Assaulted Her*, 6 February 2020.

<sup>758</sup> The Punch, *Two cops arrested as Nigerians demand justice for slain Lagos girl*, 30 May 2020.

<sup>759</sup> The Guardian Nigeria, *Police officer abducts, rapes woman for not wearing face mask*, 30 July 2020.

<sup>760</sup> The New York Times, *They Fled Boko Haram, Only to Be Raped by Nigeria's Security Forces*, 8 December 2017.

<sup>761</sup> The UN states that this is probably less than the actual number of incidents of sexual assault that have occurred, due to under-reporting.

or the CJTF (see 1.2.2). The security forces were involved in 12% of the cases.<sup>762</sup> In IDP camps, the CJTF and security forces had sex with women in exchange for food, according to Amnesty International.<sup>763</sup> As already discussed in 3.2.2, Amnesty International stated in 2018 that the Nigerian authorities had not made enough effort to seek justice for the victims of the serious human rights violations, including sexual violence, that had taken place in the context of the Boko Haram conflict.<sup>764</sup>

#### *Shelters for female victims of violence*

Several sources indicated that while shelters exist for female victims of gender-based violence, these facilities are inadequate. In 2017, CEDAW stated that there was not enough information available about shelter options for victims of gender-based violence,<sup>765</sup> and this was still true in 2020. One confidential source indicated that there is 'a sort of' shelter in most states, and a second confidential source indicated that some states had several shelters.<sup>766</sup> However, a third confidential source indicated that there were significantly fewer shelter options for women in the north than for women in the south.<sup>767</sup> In general, sources stated that the shelter facilities were inadequate to provide protection for the high number of victims of gender-based violence in Nigeria.<sup>768</sup>

State-run shelters were strongly criticised by various sources.<sup>769</sup> The law requires the authorities in every state to provide at least a shelter for victims of domestic violence. However, the World Bank indicated that while these shelters existed, they were not functional in several states. For example, there was no gas, water and light, or the facilities were too dirty to use.<sup>770</sup> These observations confirmed DFAT's conclusions in 2018 regarding shelters for victims of domestic violence.<sup>771</sup> On the basis of information from the NGO Women's Rights and Health Project (WRAHP), an IRBC report from 2020 further stated that victims sometimes had to pay to use government shelters and were often only allowed to stay for two weeks.<sup>772</sup> A confidential source indicated that efforts were in progress by the government to integrate shelters for victims of various forms of gender-based violence into the better equipped shelters for victims of human trafficking (see 6.3 and 6.4).<sup>773</sup> However, other sources stated that the conditions in these shelters are also far from adequate.<sup>774</sup>

NGOs provided most of the care for victims of gender-based violence. Examples of such initiatives are the centres of The Value Female Network in Osogbo (Osun state) and of The Women's Helping Hand Initiative in Lagos. Various sources indicated that some of these shelters face a lack of resources and space, and that women can therefore often only stay for a short time, if at all.<sup>775</sup>

<sup>762</sup> United Nations Security Council, *Conflict-related sexual violence: Report of the Secretary-General*, 3 June 2020.

<sup>763</sup> Amnesty International, *'They Betrayed Us' Women Who Survived Boko Haram Raped, Starved And Detained In Nigeria*, 2018: 52.

<sup>764</sup> United Nations Security Council, *Conflict-related sexual violence: Report of the Secretary-General*, 3 June 2020.

<sup>765</sup> CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Nigeria*, July 2017: 8.

<sup>766</sup> Confidential source, 23 October 2020.

<sup>767</sup> Confidential source, 27 October 2020.

<sup>768</sup> Confidential source, 27 October 2020; Confidential source, 23 October 2020; Confidential source, 26 October 2020.

<sup>769</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 31, 2019; Australia, DFAT Country Information Report Nigeria, p. 22, 9 March 2018.

<sup>770</sup> World Bank Group, *Gender-Based Violence: An Analysis of the Implications for the Nigeria For Women Project*, p. 31, 2019.

<sup>771</sup> Australia, DFAT Country Information Report Nigeria, p. 22, 9 March 2018.

<sup>772</sup> IRBC, *Nigeria: Domestic violence, including legislation; protection and support services offered to victims (2016-November 2019)*, 14 November 2019.

<sup>773</sup> Confidential source, 23 October 2020.

<sup>774</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarino, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, 10 September 2018; Confidential source, September 2020.

<sup>775</sup> Confidential source, 23 October 2020; Confidential source, 26 October 2020.

### *Shelter with family*

Victims of gender-based violence can settle with family (elsewhere in the country) if there are no other shelter options. The victim's situation is then determined by the prosperity of her family, the quality of her relationship with the family members who offer her shelter and the extent to which she can provide for her own livelihood and that of any children.<sup>776</sup>

## 3.4.6

### *FGM*

Female genital mutilation/cutting (FGM/C, hereinafter FGM) is a deep-rooted cultural phenomenon practised by virtually all religious and ethnic groups in both northern and southern Nigeria,<sup>777</sup> even though it has been made a criminal offence. This section examines recent developments in the area of FGM.

### *A decrease in the percentage of circumcised women*

The latest population survey indicated a decrease in the number of women undergoing FGM between 2013 and 2018. The 2018 NDHS stated that 20% of Nigerian women between the ages of 15 and 49 had been circumcised.<sup>778</sup> In 2013 that percentage was still 25%.<sup>779</sup> The 2018 NDHS also indicated that the percentage of circumcised women between the ages of 15 and 19 was significantly lower than the percentage of circumcised women between the ages of 44 and 49: 14% and 31%, respectively. As most women in Nigeria are circumcised at a young age, this also points to a decrease in FGM cases. The 2018 NDHS also asked mothers with daughters if their daughters (aged 0 to 14 years) had been circumcised. Eighty-one percent of the mothers indicated that this was not the case. However, UNICEF stated in 2018 that it is still expected that 10 million Nigerian girls will be circumcised by 2030.<sup>780</sup>

### *Different types of FGM*

The WHO<sup>781</sup> distinguishes three main types of genital mutilation and a fourth collective category of other types of mutilation that may or may not be practised in combination with the three main types.

- 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.

Type II, excision, was the most common in Nigeria.<sup>782</sup> However, according to the 2018 NDHS, a large proportion of respondents who had undergone FGM did not know which type it was (44%). A confidential source stated that this is partly due to the fact that in practice the distinction between different types of FGM is not so clear, because circumcisers do not adhere to the WHO categorisation, so that cases of FGM often display characteristics of several categories.<sup>783</sup> 41% of the circumcised respondents indicated that they had undergone type II, excision. Type I, clitoridectomy, was mentioned in 10% of cases and type III, infibulation, in 6% of

<sup>776</sup> Confidential source, 26 October 2020.

<sup>777</sup> Confidential source, 23 October 2020; 28 Too Many, *Nigeria: The Law and FGM*, p. 11, June 2018.

<sup>778</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 466, October 2019.

<sup>779</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 466, October 2019.

<sup>780</sup> UNFPA and UNICEF, *Putting it all together: a case study from Nigeria*, 2018.

<sup>781</sup> World Health Organization.

<sup>782</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 479, October 2019.

<sup>783</sup> Confidential source, 30 September 2020.



cases. The 2018 population survey also asked about the use of other forms of FGM such as *angurya*,<sup>784</sup> *gishiri*,<sup>785</sup> and the insertion of corrosive substances or herbs in order to cause bleeding in the vagina (type IV). Forty percent of the circumcised respondents stated that they had been subjected to *angurya*, while 13% had undergone *gishiri* and 7% had had constricting substances introduced.<sup>786</sup>

A comparison between the figures on the prevalence of different types of FGM from the national population surveys from 2013 and 2018 shows that the percentage of women who do not know what type of FGM was used has increased in particular.

### Prevalence of different types of FGM in circumcised women between the ages of 15 and 49 in 2013 and 2018

	2013	2018
<b>Type I</b>	5.8%	10%
<b>Type II</b>	62%	41%
<b>Type III</b>	6.3%	6%
<b>Unknown</b>	26.3%	44%

However, type II remained the most common form of FGM in Nigeria and the percentage of women subjected to the most severe form of FGM (type III: infibulation) also remained roughly the same. Of the respondents with daughters (aged zero to fourteen), 4% reported having used type III (infibulation) on their daughters, indicating that this practice is decreasing.<sup>787</sup>

#### *The circumcisers*

According to the 2018 NDHS, 82% of circumcised girls between the ages of zero and fourteen were circumcised by a traditional circumciser. This figure was 76% for women between 15 and 49 years old. Traditional midwives were responsible for 8% of circumcisions in both categories. Health care professionals were responsible for 7% of circumcisions in girls and 9% of circumcisions in women.<sup>788</sup> Sources interviewed for this study stated that they did not know of any cases of girls or women being forced to become circumcisers themselves after being circumcised.<sup>789</sup>

#### *FGM by region*

FGM occurs in all geographical zones of Nigeria, but regional differences exist. According to the 2018 NDHS, FGM was most common in the South-West (30%) and South-East (35%) zones of Nigeria. It was least common in the North-East zone (6%). The states with the highest percentage of women who had undergone FGM were Ebonyi, Ekiti and Imo. In these states, between 51% and 62% of women between the ages of 15 and 49 had been circumcised. These states were followed by Kaduna, Kwara, Ondo and Osun, where between 38% and 50% of women in this age group had been circumcised. The percentage was lowest in Adamawa and Gombe, where less than 1% of women had suffered genital mutilation.<sup>790</sup>

#### *FGM in the city and in the countryside*

In cities, the percentage of women aged 15 to 49 who had been circumcised was higher than in rural areas: 24.2% in cities against 15.6% in the countryside.<sup>791</sup> However, because most women are circumcised at a very young age, they may have been circumcised while living in the countryside and moved to the city later. The percentage of girls under the age of 14 who had been circumcised was about the

<sup>784</sup> The removal of tissue from around the vaginal opening.

<sup>785</sup> The making of incisions in the vaginal wall.

<sup>786</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 479, October 2019.

<sup>787</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 479, October 2019.

<sup>788</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 469, October 2019

<sup>789</sup> Confidential source, 30 September 2020; Confidential source, 23 September 2020.

<sup>790</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 467, October 2019.

<sup>791</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 473, October 2019.

same in the city as in the countryside in 2018. An expert on FGM in southern Nigeria indicated that girls and women in rural areas are at greater risk of being circumcised due to community pressure.<sup>792</sup>

#### *FGM among different population groups*

The percentage of circumcised women varies between different population groups.<sup>793</sup> Circumcision is most common among the Yoruba (35%) and least common among the Tiv and Igala (1%).<sup>794</sup> Other population groups among which FGM was common were the Igbo (30.7%) and Hausa (19.7%).<sup>795</sup> Among the Ekoi, Fulani and Ibibio, the figure was around 10%, while among the Ijaw/Izon and Kanuri/Berberi it was just over 5%. Type II FGM was the most commonly used type among the Yoruba and Igbo. 61.9% of circumcised Hausa respondents said that they did not know what type of FGM they had undergone or refused to share this information. 23.4% of circumcised Hausa respondents indicated that they had undergone type II, excision. Type II was the most common in all population groups, except for the Kanuri/Berberi,<sup>796</sup> among whom Type I was the most often used.<sup>797</sup> Angurya was the most commonly used type among Fulani and Hausa women. 73.8% of circumcised Fulani respondents and 83.3% of circumcised Hausa respondents said that they had undergone it.<sup>798</sup> Type III was the most common among the Ijaw,<sup>799</sup> who mainly live in the states of Ondo, Bayelsa, Delta, Edo, Akwa Ibom and Rivers. 26.5% of circumcised Ijaw women said they had undergone type III.<sup>800</sup> They were followed by Igbo women (12.2%) and Ibibio women (11.7%).<sup>801</sup>

The NDHS surveys showed that there were no population groups in Nigeria where 100% of girls/women had been circumcised. Confidential sources confirmed this picture.<sup>802</sup>

#### *The vast majority of circumcisions took place before the age of five*

Most Nigerian women who have been circumcised were circumcised before they turned five. However, this percentage was higher in the Muslim north than in the Christian south of the country. The 2018 NDHS indicated that 85% of circumcised women between the ages of 15 and 49 had the procedure before the age of five. The likelihood of FGM having occurred before the age of five was higher in women under 25 years of age: 91% of circumcised women under 25 said that circumcision had taken place before their fifth birthday, whereas this percentage was 79% for women over 45 years of age.<sup>803</sup> With regard to the age at which women are circumcised, there were differences between Christian and Muslim women. In nine out of ten cases, circumcised Muslim women had undergone the procedure before the age of five. This figure was 77% in the case of circumcised Christian women. The percentage of women circumcised before the age of five was highest in the North-West zone (97%) and lowest in the South-South zone (59%). In the South-

<sup>792</sup> Confidential source, 30 September 2020.

<sup>793</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019. Confidential source, 30 September 2020.

<sup>794</sup> The Yoruba are one of the largest population groups in West Africa. The area where most of the Yoruba are settled is known as Yorubaland. In Nigeria, the states of Oyo, Ogun, Kwara, Ondo, Ekiti, Lagos and parts of Kogi fall within these zones. The Yoruba represent 15.5% of the Nigerian population. <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>

<sup>795</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 473, October 2019.

<sup>796</sup> The Kanuri, also known as Kanouri, Beriberi or Kanowri, are a population group in West and Central Africa. They live near Lake Chad, for example in Borno state in North-East Nigeria, in Niger, in Chad and in Cameroon. The Kanuri represent 2.4% of the Nigerian population.

<sup>797</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 473, October 2019. As the total number of circumcised Kanuri/Berberi respondents was only 35, these percentages are not weighted.

<sup>798</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 475, October 2019.

<sup>799</sup> The Ijaw are a fishing people from the Niger Delta. They represent 1.8% of the Nigerian population.

<sup>800</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019; 473.

<sup>801</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019; 473.

<sup>802</sup> Confidential source, 30 September 2020. Confidential source, 23 September 2020.

<sup>803</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 473, October 2019.

South zone, a quarter (24%) of circumcised women between the ages of 15 and 49 did not undergo FGM until the age of 15 or older.<sup>804</sup>

*The parents as the main decision-makers in the case of FGM in girls*

In most cases involving young girls, the parents decide whether or not their daughters will be circumcised.<sup>805</sup> Sources consulted for this report had differing views on whether fathers or mothers had more influence on the decision whether or not to circumcise a daughter. Several confidential sources emphasised that mothers play a vital role in the decision in favour of FGM for their young daughters.<sup>806</sup> There is also a strong link between whether or not a mother is circumcised and the likelihood that a daughter will be circumcised. The 2018 NDHS indicated that daughters of women who had been circumcised themselves were more likely to be circumcised as well. Fifty-six percent of daughters between the ages of zero and 14 whose mothers had been circumcised had also been circumcised themselves. This figure was 17% for girls whose mothers had not been circumcised.<sup>807</sup> There was a correlation between the mother's level of education and the likelihood of a girl being circumcised: daughters of mothers who had continued education after secondary school were less likely to have been circumcised than daughters of mothers without higher education. Education also influenced women's attitudes to the persistence of FGM: the less education a woman had, the more likely she was to support the continued existence of FGM. This was also true with regard to prosperity: the less affluent a woman was, the more likely she was to support the continued existence of FGM.<sup>808</sup>

Several sources indicated that fathers rather than mothers played a decisive role in this choice.<sup>809</sup> Based on 40 interviews with parents and health professionals from four states, the Population Council concluded that while mothers were responsible for arranging circumcision, fathers played a key role in the decision about FGM.<sup>810</sup> The study suggested that mothers did not allow their daughters to undergo FGM without the father's consent.<sup>811</sup> One confidential source confirmed this observation,<sup>812</sup> and also stated that if a father wanted his daughter to undergo FGM but the mother did not, the daughter would probably be circumcised anyway.

*The influence of grandmothers on the choice in favour of FGM*

However, several sources of this country of origin information report indicated that there were cases where young girls were circumcised without parental consent, at the instigation of grandmothers. Confidential sources indicated that they knew of cases in which grandmothers played a decisive role in the decision to have a girl circumcised by putting pressure on mothers and fathers to have their daughters circumcised.<sup>813</sup> One confidential source knew of a specific example from 2019 where a step-grandmother in Borno had her two granddaughters circumcised after the mother died.<sup>814</sup> This source also estimated that in south-eastern Nigeria, in about

<sup>804</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 468, October 2019.

<sup>805</sup> Population Council, *Understanding Medicalisation of FGM/C: A Qualitative Study of Parents and Health Workers in Nigeria*, January 2018; Cappa, Thomson en Murray, *Understanding the association between parental attitudes and the practice of female genital mutilation among daughters*, PLoS ONE, 2020;

<sup>806</sup> Confidential source, 23 September 2020; Confidential source, 23 October 2020. The insights from these sources are consistent with insights from statistical analysis of NDHS data from 2013. Cappa, Thomson en Murray, *Understanding the association between parental attitudes and the practice of female genital mutilation among daughters*, PLoS ONE, 2020.

<sup>807</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 483, October 2019.

<sup>808</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 468, October 2019.

<sup>809</sup> Confidential source, 30 September 2020; Population Council, *Understanding Medicalisation of FGM/C: A Qualitative Study of Parents and Health Workers in Nigeria*, pp. 14, 16, 17, January 2018.

<sup>810</sup> Population Council, *Understanding Medicalisation of FGM/C: A Qualitative Study of Parents and Health Workers in Nigeria*, pp. 14, 16, 17, January 2018.

<sup>811</sup> Population Council, *Understanding Medicalisation of FGM/C: A Qualitative Study of Parents and Health Workers in Nigeria*, p. 16, January 2018.

<sup>812</sup> Confidential source, 30 September 2020.

<sup>813</sup> Confidential source, 30 September 2020.

<sup>814</sup> Confidential source, 26 October 2020.

one in 15 cases it was the extended family or wider community that determined whether a girl would be circumcised. According to this source, this happened when parents themselves were financially or otherwise unable to take care of their children and had thus in practice lost control over their children.<sup>815</sup> The negative impact that grandmothers can have on the probability of a granddaughter being circumcised was also acknowledged by Emmanuel Abah, the director of the National Orientation Agency (NOA) in Ebonyi in an article in *Business Day* in 2020.<sup>816</sup> The Population Council study from 2018 also referred to grandmothers' considerable influence over decision-making about FGM, citing an example where a grandmother took her granddaughter to be circumcised against the mother's will.<sup>817</sup>

#### *The influence of traditional and religious leaders on FGM*

There is no detailed research on the views of Nigerian religious leaders on FGM. During the reporting period, some initiatives were announced in which both Christian and Muslim religious leaders spoke out against FGM, for example in Imo, Enugu and Kwara states.<sup>818</sup>

#### *No specific age limit for FGM*

NDHS data showed that FGM also occurs later in life in Nigeria, especially in the south of the country. The first periods/signs of puberty, prior to marriage and during pregnancy/childbirth are the main trigger points for FGM in teenagers and adult women.<sup>819</sup> No information was available on an age limit for the practice of FGM in Nigeria in the publications consulted for this report. Confidential sources also said that they were not aware of any specific maximum age at which FGM could occur, but indicated that pregnancy/childbirth is the latest possible moment at which women are circumcised in Nigeria.<sup>820</sup>

#### *FGM prior to marriage*

FGM in order to facilitate a marriage is a phenomenon mainly found in southern Nigeria.<sup>821</sup> Several sources stated that there is a widespread belief that circumcision makes women less licentious and hence better wives.<sup>822</sup> It is sometimes instigated by the girl's family in order to facilitate the search for a suitable husband, and sometimes done at the request of the future husband's family. According to a confidential source, this latter phenomenon is common in Ebonyi.<sup>823</sup> Another confidential source stated that undergoing FGM is also a prerequisite for marriage among some population groups in Calabar,<sup>824</sup> such as the Efik and Ibibio. There, women are circumcised during the pre-marriage period, which they spend in the so-called 'fattening room', where they are confined in order to put on weight.<sup>825</sup>

<sup>815</sup> Confidential source, 23 November 2020. Statistical research based on NDHS data from 2013 indicated that 8% of couples who were both against FGM had nonetheless had daughters circumcised because of interference from other family members. Cappa, Thomson en Murray, *Understanding the association between parental attitudes and the practice of female genital mutilation among daughters*, PLoS ONE, 2020.

<sup>816</sup> National Orientation Agencies are responsible for communicating government policy in Nigeria. They have their own website: <https://www.noa.gov.ng/>. Business Day, *Female genital mutilation practice drops significantly in Ebonyi*, 25 August 2020.

<sup>817</sup> Population Council, *Understanding Medicalisation of FGM/C: A Qualitative Study of Parents and Health Workers in Nigeria*, p. 16, 2018.

<sup>818</sup> Business Day, *Female genital mutilation practice drops significantly in Ebonyi*, 25 August 2020; Market Watch, *FGM - Religious Leaders Support Unicef's Effort in Imo*, 20 August 2020; Daily Nigerian, *Islam forbids female genital mutilation, other harmful practices to human body - Cleric*, 7 July 2020.

<sup>819</sup> Atibinye Dotimi, *Lived Experiences of Women from the Odi community in Nigeria of Female Genital Mutilation: Doctoral Dissertation Walden University College of Health Sciences*, p. 48, 2016. Confidential source, 30 September 2020; Confidential source, 26 October 2020; Confidential source, 23 October 2020; Confidential source, 23 September 2020.

<sup>820</sup> Confidential source, 30 September 2020.

<sup>821</sup> Confidential source, 26 October 2020; Confidential source, 23 October 2020.

<sup>822</sup> Confidential source, 26 October 2020; Confidential source, 23 September 2020.

<sup>823</sup> Confidential source, 30 September 2020.

<sup>824</sup> Confidential source, 23 October 2020.

<sup>825</sup> For more background information on fattening rooms, see: World Pulse, *Bride Confinement, Fattening and Circumcision: A Cultural Practice in Nigeria*, 2016.

### *FGM during pregnancy and childbirth*

FGM also occurs during pregnancy and childbirth, according to several confidential sources.<sup>826</sup> In the south FGM during pregnancy is more common, whereas in the north *yankan gishiri* (the making of incisions in the vaginal wall) is practised during childbirth.<sup>827</sup> Research for this report found no evidence that FGM was practised after childbirth. According to a confidential source, there are also several reasons for the use of FGM during pregnancy/childbirth in northern and southern Nigeria. In the south, according to confidential sources, FGM is mainly used to protect the male baby against the 'evil influence' of the clitoris during childbirth.<sup>828</sup> In the north, circumcisers apply *yankan gishiri* before and during childbirth to make it quicker and easier.<sup>829</sup> In reality, it does not have these effects, and the use of *yankan gishiri* can lead to serious complications such as obstetric fistulas that can cause general incontinence.<sup>830</sup> A confidential source stated that the use of this practice was partly due to the lack of professional midwives and health care services in this region.<sup>831</sup>

None of the publications consulted for this report mentioned any cases in which women were subjected to FGM again during a second or third delivery. Confidential sources indicated that they were not aware of such a practice.<sup>832</sup> *Yankan gishiri* could in theory be repeated in consecutive deliveries. It was not known whether this occurred in practice. One confidential source indicated that women who had already undergone infibulation (the most severe form of circumcision) needed to be cut open before childbirth and then 'constricted' again.<sup>833</sup> In such cases, incision is necessary for the child to be born at all.

### *Opposing and evading FGM*

This section examines whether teenagers, adult women and mothers are able to evade FGM for themselves or their children. Confidential sources indicated that although it is possible to refuse FGM, this can lead to rejection, and there is a lack of financial and other forms of support and shelter options in such cases.<sup>834</sup> According to confidential sources, adult women who absolutely do not want to be circumcised cannot be forced to be circumcised.<sup>835</sup> Anti-FGM campaigns in Nigeria therefore focus heavily on encouraging (young) women to say no to circumcision.<sup>836</sup> No figures were available on the number of women who successfully evaded circumcision during the reporting period. The literature review for this country of origin information report only identified a few publications mentioning successful attempts to run away within Nigeria, and all of these cases predated the reporting

<sup>826</sup> Confidential source, 23 September 2020; Confidential source, 23 October 2020; Confidential source, 30 September 2020.

<sup>827</sup> VOA News, *Nigerian Health Workers Blame Cultural Practices for Fistula Epidemic*, 29 May 2018; Olikemi Bello and others, Nigeria, a high burden state of obstetric fistula: a contextual analysis of key drivers, *The Pan African Medical Journal*, 2020.

<sup>828</sup> Confidential source, 23 October 2020; Confidential source, 23 September 2020. The insights from these confidential sources confirm insights from earlier academic research into FGM and pregnancy in Nigeria, which indicated that in southern Nigeria, this practice was prevalent in the Niger Delta among the Odi and Urhobo peoples. Bamgbose, *Legal & Cultural Approaches to Sexual Matters in Africa: The Cry of the Adolescent Girl*, University of Miami International and Comparative Law Review. Vol. 10, No. 2, 2001-2002; Kolawole and Van de Kwaak, *A Review of Determinants of Female Genital Mutilation in Nigeria*, Journal of Medicine and Medical Sciences, December 2010; Atibinye Dotimi, *Lived Experiences of Women from the Odi community in Nigeria of Female Genital Mutilation: Doctoral Dissertation Walden University College of Health Sciences*, 2016; Yola, *Yankan Gishiri (Salt Cut)*, International Journal of Obstetric Trauma, 2011

<sup>829</sup> VOA, *Nigerian Health Workers Blame Cultural Practices for Fistula Epidemic*, 29 May 2018.

<sup>830</sup> Obstetric fistulas are open connections between the bladder and the birth canal or the rectum and birth canal. This condition leads to total incontinence, 24 hours a day. VOA, *Nigerian Health Workers Blame Cultural Practices for Fistula Epidemic*, 29 May 2018.

<sup>831</sup> Confidential source, 23 October 2020.

<sup>832</sup> Confidential source, 23 September 2020.

<sup>833</sup> Confidential source, 30 September 2020.

<sup>834</sup> Confidential source, 23 October 2020; Confidential source, 30 September 2020.

<sup>835</sup> Confidential source, 30 September 2020; Confidential source, 23 September 2020.

<sup>836</sup> Confidential source, 23 October 2020; Confidential source, 30 September 2020.

period.<sup>837</sup> Women who have fled FGM and remained in Nigeria are probably reluctant to share their stories. There are also no figures available on the number of cases in which girls/women have made unsuccessful attempts to escape. Here, too, it is very likely that victims are reluctant to share details about their failed escape attempts. However, two confidential sources confirmed that such cases did occur.<sup>838</sup> The first source indicated that girls are sometimes intercepted.<sup>839</sup> The second indicated that women sometimes return to their communities because they are unable to survive economically.<sup>840</sup> When they return, they are then forced to undergo FGM after all.<sup>841</sup>

#### *Risk of expulsion*

Views differ on the extent to which a refusal to undergo FGM can lead to expulsion from the extended family/wider community. On the basis of the available information, it can be argued that rejection does occur, but that not all women who refuse to undergo FGM are rejected. Several confidential sources stated that the social pressure to get circumcised is particularly great for teenage girls, and that those who do manage to persuade their parents not to have them circumcised run the risk of experiencing bullying and social exclusion.<sup>842</sup> A confidential source indicated that it is because of this risk of stigmatisation that some teenage girls in southern Nigeria actually insist on being circumcised.<sup>843</sup> This source also stated that in communities where the majority of women have been circumcised, the decision not to undergo circumcision may also prevent a girl from finding a suitor within the community. According to this source, in communities where it is considered prestigious/important to marry within the same community, this leads to great pressure on young women to get circumcised.<sup>844</sup> However, UNFPA/UNICEF research into FGM in Ebonyi, Ekiti, Imo, Osun and Oyo found that there were few if any social consequences for girls who had not been circumcised.<sup>845</sup> It is unclear whether this observation relates to girls who actively opposed circumcision or those whose parents/family had no intention of circumcising them anyway. One confidential source stated on this question that, generally speaking, in south-western Nigeria there are no serious consequences associated with refusing circumcision.<sup>846</sup> However, this source confirmed that in some communities where the tradition is still strong, it will be impossible for a girl to find a husband and that there have been cases of teenage girls who were eventually compelled to be circumcised.<sup>847</sup>

#### *Lack of financial and other support and shelter options for women seeking to flee FGM*

Most women who do not want to be circumcised or who want to save their daughters from being circumcised flee from their rural communities to the city.<sup>848</sup> According to sources, women could in principle try to start a new life there or settle with friends or family who are against FGM.<sup>849</sup> Since the majority of Nigerian women are not circumcised, most Nigerians are against FGM according to the NDHS, and since there is relatively little social control in cities, it is likely that their status as uncircumcised women will not be known and/or will not cause them problems. However, confidential sources indicated that in practice it is often difficult for women

<sup>837</sup> In 2017, UNFPA and UNICEF described a case of three teenagers in the Izzi community in Ebonyi state who managed to evade circumcision by running away to an Anglican church after being told they were about to be circumcised. The church, with the help of UNICEF, was able to persuade the parents not to go ahead with the circumcision. UNFPA and UNICEF, *How to transform a social norm: Reflections on Phase II of the UNFPA-UNICEF Joint Programme on Female Genital Mutilation*, pp. 19-20, 2017.

<sup>838</sup> Confidential source, 30 September 2020; Confidential source, 23 October 2020.

<sup>839</sup> Confidential source, 23 October 2020.

<sup>840</sup> Confidential source, 26 October 2020.

<sup>841</sup> Confidential source, 26 October 2020.

<sup>842</sup> Confidential source, 30 September 2020; Confidential source, 23 September 2020.

<sup>843</sup> Confidential source, 30 September 2020.

<sup>844</sup> Confidential source, 23 October 2020.

<sup>845</sup> UNFPA and UNICEF, *Putting it all together: a case study from Nigeria*, p. 10, 2018.

<sup>846</sup> Confidential source, 23 October 2020.

<sup>847</sup> Confidential source, 23 October 2020.

<sup>848</sup> Confidential source, 30 September 2020.

<sup>849</sup> Confidential source, 30 September 2020; Confidential source, 26 October 2020.

to survive in cities because there are few places they can turn to for different types of help such as legal assistance, psychosocial assistance, economic assistance and emergency or longer-term accommodation.<sup>850</sup> Given the lack of support for women attempting to flee FGM, according to several confidential sources, the probability of an escape attempt succeeding depends on the extent to which a girl/woman was financially independent when she left, and whether she has the necessary skills to provide for her own income once she is in the city.<sup>851</sup>

#### *Emergency shelter*

Women who are trying to escape FGM can turn to a number of specialised NGOs and shelters for victims of gender-based violence for emergency or other accommodation, but this assistance is generally inadequate. There is no centralised online overview of such services in Nigeria. It is therefore hard to obtain a picture, based on the available online and offline information, of the number of organisations providing such assistance to victims, the nature of their activities and the geographical distribution of these organisations. The NGOs mentioned by confidential sources are: Girl Power Initiative (GPI) in Cross River, Campaign against FGM (CAGeM), Child Adolescent and Family Survival Organization- Women's Right Action Group (CAFSAO-WRAG), Women Environmental Programme in Anambra, Kick Against Genital Mutilation (KAGM) in Kwara, The Value Female Network (VFN) in Osun, Family Succour in Ebonyi, Upliftment Foundation in Ebonyi.<sup>852</sup> Hotlines have been set up by NGOs in at least two Nigerian states, Osun and Ekiti, where women who are at risk of being circumcised or who have been circumcised can seek help.<sup>853</sup> The confidential sources stated that the NGOs were able to refer women to their own shelters or to state-run shelters for victims of gender-based violence. As described in 3.4.5, these facilities for victims of gender-based violence are generally inadequate. One confidential source indicated that in practice, therefore, there is very little support for women and girls attempting to flee FGM.<sup>854</sup> Two other confidential sources stated that for most women seeking to flee FGM, life does not improve once they are in the city. They also indicated that there is a high risk that these women will end up in prostitution or as victims of human trafficking.<sup>855</sup>

#### *Other activities against FGM by the authorities, international organisations and local NGOs*

Other anti-FGM activities by NGOs in Nigeria mainly focus on health care provision for victims and public education about FGM.<sup>856</sup> In addition, there are organisations actively providing free legal aid to victims of gender-based violence, including FGM.<sup>857</sup> The Nigerian Government developed its first National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria for the period 2013-2017.<sup>858</sup> This plan was revised in 2018, and in 2019 WHO announced the publication of a new National Plan of Action for the period 2020-2024.<sup>859</sup> International actors such as UNICEF and UNFPA fund most anti-FGM activities in Nigeria. Over the past decade, they have mainly invested in combating FGM in the states of Ebonyi, Ekiti, Imo, Osun and Oyo through health care and raising awareness of the undesirability of FGM.<sup>860</sup>

<sup>850</sup> Confidential source, 30 September 2020; Confidential source, 26 October 2020.

<sup>851</sup> Confidential source, 30 September 2020.

<sup>852</sup> Confidential source, 23 October 2020; Confidential source, 30 September 2020; Confidential source, 23 September 2020; Confidential source, 26 October 2020.

<sup>853</sup> Confidential source, 23 October 2020.

<sup>854</sup> Confidential source, 30 September 2020.

<sup>855</sup> Confidential source, 26 October 2020; Confidential source, 23 September 2020.

<sup>856</sup> UNFPA and UNICEF, *PERFORMANCE ANALYSIS FOR PHASE II: UNFPA-UNICEF: Joint Programme on Female Genital Mutilation: Accelerating Change*, pp. 84-86, 2018.

<sup>857</sup> Confidential source, 27 October 2020.

<sup>858</sup> Nigeria, *National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria (2013-2017)*.

<sup>859</sup> World Health Organization Nigeria, *WHO and partners harmonize Government efforts to stop medicalization of Female Genital Mutilation*, 11 December 2019.

<sup>860</sup> UNFPA and UNICEF, *PERFORMANCE ANALYSIS FOR PHASE II: UNFPA-UNICEF: Joint Programme on Female Genital Mutilation: Accelerating Change*, pp. 84-86, 2018.

### *Situation of women who return after fleeing abroad*

No information was available on the fate of uncircumcised girls and women who returned to Nigeria after their asylum application had been rejected. Given that the ages at which women are circumcised vary, it is difficult to assess whether a woman is at no or less risk if she has passed the 'usual age of circumcision' by the time she returns.

### *Reporting to the police and criminal prosecution of FGM practitioners*

FGM is a criminal offence under the VAPP (for more details about the VAPP, see 3.4.5). As noted in 3.4.5, this federal law had been adopted in FCT and 17 of the 36 states by November 2020. It is therefore possible to make a report to the police about FGM.<sup>861</sup> According to a DFAT report from 2018, there had been an increase in the number of reports to the police and NHRC, and a confidential source confirmed that victims were more willing to report FGM as a result of information campaigns.<sup>862</sup> However, various sources also indicated that these reports are seldom acted on, and that the barriers to reporting FGM are still high for victims.<sup>863</sup> These sources also indicated that the police response to these reports was still inadequate. For example, DFAT stated that it is still 'extremely difficult' for women and girls to obtain proper protection against FGM: the strong support for this practice in certain communities and the 'traditional attitude' of the police ensure that the practice is likely to continue, it said.<sup>864</sup> The traditional attitude consists of a refusal by the police to interfere in matters that – as they see it – fall within the sphere of the family. A confidential source confirmed that the police do not know how to handle FGM cases and that it is possible for perpetrators to bribe the police.<sup>865</sup> The NGO 28 Too Many said it was aware of cases where individuals attempting to report the crime were turned away by the police because officers believed that FGM is a family matter that the police should keep out of.<sup>866</sup> A confidential source confirmed that this attitude exists among police officers.<sup>867</sup> In addition to the often inadequate response by the police to reports of FGM, the willingness to report among victims and their families also remains low. Those who arrange FGM are generally family members/loved ones. A confidential source indicated that many victims refrain from reporting in order to maintain good relations with their family, husband and/or in-laws.<sup>868</sup>

There were no criminal prosecutions or convictions of FGM perpetrators during the reporting period.<sup>869</sup> There are several reasons for the lack of criminal prosecution, such as the low number of reports and the fact that the VAPP has not been adopted in all states of Nigeria, so that FGM is not a criminal offence everywhere. For example, a 2019 publication mentioned a case of a circumciser in Kwara state who offered his services free of charge through an ad on Facebook. The police did not arrest the man, because FGM was not a criminal offence in this state at the time.<sup>870</sup> Even in cases where FGM had been reported and was a criminal offence, no legal

<sup>861</sup> Confidential source, 23 October 2020.

<sup>862</sup> Australia, *DFAT Country Information Report Nigeria*, p. 21, 9 March 2018; Confidential source, 23 October 2020.

<sup>863</sup> In addition to the inadequate response by the police to reports of FGM, the willingness to report among victims and their families is often low, because the perpetrators of FGM are generally family members/loved ones. Ignorance of anti-FGM legislation also reduces the chances of perpetrators being prosecuted.

<sup>864</sup> Australia, *DFAT Country Information Report Nigeria*, p. 21, 9 March 2018.

<sup>865</sup> Confidential source, 23 October 2020.

<sup>866</sup> 28 Too Many, *Nigeria: The Law and FGM*, p. 6, June 2018.

<sup>867</sup> Confidential source, 30 September 2020.

<sup>868</sup> Confidential source, 26 October 2020.

<sup>869</sup> Confidential source, 30 September 2020; Confidential source, 23 September 2020; Confidential source, 23 October 2020; Confidential source, 26 October 2020.

<sup>870</sup> Impakter, *Female Genital Mutilation in Nigeria: Combative Legislation and the Issue's Impact on the Economic Growth of Women*, 25 June 2019; MailOnline, *Charity worker sparks fury with graphic images of young girl being subjected to female genital mutilation posted on Facebook to 'advertise' free circumcisions*, 10 January 2018.



proceedings took place. A confidential source said there was a 'weak link' between report to the police/arrest, investigation and criminal prosecution.<sup>871</sup>

#### 3.4.7 *Blood feuds and honour killings*

The previous country of origin information report stated that no evidence had been found of blood feuds and honour killings occurring in Nigeria.<sup>872</sup> No indications of such practices were found during the investigation for the present report either.

#### 3.4.8 *Minors*

This section examines the situation of minors (including unaccompanied minors) in Nigeria, focusing on care options for this group.

##### *Age of majority*

Under Section 277 of the Child's Rights Act of 2003, adulthood is reached at the age of 18.<sup>873</sup> At this age, for example, a person may vote and obtain a driving licence. However, not all states have implemented this law. In other legislation, such as the Criminal Procedure Act, a 17-year-old is considered to be an adult.<sup>874</sup> As the previous country of origin information report noted, the deficient birth registration system makes it difficult to determine whether the age of majority has been reached. The latest population survey from 2018 found that only 43% of children under the age of five were registered with the civil authorities (see 2.2.3 for more information on applying for birth certificates).<sup>875</sup>

##### *Legal capacity*

Under Section 18 of the Child's Rights Act, children cannot in principle enter into contracts.<sup>876</sup> One exception to this concerns the purchase of essential goods. A minor may also enter into a contract for an internship or for the provision of services, provided that this contract is in his or her best interests.<sup>877</sup>

##### *Child marriages*

As the previous report indicated, the age at which people can get married in Nigeria is a particularly controversial topic. The 1990 Marriage Act sets the legal age for marriage at 21 for both men and women. However, this can be waived with written consent from a parent or guardian. Section 21 of the Child's Rights Act states that a minor may not enter into a valid marriage. Section 23 makes child marriage a criminal offence.<sup>878</sup> Despite this, according to the latest NDHS from 2018, 43% of women between the ages of 20 and 49 were married before the age of 18 and 8% before the age of 15. Child marriage is most common in the North-West and North-East of the country, where these rates are higher.<sup>879</sup> As of November 2019, 11 northern states had not yet ratified the Child's Rights Act. In these states, the legal age for marriage is regulated by local law or Islamic jurisprudence, which adheres to the onset of puberty as the time when a girl may marry.<sup>880</sup> The pressure to marry – and to do so early – is related to the vulnerable socio-economic position of many families.<sup>881</sup>

##### *Compulsory education*

<sup>871</sup> Confidential source, 23 October 2020.

<sup>872</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 39, June 2018.

<sup>873</sup> Nigeria, *Child's Right Act*, 2003.

<sup>874</sup> Nigeria, *Criminal Procedure Act*, 1999.

<sup>875</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 18, October 2019.

<sup>876</sup> Nigeria, *Child's Right Act*, 2003, Section 18; Confidential source, 1 December 2020

<sup>877</sup> Nigeria, *Child's Right Act*, 2003.

<sup>878</sup> Nigeria, *Child's Rights Act*, 2003, Section 23.

<sup>879</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, October 2019.

<sup>880</sup> Girls Not Brides, *Nigeria*, accessed 2 December 2020; The Conversation, *Why the Child's Rights Act still doesn't apply throughout Nigeria*, 24 September 2020.

<sup>881</sup> VOA News, *Bride Price Custom Honored in Nigeria, Despite Concerns*, 30 November 2019.

Under the Universal Basic Education Act (2004), there is compulsory education from primary school (6 to 12 years) to the end of junior secondary school (12 to 15 years).<sup>882</sup> Education is free during this period. However, the most recent NDHS population survey shows that only 61% of children between the ages of 6 and 12 are in education. For boys of compulsory school age the figure is 62%, and for girls of compulsory school age it is 59%.<sup>883</sup> The percentage of children of compulsory school age who are actually in education is lowest in the North-East of the country (46%).<sup>884</sup> This percentage was historically already low, but according to academic research it has fallen further due to the effects of the Boko Haram conflict.<sup>885</sup>

#### *Care for unaccompanied minors*

The latest population survey shows that 6% of Nigerian children under 18 are orphans or have lost one of their parents. However, a higher proportion of children (8%) live without both biological parents. In the 15-17 years age category, 20.2% of respondents were in this situation.<sup>886</sup> The previous country of origin information report indicated that the care of orphans is mainly a matter for the extended family.<sup>887</sup> For children for whom this care option does not exist, the government, NGOs and religious organisations all offer care options. Sources consulted for this report indicated that this is still the case,<sup>888</sup> but that there are differences between urban and rural areas and the Christian south and Muslim north of Nigeria with regard to the care of orphans.<sup>889</sup> These will be discussed in more detail in the following paragraphs.

#### *Geographical differences in the care of orphans*

According to a confidential source, community life in the countryside ensures that there is a better safety net and more support for orphans and vulnerable children in rural areas than in urban areas. Family members are more likely to take care of orphans in rural areas. In cities, where individuals from different backgrounds live together, the chances of family members taking care of orphans are fairly limited. In such cases, orphans may be sent back to the villages where their parents came from, if there are relatives willing to take them in. If not, they sometimes end up in orphanages, which are mainly located in urban areas.<sup>890</sup>

According to the same source, there is also a great difference between the situation in the north and south of Nigeria with regard to the care of orphans. In the predominantly Muslim north, the system of *almajiri* boarding schools exists.<sup>891</sup> This is a network of Islamic boarding schools where children – usually boys between the ages of 4 and 18 – can study the Quran. These teachers sometimes have hundreds of children in their care and generally lack sufficient resources to take care of them. Most of the children attending *almajiri* schools therefore have to beg or perform other forms of child labour in order to support themselves and maintain the school.<sup>892</sup> This *almajiri* system hardly exists in the south of the country. Orphans

<sup>882</sup> Nigeria, *Compulsory, Free Universal Basic Education Act, 2004*, Section 2.

<sup>883</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 19, October 2019.

<sup>884</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 19, October 2019.

<sup>885</sup> Bertoni and others, 'Education is forbidden: The effect of the Boko Haram conflict on education in North-East Nigeria', *Journal of Development Economics*, 2019.

<sup>886</sup> National Population Commission, *Nigeria Demographic and Health Survey 2018*, p. 17, October 2019.

<sup>887</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 55, June 2018.

<sup>888</sup> Confidential source, 30 June 2020. The sources in question are four confidential reports on the situation at orphanages in Lagos, Gombe, Plateau and Cross River, all of which were published by the same organisation on 30 June. Each of these reports will be referred to from now on as 'confidential source, 30 June 2020'.

<sup>889</sup> Confidential source, 1 December 2020; BBC, *Coronavirus in Nigeria: The child beggars at the heart of the outbreak*, 15 May 2020.

<sup>890</sup> Confidential source, 1 December 2020; BBC, *Coronavirus in Nigeria: The child beggars at the heart of the outbreak*, 15 May 2020.

<sup>891</sup> Business Day, *How Sokoto children are abandoned by their parents and extorted by their guardians*, 24 March 2020.

<sup>892</sup> Confidential source, 1 December 2020; BBC, *Coronavirus in Nigeria: The child beggars at the heart of the outbreak*, 15 May 2020.

and vulnerable children in the south therefore generally end up with members of the extended family, in orphanages or on the street.<sup>893</sup>

#### *Care with extended family*

Orphans taken in by extended family run the risk of being subjected to various forms of exploitation and child abuse, but it is not known to what extent this occurs. According to a confidential source, the situation of children who are taken in by extended family depends on the intention with which the family members take the child in and the family's socio-economic position. Many family members will take in children out of altruistic motives,<sup>894</sup> but there are also cases where families take in orphans in order to use them as domestic help or as an unpaid worker in, for example, a family business.<sup>895</sup> The confidential source cited above stated that orphans taken in by family may be subject to the following forms of abuse and exploitation: denial of access to education, malnutrition, domestic violence, sexual exploitation and abuse, and child labour. Even if the family has good intentions, poverty may leave it unable to provide for the basic needs of orphans. Care in the family is not subject to any form of government supervision, nor is there any financial support from the state for families taking in minor relatives.<sup>896</sup>

#### *Presence and capacity of care homes*

For orphaned children who do not have family to go to, there are care homes run by the state or private organisations. Boys and girls of different age groups can go to these.<sup>897</sup> According to a confidential source, there is no unified register of all orphanages across the country.<sup>898</sup> Registration and licensing for such homes is carried out by the relevant state government through its Ministry of Women Affairs and Social Development (MWASD). Recent research into conditions at orphanages in four Nigerian states (Cross River, Lagos, Gombe and Plateau) suggested that there are significantly more care homes in southern Nigeria and that private organisations are responsible for looking after most unaccompanied minors in Nigeria.<sup>899</sup> Each state investigated in this study (Cross River, Lagos, Gombe and Plateau) had a single facility for orphans run by the state MWASD. In Gombe, the facility in question was not in use,<sup>900</sup> and in the other states there was insufficient capacity at these facilities. As a result, juvenile detention centres were used in Lagos, Gombe and Plateau to look after non-delinquent minors.<sup>901</sup>

It is not possible to provide a complete overview of private organisations involved in the care of unaccompanied children in Nigeria. The following is an incomplete selection of organisations active in the field of support and care for unaccompanied minors in the above states:<sup>902</sup>

#### Cross River:

- Jesus Cares Outreach
- Gapolunya Foundation Charity Children's Home
- Passion Universal Organisation
- Vessel of Mercy Shelter
- Hope for Street Children
- Blessed Hope and Faith Foster Family

<sup>893</sup> Confidential source, 1 December 2020; This Day, *Nigeria: NGO Feeds About 1,400 Street Children in Lagos Communities*, 21 June 2020.

<sup>894</sup> Confidential source, 30 June 2020.

<sup>895</sup> Confidential source, 1 December 2020. This phenomenon in which (usually wealthier) family members take in orphans and then exploit them was also mentioned by another confidential source in the context of an interview about human trafficking: Confidential source, 28 October 2020. Confidential source, 30 June 2020.

<sup>896</sup> Confidential source, 30 June 2020.

<sup>897</sup> Confidential source, 1 December 2020.

<sup>898</sup> Confidential source, 1 December 2020.

<sup>899</sup> Confidential source, 30 June 2020.

<sup>900</sup> Confidential source, 30 June 2020.

<sup>901</sup> Confidential source, 30 June 2020.

<sup>902</sup> These orphanages were identified by a confidential source. Confidential source, 30 June 2020.

- Mother Elizabeth Redeemed Home
- Society for Youth Development and Rescue Initiative

Lagos:

- Don Bosco Boys Street Children Home
- Motherless Babies Home Lekki
- Bales of Mercy Children's Home Kosofe
- Bab el Salam Ikeja
- Love Home
- Living Fountain Orphanage Victoria Island

Gombe:

- Christian new convert and orphans foundation (CNECOF) Gombe
- Bubba Isa Home
- Hamza Hassan Home

Plateau:

- Zawan Orphanage
- Kingdom Kids Home
- Kids with a Vision
- CLAPAI
- JOFIN
- House of Recap
- Binta Home
- Rafiki Foundation
- Pentecostal Christian Home
- Abbah Father Home
- Grace Garden
- Bazer Home
- Simji Girl Child
- Our Lady
- Anwatal Faidah Orphanage<sup>903</sup>

*Conditions at care homes*

The previous country of origin information report stated that the conditions at and the quality of care homes for neglected children and orphans varied from austere to poor. A confidential source confirmed that the situation in most orphanages in Nigeria is still 'appalling', with a lack of basic services and numerous cases of abuse and exploitation of orphans.<sup>904</sup> The above-mentioned study of the quality of orphanages in Lagos, Cross River, Plateau and Gombe showed that the quality of care varies greatly from facility to facility.<sup>905</sup> According to this study, care at private facilities is generally better than at state-run facilities.<sup>906</sup> The study identified several private facilities that were able to provide for the basic needs of children. Examples of such care homes in Cross River state are Blessed Hope and Faith Foster Family, Gapolunya Children's Residential Home, Mother Elizabeth Redeemed Home, Society for Youth Development and Rescue Initiative.<sup>907</sup> Examples of such shelters in Lagos state are Don Bosco Boys Street Children Home, Motherless Babies Home Lekki, Bales of Mercy Children's Home Kosofe.<sup>908</sup>

<sup>903</sup> This is the only Muslim orphanage in Plateau. The other orphanages are Christian.

<sup>904</sup> Confidential source, 1 December 2020.

<sup>905</sup> Confidential source, 30 June 2020.

<sup>906</sup> Confidential source, 30 June 2020.

<sup>907</sup> Confidential source, 30 June 2020.

<sup>908</sup> Confidential source, 30 June 2020.

While this study indicated that some private care homes met minimum standards for care of unaccompanied children, it also stated that both private homes and those managed by the MWASD lacked resources and were largely dependent on charity.<sup>909</sup> In some homes this led to a lack of basic facilities such as a separate bed for each child, sufficient food and clean sanitary facilities.<sup>910</sup> Access to medical care and education was also not always available.<sup>911</sup>

#### *Corrupt adoption practices*

In addition to the inadequate quality of care in many orphanages in Nigeria, the Nigerian media reported on orphanages that were guilty of corrupt adoption practices.<sup>912</sup> The study on the quality of care of unaccompanied minors cited above stated that there is always a risk with private childcare in Nigeria that it is really a business rather than a care facility. According to this report, ill-intentioned individuals can set up a care home as a source of income.<sup>913</sup>

#### *Supervision of care homes*

In 2007 the MWASD published national guidelines for the treatment/care of orphans and vulnerable children.<sup>914</sup> In this document, authorities at local level are designated as the institutions with primary responsibility for overseeing the welfare of orphans. In practice, both the police and Commissioners for Women/Gender Affairs are responsible at state level for inspections and for closing facilities if abuses are found.<sup>915</sup> Several facilities were closed during the reporting period.

#### *Street children*

It was not possible to find precise figures on the number of street children in Nigeria, but various sources speak of large numbers of street children, especially in large cities.<sup>916</sup>

<sup>909</sup> See for example: Confidential source, 30 June 2020; Nigeria Health Watch, *A Different Kind of Charity; Empowering Orphanages to Fight Malnutrition in the FCT*, 16 April 2019.

<sup>910</sup> Confidential source, 30 June 2020.

<sup>911</sup> Confidential source, 30 June 2020.

<sup>912</sup> The Sun, *Kano police rescue 27 children from alleged illegal orphanage home, attest proprietor*, 17 January 2020; Modupe Onayemi, *The significance of malpractice claims in the management of child adoption demands in Southwest Nigeria*, Criminology and Criminal Justice, 2019; The Guardian Nigeria, *Delta warns against sharp practices as two orphanages get approvals*, 22 February 2019; Pulse, *Orphanage where girl child is sold for N1.7m shut down in Edo*, 14 March 2020.

<sup>913</sup> Confidential source, 30 June 2020.

<sup>914</sup> Federal Ministry of Women Affairs and Development, *National Guidelines and Standards of Practice on Orphans and Vulnerable Children*, 2007; The iPHub, *Legal Arrangements For Children Without Parents Or Guardians In Nigeria*, 24 April 2017.

<sup>915</sup> Vanguard, *Edo govt shuts down orphanage over poor facilities, neglect*, 24 April 2020; The Nigerian Voice, *Borno State Commissioner Inspects Blind Centers, Orphanage, IDPs Children and Remand Homes in Maiduguri*, 4 October 2019

<sup>916</sup> This Day, *Nigeria: NGO Feeds About 1,400 Street Children in Lagos Communities*, 21 June 2020; Confidential source, 1 December 2020.

## 4 Refugees and displaced persons

The unstable security situation in Nigeria and surrounding countries has led to persistent flows of refugees and displaced persons in and around Nigeria. In February 2021, the UN recorded more than 2.9 million displaced persons in Nigeria<sup>917</sup> and more than 300,000 Nigerian refugees in the neighbouring countries of Chad, Niger and Cameroon.<sup>918</sup> During the reporting period, the number of political refugees from Cameroon residing in Nigeria also rose to 60,000.<sup>919</sup> In total, there were more than 66,000 refugees in Nigeria in February 2021.<sup>920</sup> However, some in these groups also returned to their place of residence or country of origin.<sup>921</sup> The following paragraphs examine in more detail developments with regard to and the situation of displaced persons and refugees in Nigeria.

### 4.1 Internally displaced persons (IDPs)

Violence by Boko Haram in north-eastern Nigeria was the main reason for the nearly 2.7 million displaced people in Nigeria at the end of this reporting period.<sup>922</sup> However, displacement also occurred as a result of violence between Fulani and Hausa and gang violence in North-West Nigeria and inter-ethnic violence in the Middle Belt. Due to a lack of monitoring, there is little information about the number of displaced persons and their living conditions in this last region. The number of new displaced persons as a result of the above conflicts has decreased since the end of 2019, however, when the number of displacements was higher. Data show that there were 248,000 new conflict-related displacements in 2019,<sup>923</sup> compared with 32,000 in the first half of 2020.<sup>924</sup> There was also displacement as a result of flooding in various parts of the country during the reporting period. In the first half of 2020, for example, the states of Adamawa, Akwa Ibom, Benue, Borno, Delta, Lagos, Kano and Kebbi were affected by this.<sup>925</sup> The following paragraphs take a closer look at the situation of displaced persons in different parts of Nigeria based on data from the UNHCR, the International Displacement Monitoring Centre (IDMC), the International Organization for Migration (IOM) and other humanitarian organisations.

#### 4.1.1 *Situation of displaced persons in North-East Nigeria*

The Boko Haram conflict is the most significant cause of displacement in Nigeria.<sup>926</sup> In February, more than 2.9 million individuals from Nigeria, Chad, Niger and Cameroon had been displaced as a result of this conflict.<sup>927</sup> In Nigeria, these displaced persons were spread across 13 states.<sup>928</sup> In August 2020, most of these

<sup>917</sup> UNHCR, *Operational Portal Refugee Situations – Nigeria*, last updated 28 February 2021.

<sup>918</sup> UNHCR, *Nigeria Situation*, last updated 28 February 2021.

<sup>919</sup> UNHCR, *Operational Portal Regional Response – Nigeria Situation*, last updated 31 October 2020; UNHCR Nigeria, *Cameroon Refugees Situation – Overall Refugee Population Coverage July 2020*.

<sup>920</sup> UNHCR, *Operational Portal – Nigeria*, last updated 28 February 2021. Other refugees in Nigeria are from Syria, DRC, CAR, Mali, Ivory Coast, Chad and Sudan. There were no more than 1,000 refugees from any of these countries in Nigeria in November 2020, according to UNHCR.

<sup>921</sup> UNHCR, *North East Nigeria – Protection Monitoring Report July-August 2020*; UNHCR, *Nigerian Spontaneous Refugee Returnees Situation Dashboard*, September 2020.

<sup>922</sup> IDMC, *"ONCE THE ROAD IS SAFE": Displacement and return in north-eastern Nigeria*, August 2019.

<sup>923</sup> The Internal Displacement Monitoring Centre (IDMC), based in Geneva, focuses on the collection and analysis of data on displacement. It has its own website: <https://www.internal-displacement.org/>. The IDMC counts the number of displacements rather than the number of individuals. This means that the total number of individuals displaced in 2019 may be less than 248,000, as a single individual may be displaced multiple times in the same reporting period.

<sup>924</sup> IDMC, *Country Information: Nigeria*, accessed 30 November 2020.

<sup>925</sup> IDMC, *INTERNAL DISPLACEMENT 2020: MID-YEAR UPDATE*, p. 14, undated.

<sup>926</sup> IDMC, *"ONCE THE ROAD IS SAFE": Displacement and return in north-eastern Nigeria*, August 2019.

<sup>927</sup> UNHCR, *Nigeria Situation*, last updated 28 February 2021.

<sup>928</sup> UNHCR, *Operational Portal Regional Response – Nigeria Situation*, last updated 31 October 2020.

approximately 1.9 million displaced persons in Nigeria were in North-East Nigeria (Adamawa, Yobe and Borno),<sup>929</sup> the highest number (1.5 million individuals) being in Borno state.<sup>930</sup> Of the 248,000 displacements recorded by the IDMC in 2019, some 105,000 occurred in North-East Nigeria.<sup>931</sup> Many of these displaced persons had been displaced since 2014/2015.<sup>932</sup> In addition, some 40% of those currently displaced in this region have been displaced several times.<sup>933</sup> Most of the displaced in Borno were located around the capital, Maiduguri. There were 32 official government-run IDP camps in this state, 16 of which were located around Maiduguri. The remaining 16 were spread across other parts of Borno. These official IDP camps do not have sufficient capacity to receive everyone. At the end of 2019, there were also about 200 informal camps in Borno where NGOs were trying to provide humanitarian support to displaced persons.<sup>934</sup> The majority (54%) of the displaced in Borno live outside camps, with family, friends, or in host communities.<sup>935</sup>

#### *Living conditions of displaced persons in North-East Nigeria*

Conditions in both official (government-run) IDP camps and informal IDP camps in Borno are concerning, according to several sources.<sup>936</sup> In September 2020, research found that 51 camps in Borno lacked adequate living space for the people there.<sup>937</sup> In October 2019, more than 400,000 displaced persons lacked adequate shelter. Thirty-four thousand of these were living in the open air.<sup>938</sup> Malnutrition was common and there was a lack of clean drinking and sanitary water in many camps.<sup>939</sup> In addition, several sources indicated that malaria was common during the rainy seasons and that there were also outbreaks of cholera and measles during the reporting period.<sup>940</sup> During this period, the situation in the camps in Borno was aggravated by natural disasters such as floods.<sup>941</sup> There was a lack of basic services such as education and health care in both the official and informal camps.<sup>942</sup> By way of illustration, IDMC stated in 2019 that there was one school with 12 classrooms in the official Teachers Village IDP camp in Maiduguri. Teachers Village was accommodating 22,000 individuals at the time.<sup>943</sup>

Compared with the North-West or North-Central zone of Nigeria, North-East Nigeria has a relatively high number of humanitarian groups to provide assistance to displaced persons and other vulnerable groups. Nonetheless, UNHCR data showed that during the first half of 2020, less than a fifth of the 5.4 million people in need in Borno, Adamawa and Yobe were being reached.<sup>944</sup> It is estimated that 800,000 people in this region are inaccessible to humanitarian organisations due to insecurity caused by Boko Haram.<sup>945</sup>

#### *Violations of the human rights of displaced persons in North-East Nigeria*

<sup>929</sup> UNHCR, *North East Nigeria – Protection Monitoring Report July-August 2020*.

<sup>930</sup> IDMC, *Country Information: Nigeria*, last accessed 30 November 2020.

<sup>931</sup> IDMC, *Country Information: Nigeria*, last accessed 30 November 2020.

<sup>932</sup> IDMC, *Country Information: Nigeria*, last accessed 30 November 2020.

<sup>933</sup> IOM, *DTM Nigeria Round 26*, January 2019.

<sup>934</sup> IDMC, *North-east Nigeria: A massive internal displacement crisis*, December 2019.

<sup>935</sup> UNHCR, *North East Nigeria – Protection Monitoring Report July-August 2020*.

<sup>936</sup> AD, 'Gebrek aan aandacht voor Nigeria is schokkend', 2 December 2019; Norwegian Refugee Council, Boko Haram conflict causing misery to millions 10 years on, 23 July 2019; IDMC, "ONCE THE ROAD IS SAFE": *Displacement and return in north-eastern Nigeria*, August 2019.

<sup>937</sup> Health Sector Nigeria, *COVID-19 Situation Update: North East Nigeria*, 13 September 2020.

<sup>938</sup> IDMC, *GRID 2020: Global Report on Internal Displacement*, p. 18, April 2020.

<sup>939</sup> MSF, *Borno state: In the face of the COVID-19 pandemic, malaria, malnutrition and water-borne diseases will not relent.*, 3 April 2020.

<sup>940</sup> Norwegian Refugee Council, Boko Haram conflict causing misery to millions 10 years on, 23 July 2019; MSF, "I have not seen such high numbers of measles cases", 17 May 2019; OCHA, *Humanitarian Needs Overview Nigeria: Humanitarian Programme Cycle 2020*, p. 19, December 2019.

<sup>941</sup> IDMC, *GRID 2020: Global Report on Internal Displacement*, p. 18, April 2020.

<sup>942</sup> Norwegian Refugee Council, Boko Haram conflict causing misery to millions 10 years on, 23 July 2019.

<sup>943</sup> IDMC, *North-east Nigeria: A massive internal displacement crisis*, December 2019.

<sup>944</sup> UNHCR, *Protection Monthly Update: January-June 2020*, undated.

<sup>945</sup> ACAPS, *Nigeria: Boko Haram*, accessed 30 November 2020.

During the reporting period, displaced persons were reported to be victims of human rights violations and other forms of violence. Various sources indicated that in IDP camps in Borno, women in particular were subjected to sexual violence, including rape and sexual exploitation.<sup>946</sup> Underage displaced girls were at increased risk of being married off by family members or recruited by human traffickers.<sup>947</sup> According to research by the UN, many of these girls ended up in situations of sexual exploitation.<sup>948</sup> The research found that most of the victims ended up in Nigeria itself or neighbouring countries. Two camps (Farm Centre and Madinatu) were used as starting points for human trafficking towards North Africa and the Gulf region.<sup>949</sup> Inhabitants of IDP camps, especially children, were generally at high risk of becoming victims of exploitation or forced labour in, for example, construction, agriculture and other sectors.<sup>950</sup>

#### *Little sign of permanent return for displaced persons in North-East Nigeria*

An analysis of IOM data by the IDMC shows that in 2019, 641,000 displaced persons returned to their own communities in Borno state, 783,000 in Adamawa and 133,000 in Yobe. However, 225,000 of these individuals returned to a situation of severe instability and insecurity. The UNHCR estimates that the homes of 97% of Nigerian IDPs returning to North-East Nigeria between January and March 2019 had been destroyed.<sup>951</sup> In 2019, IOM concluded that 63% of IDPs who had returned to Borno were living in temporary, makeshift shelters.<sup>952</sup> Many of those returning from Maiduguri failed to return to their own villages as it was still too dangerous. Instead, they were staying in the nearest urban centres.<sup>953</sup> In October 2020, the National Commission for Refugees, Migrants and IDPs (NCFRMI) announced that it would monitor the status of 350,000 displaced people in Borno in preparation for the return of this group.<sup>954</sup> Experts have questioned the feasibility of this objective, given the unstable security situation in North-East Nigeria.<sup>955</sup> During the reporting period, displaced persons who returned (forcibly or voluntarily) were victims of attacks and kidnappings by Boko Haram.<sup>956</sup>

#### 4.1.2

#### *The situation of displaced persons in the Middle Belt*

Less information is available on the situation of displaced people in the Middle Belt region than in the North-East.<sup>957</sup> This is partly due to the limited presence of international humanitarian organisations in the region. Nevertheless, several sources confirm that there were significant waves of displacement during the reporting period. Violence in the North-West and North-Central zones of Nigeria led to 88,000 displacements in 2019, according to the IDMC.<sup>958</sup> Violence between herders and

<sup>946</sup> UNHCR, *UNHCR Nigeria: SGBV 2019 Annual Report*, 20 May 2020.

<sup>947</sup> UNHCR, *Assessment of Trafficking Risks in Internally Displaced Persons Camps in North-East Nigeria*, April 2020; Confidential source, 26 October 2020.

<sup>948</sup> UNHCR, *Assessment of Trafficking Risks in Internally Displaced Persons Camps in North-East Nigeria*, p. 11, April 2020.

<sup>949</sup> UNHCR, *Assessment of Trafficking Risks in Internally Displaced Persons Camps in North-East Nigeria*, p. 14, April 2020.

<sup>950</sup> UNHCR, *Assessment of Trafficking Risks in Internally Displaced Persons Camps in North-East Nigeria*, p. 9, April 2020.

<sup>951</sup> UNHCR, *Nigeria: Refugee Returnees, Situation Dashboard*, 2019.

<sup>952</sup> IOM, *DTM Nigeria: Round 26*, January 2019.

<sup>953</sup> IOM, *DTM Nigeria: Round 26*, p. 22, January 2019; IDMC, "ONCE THE ROAD IS SAFE": *Displacement and return in north-eastern Nigeria*, August 2019.

<sup>954</sup> FCT Alert News Magazine, *Govt Begins Verification of 350,000 IDPs for Empowerment*, October 2020; Premium Times, *Boko Haram: Borno moves to return IDPs to 'liberated' communities*, 6 October 2020.

<sup>955</sup> ACAPS, *Humanitarian Perspectives: Highlights from 2019 - Risks in 2020*, p. 9, December 2019; Reuters, *Islamic State fills the void in Nigeria as soldiers retreat to 'super camps'*, 16 September 2019; Security Praxis, *Nigeria's Super-Camps Strategy: early gains, disappointing outcomes*, 26 June 2020; AD, 'Gebrek aan aandacht voor Nigeria is schokkend', 2 December 2019; Carnegie Endowment, *Stabilizing Northeast Nigeria After Boko Haram*, 3 May 2019.

<sup>956</sup> Garda World, *Nigeria: Suspected militants abduct hundreds of residents in Kukawa (Borno State) August 18*, 19 August 2020; Premium Times, *Why we're relocating IDPs to Baga despite attacks - Borno Attorney-General*, 14 October 2020

<sup>957</sup> IDMC, *Internal Displacement 2020: Mid-Year Update*, pagina 14, undated.

<sup>958</sup> IDMC did not provide any separate information about displacement in the Middle Belt region.



farmers led to another 55,000 displacements in the North-Central zone. This appears to represent a decrease from the number of displacements that took place in the first half of 2018, when, according to estimates, between 300,000 and 500,000 residents of the Middle Belt region fled.<sup>959</sup> The following paragraphs will examine the situation in the Middle Belt in more detail and the next section will discuss the situation in the North-West.

*Information about the numbers, profiles and locations of displaced persons in the Middle Belt*

Sources indicate that Benue and Plateau have been most severely affected by displacement as a result of the conflict between different population groups in the Middle Belt region.<sup>960</sup> According to IOM data, there were approximately 160,000 displaced persons in Benue, 96,000 in Plateau and 20,000 in Nasarawa in October 2019.<sup>961</sup> In September 2020, MSF stated that the number of displaced persons in the official and informal camps where MSF operates had doubled during the first half of 2020.<sup>962</sup> However, a confidential source indicated that the total number of displaced persons in the Middle Belt region has fallen since 2018.<sup>963</sup> The profiles of the displaced in the North-Central region vary by state. According to a confidential source, those in Benue are mainly Tiv farmers. Nasarawa took in large numbers of displaced Fulani, who had been driven to the neighbouring state partly because of the enforcement of the anti-open grazing law in Benue (for more information on this legislation, see 1.2.3). In Plateau, there was a lot of internal displacement of both farmers and Fulani during the reporting period: Berom farmers from the Barakin Ladi and Riyom LGAs were driven by Fulani to other parts of Plateau, as were Irigwe farmers from the Bassa and Bokkos LGAs. These displaced people took over some areas where the Fulani had settled. Fulani, in turn, seized some of the indigenous Berom villages in Plateau.<sup>964</sup> Displaced persons can often settle elsewhere within the same state or in a neighbouring state. A confidential source indicated that because land ownership plays a vital role in the conflict between herders and farmers, displaced persons who are unable and/or unwilling to go to one of the official government-run displacement camps can only settle on land of individuals belonging to the same ethnic group.<sup>965</sup>

Displacement is sometimes protracted in the Middle Belt region. Some of the displaced return to their own communities, but there are also cases where they become integrated in host communities.<sup>966</sup> Cases of long-term displacement are found, for example, among the Fulani from Plateau. Large-scale displacements took place among this group, in particular from the Barkin Ladi, Riyom, Jos South, Irigwe and Bassa LGAs, following violence in 2001 and 2010. These Fulani fled to the states of Bauchi and Kaduna and are still there. Reports in the media and in publications of aid organisations also indicate that many displaced Tiv and other farmers in Benue state have been displaced since 2015, with little prospect of returning.<sup>967</sup>

*Living conditions of displaced persons in the Middle Belt: food insecurity and absence of international humanitarian organisations*

<sup>959</sup> International Crisis Group, *Stopping Nigeria's Spiralling Farmer-Herder Violence*, p. 12, 26 July 2018; Premium Times, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020.

<sup>960</sup> Confidential source, 29 October 2020; MSF, "When I think about going home, I remind myself that a live dog is better than a dead lion", 1 September 2020.

<sup>961</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019.

<sup>962</sup> MSF, "When I think about going home, I remind myself that a live dog is better than a dead lion", 1 September 2020.

<sup>963</sup> Confidential source, 29 October 2020.

<sup>964</sup> Confidential source, 24 September 2020.

<sup>965</sup> Confidential source, 29 October 2020.

<sup>966</sup> Premium Times, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020.

<sup>967</sup> MSF, "When I think about going home, I remind myself that a live dog is better than a dead lion", 1 September 2020; Premium Times, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020; Confidential source, 24 September 2020.

As in the North-East of the country, in the Middle Belt of Nigeria there are both official IDP camps and informal camps/settlements within host communities in other villages or in cities. IOM research indicates that 75% of the displaced in the Middle Belt and North-West zone were living in informal camps/settlements. Living conditions in both the official and informal camps were of concern during the reporting period. According to MSF, there was poor hygiene and a lack of shelter, food, health care and education in most of the camps.<sup>968</sup>

IOM concluded in October 2019 that in Plateau and Nasarawa there were urgent food shortages in 30% and 16% of IDP camps respectively.<sup>969</sup> In Benue this was the case in 55% of the official and informal camps investigated by IOM.<sup>970</sup> This is related to the fact that most of the displaced in Benue are farmers. Many of them were returning to their land to look after their crops during the day and then staying in the IDP camps at night for safety reasons. However, MSF indicated that since 2019 it has become too dangerous to tend crops during the day,<sup>971</sup> which means that it has become harder for displaced people to provide for their own food. Because many international humanitarian organisations left the Middle Belt in 2019, support from them was also inadequate.

#### *Sexual violence against displaced women*

According to a report in the *Premium Times*, displaced women have been sexually assaulted by guards and other staff in IDP camps in Benue.<sup>972</sup> In addition, many displaced women are struggling with the economic consequences of the loss of their husbands, who in most cases were the breadwinners of the family.<sup>973</sup> This also led to the sexual exploitation of displaced women in Benue during the reporting period, in exchange for food and other basic necessities.<sup>974</sup>

#### *Criticism of the role of the authorities in managing the IDP crisis in the Middle Belt*

There was criticism during the reporting period of the Nigerian federal government's lack of financial support for displaced persons in Benue.<sup>975</sup> There was also criticism of the activities of Benue's State Emergency Management Agency (SEMA), which is responsible for running IDP camps and distributing food. For example, there were allegations that SEMA distributed spoiled food to displaced persons and that it withheld food that had been made available to it to distribute to vulnerable groups during the COVID-19 crisis.<sup>976</sup> SEMA denied both allegations.<sup>977</sup>

### 4.1.3

#### *Situation of displaced persons in North-West Nigeria*

In North-West Nigeria, Zamfara, Katsina, Sokoto and Kaduna have been worst affected by displacement. In October 2019, there were around 260,000 displaced persons in North-West Nigeria, according to IOM: 65,000 in Zamfara, 69,000 in Katsina, 62,000 in Kaduna, 44,000 in Sokoto and 21,000 in Kano.<sup>978</sup> In addition, there were 41,000 refugees from this region in neighbouring Niger at the time.<sup>979</sup> During the second half of the reporting period, the number of displaced persons in Zamfara, Katsina and Sokoto did not significantly decrease. In May 2020, there were

<sup>968</sup> MSF, "When I think about going home, I remind myself that a live dog is better than a dead lion", 1 September 2020.

<sup>969</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, p. 10, October 2019.

<sup>970</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, p. 10, October 2019.

<sup>971</sup> MSF, "When I think about going home, I remind myself that a live dog is better than a dead lion", 1 September 2020.

<sup>972</sup> *Premium Times*, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020

<sup>973</sup> Confidential source, 29 October 2020.

<sup>974</sup> *Premium Times*, *Surviving after Attacks: Sad tales of displaced Benue women*, 4 October 2020.

<sup>975</sup> *This Day*, *FG Abandons Benue IDPs, Excludes State from N10bn Disaster Fund*, 8 March 2020.

<sup>976</sup> *Vanguard*, *Benue not hoarding CACOVID palliatives — SEMA*, 26 October 2020; *The Punch*, *Benue didn't give IDPs spoiled beans — SEMA*, 29 April 2020

<sup>977</sup> *Vanguard*, *Benue not hoarding CACOVID palliatives — SEMA*, 26 October 2020; *The Punch*, *Benue didn't give IDPs spoiled beans — SEMA*, 29 April 2020

<sup>978</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019.

<sup>979</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, p. 4, October 2019.

46,000 displaced persons in Sokoto, 69,000 in Zamfara and 61,000 in Katsina according to UNHCR.<sup>980</sup> There were about 60,000 refugees from these regions in Niger at the time.<sup>981</sup>

According to data from 2019, armed crime and kidnappings by bandits were the main cause of displacement in Zamfara and Sokoto, whereas in Kaduna violence between different (ethnic) communities was the main cause.<sup>982</sup> In Katsina, inter-ethnic violence and natural disasters lay behind most of the displacements.<sup>983</sup> In August 2020, floods led to the displacement of 15,000 individuals in North-West Nigeria.<sup>984</sup>

Despite the high numbers of displaced people, there were relatively few official IDP camps in North-West Nigeria.<sup>985</sup> Displaced people have spread to almost all LGAs in this region.<sup>986</sup> However, there were concentrations in certain LGAs. In Zamfara state, most of the displaced lived in informal camps in the LGAs Anka, Maradun and Tsafe. The camps have been set up in an unfinished palace, abandoned government buildings and primary schools, and they provide shelter to both Hausa and Fulani IDPs.<sup>987</sup> In the state of Katsina, many displaced people were staying in an informal camp at a primary school in the Batsari LGA.<sup>988</sup> In Kaduna, many displaced Christians were staying in the Mercy IDP camp in Zonkwa in the Zangon Kataf LGA. Displaced Muslims from Hausa and Fulani communities were mainly living in the *Mariri* camp in the Lere LGA and in the *Ladduga* camp in the Kachia LGA, according to the Nigerian *Daily Trust*<sup>989</sup> newspaper.

*Living conditions of displaced persons in North-West Nigeria: serious food insecurity*  
The situation for displaced persons in North-West Nigeria was very bad during the reporting period.<sup>990</sup> The main problem was food insecurity.<sup>991</sup> In 2019, displaced persons in North-West Nigeria reported severe food shortages to IOM and UNHCR.<sup>992</sup> IOM data show that, in particular, displaced persons living outside camps – most of the displaced in North-West Nigeria – had poor access to adequate food.<sup>993</sup> In September 2019, the World Food Programme (WFP) stated that 70% of IDPs in Katsina, Zamfara and Sokoto did not have access to sufficient food.<sup>994</sup> In Zamfara and Sokoto in particular, many children suffered from Severe Acute Malnutrition (SAM). This was not confined to displaced children. The same WFP report stated that SAM was found in 18% of displaced children in Sokoto and 31% of displaced children in Zamfara.<sup>995</sup> This lack of food was partly due to the fact that most of the displaced in this region are farmers who, because of the violence and displacement, were no longer able to look after and harvest their crops. As well as food insecurity, both IOM and UNHCR identified many other problems in IDP camps

<sup>980</sup> UNHCR, *Protection Monitoring Dashboard Katsina, Sokoto and Zamfara*, May 2020.

<sup>981</sup> UNHCR, *Protection Monitoring Dashboard Katsina, Sokoto and Zamfara*, May 2020.

<sup>982</sup> Oyenike, 'Internal Displacement in North West & North Central Nigeria', *Towards Data Science*, 6 January 2020.

<sup>983</sup> Oyenike, 'Internal Displacement in North West & North Central Nigeria', *Towards Data Science*, 6 January 2020.

<sup>984</sup> FloodList, *Nigeria – 4 Dead, 15,000 Displaced After Floods in North*, 11 August 2020.

<sup>985</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019.

<sup>986</sup> Oyenike, 'Internal Displacement in North West & North Central Nigeria', *Towards Data Science*, 6 January 2020.

<sup>987</sup> Sahara Reporters, *Blood Thirsty Demons Of Zamfara (III): Displaced And Abandoned, The Story Of 30,000 Zamfarans*, 10 April 2019.

<sup>988</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019.

<sup>989</sup> Daily Trust, *In Southern Kaduna IDP Camps, Atyab, Fulani, Hausa Shed Tears*, 22 August 2020.

<sup>990</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019; Daily Trust, *In Southern Kaduna IDP Camps, Atyab, Fulani, Hausa Shed Tears*, 22 August 2020; UNHCR & NCRMFI, Joint Protection Assessment Mission to Northwest Nigeria: 25 July – 4 August 2019, undated.

<sup>991</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019; UNHCR & NCRMFI, Joint Protection Assessment Mission to Northwest Nigeria: 25 July – 4 August 2019, 9 September 2019.

<sup>992</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019; UNHCR & NCRMFI, Joint Protection Assessment Mission to Northwest Nigeria: 25 July – 4 August 2019, 9 September 2019.

<sup>993</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019

<sup>994</sup> WFP, *Rapid Food Security and Nutrition Assessment among Internally Displaced Households in Katsina, Sokoto and Zamfara States of Nigeria*, September 2019.

<sup>995</sup> WFP, *Rapid Food Security and Nutrition Assessment among Internally Displaced Households in Katsina, Sokoto and Zamfara States of Nigeria*, September 2019.

in North-West Nigeria, such as high rates of malaria, poor hygiene, lack of access to education and various forms of violence against women and children.<sup>996</sup> In Sokoto and Katsina, more than half of the displaced had no access to clean drinking water.<sup>997</sup>

#### *Return of displaced persons in Zamfara and Katsina*

In Zamfara and Katsina, displaced persons returned to their own communities during the second half of the reporting period. This return was partly due to pressure from the state authorities.<sup>998</sup> Several Nigerian newspapers stated that the SEMA in Zamfara indicated in June 2020 that 25,000 displaced persons had returned to their own communities following negotiations between the government and bandits.<sup>999</sup> In Katsina, the governor banned NGOs from continuing to offer humanitarian aid in IDP camps and called on the displaced to return home in August 2020.<sup>1000</sup> In Kaduna, the level of violence remained high in 2020 and few of the displaced returned.<sup>1001</sup>

## **4.2 Refugees from Cameroon in Nigeria**

As during the previous reporting period, the largest group of refugees in Nigeria came from Cameroon. Most of these were English-speaking Cameroonian refugees who had fled because of the conflict between English-speaking separatists and the (mainly French-speaking) Cameroonian government that has been raging since 2016.<sup>1002</sup> In March 2018, the Nigerian government granted *prima facie* temporary protection status (TPS) to Cameroonian nationals seeking asylum in Nigeria for an initial period of two years. This TPS was extended by two years on 23 June 2020.<sup>1003</sup> In principle, Cameroonian refugees can also apply for asylum in Nigeria by going through an individual procedure for refugee status under the UN Refugee Convention. The Nigerian government decided that in principle all Cameroonian refugees should apply for asylum through the TPS system, except for the Cameroonian refugees who were in the cities (about 0.8% of the total number of Cameroonian refugees in Nigeria).<sup>1004</sup> The number of Cameroonian refugees in Nigeria increased from the level in the previous reporting period. There were about 30,000 Cameroonian refugees in Nigeria in mid-2018, but that number had risen to more than 60,000 in early 2021.<sup>1005</sup> This increase can be attributed to the fact that in February 2020 about 8,000 individuals fled to Nigeria for fear of election-related violence in the run-up to the Cameroonian elections.<sup>1006</sup> The Cameroonian refugees in Nigeria were mainly staying in the border states of Akwa Ibom, Cross River, Benue and Taraba.<sup>1007</sup> About half of these refugees lived in four specially designated UNHCR camps.<sup>1008</sup> The remainder lived in Nigerian host communities in these states.

<sup>996</sup> IOM, *DTM Nigeria: North Central and North West Zones Round 2*, October 2019; UNHCR & NCRMFI, Joint Protection Assessment Mission to Northwest Nigeria: 25 July – 4 August 2019, 9 September 2019.

<sup>997</sup> WFP, *Rapid Food Security and Nutrition Assessment among Internally Displaced Households in Katsina, Sokoto and Zamfara States of Nigeria*, September 2019.

<sup>998</sup> European Commission, *Humanitarian Implementation Plan (HIP) Central Africa*, 9 July 2020; Daily Trust, *Katsina IDPs Languish In Camps, Returning Home Impossible Now*, 30 May 2020

<sup>999</sup> The Punch, *25,000 IDPs return home in Zamfara —Emergency Agency*, 30 August 2019.

<sup>1000</sup> Vanguard, *Nigeria: Masari Bans NGOs From IDP Camps in Katsina*, 12 August 2020.

<sup>1001</sup> Daily Trust, *Nigeria: We Need Govt's Intervention - Survivors of Southern Kaduna Crisis*, 19 July 2020; The Cable, *Conflict in a Pandemic (II): The deserted villages of Southern Kaduna where only the brave dare reside*, 6 October 2020

<sup>1002</sup> NOS, *Inwoners bezorgd: Kameroen staat op punt van uitbarsten*, 18 March 2017.

<sup>1003</sup> Confidential source, 6 January 2021; UNHCR, *Cameroonian refugee situation, Nigeria: 1-15 June 2018*, June 2018.

<sup>1004</sup> Confidential source, 26 January 2021.

<sup>1005</sup> UNHCR, *More Cameroonian refugees flee to Nigeria, bringing total arrivals close to 60,000 mark*, 13 February 2020; UNHCR, *Cameroon Refugees Overview*, last updated 28 February 2021.

<sup>1006</sup> rfi, *More Cameroonians enter Nigeria to flee violence*, 13 February 2020; UNHCR, *More Cameroonian refugees flee to Nigeria, bringing total arrivals close to 60,000 mark*, 13 February 2020

<sup>1007</sup> UNHCR, *Cameroon Refugees Overview*, July 2020.

<sup>1008</sup> UNHCR, *Cameroon Refugees Overview*, July 2020.

4.2.1

*Identity documents for Cameroonian and other refugees*

The Nigerian authorities worked with UNHCR and several international NGOs to register and provide ID cards to the Cameroonian refugees and hence facilitate their access to international and Nigerian humanitarian aid and various government services such as health care. In January 2021, 63,000 Cameroonian refugees were registered with the UNHCR.<sup>1009</sup> Refugee registration is carried out jointly by the Nigerian federal government through NCFRMI and UNHCR using a UNHCR registration tool, the ProGres-database. After registration, Cameroonian refugees receive the following documents:

- An attestation letter confirming their registration;
- A notice of recognition or denial of status;
- An identity card for refugees if the status is granted;
- And a Convention Travel Document (CTD) in the case of an individual application under the Refugee Convention.

When an asylum application is granted, the applicant receives notice of refugee status having been granted by the Nigerian federal government through NCFRMI by letter. If the application is rejected, the applicant will receive a rejection notice informing him or her of the right to appeal. All recognised refugees aged 14 and older receive an identity card. On recognition of individual refugee status, the applicant is entitled to a refugee identity card that is valid for four years. Cameroonians who have not gone through the individual refugee status procedure for recognition under the 1951 Convention receive an identity card that is valid for two years. The CTD, an ICAO-compliant biometric travel document for refugees with individual refugee status, began to be issued by the Nigerian Immigration Service (NIS) in conjunction with the NCFRMI in 2019. With a CTD, refugees can apply for a visa for international travel. Most Cameroonian refugees do not qualify for a CTD because they have a status under the TPS. Like all legal residents in Nigeria, refugees are required to register for the National Identity Number (NIN) issued by the National Identity Management Commission (NIMC) (see Chapter Two).<sup>1010</sup>

*Validity of documents*

The attestation letter (issued immediately after registration) is usually valid for three months, but can be extended until a final decision on the application has been made. The notice of status recognition is valid for as long as the status lasts, while the rejection notice is valid until the applicant's individual circumstances change or the decision rejecting the application is reviewed on appeal. The refugee ID card is renewable every four years for refugees with full status and after 18 months for refugees with TPS. The CTD can be renewed every four years. The NIN is valid for life.<sup>1011</sup>

4.2.2

*The situation of Cameroonian refugees: malnutrition, gender-based violence and insecurity due to cults*

Cameroonian refugees recognised under the 1951 Convention or the OAU Convention, particularly through the TPS, essentially have the same access to humanitarian assistance/Nigerian services (e.g. education, housing, employment, health care) as Nigerian citizens. UNHCR provides a monthly allowance to registered refugees to purchase food and other essentials and provides education to underage refugees.<sup>1012</sup> However, a confidential source indicated that the poor economic situation in Nigeria means securing employment remains a challenge for most citizens, and even more so for refugees and asylum seekers.<sup>1013</sup> The refugees based in 47 remote, hard-to-reach communities on the Nigeria-Cameroon border are

<sup>1009</sup> UNHCR, *Cameroonian Refugees in Nigeria*, p. 1, January 2021.

<sup>1010</sup> Confidential source, 6 January 2021.

<sup>1011</sup> Confidential source, 6 January 2021.

<sup>1012</sup> Al Jazeera, *Cameroon refugees struggle to cope with life of need in Nigeria*, 8 March 2020.

<sup>1013</sup> Confidential source, 6 January 2021.

particularly struggling economically.<sup>1014</sup> Malnutrition in women and children was a problem, as was access to education and health care. In addition, there were various forms of sexual and gender-based violence,<sup>1015</sup> such as trafficking in minors, child marriage, domestic violence and sex in exchange for basic necessities.<sup>1016</sup> According to this study, refugees from Cameroon and Nigerian host communities largely coexisted peacefully, although both groups reported that they regularly suffered from cult-related violence and organised crime.<sup>1017</sup>

#### 4.2.3 *Delayed return due to electoral violence in Cameroon*

In January 2020, some Cameroonian refugees returned after the Cameroonian authorities signed an agreement with the Nigerian government to facilitate the return of 700 refugees.<sup>1018</sup> However, this agreement could not be fully implemented due to the escalation of violence in Cameroon in the run-up to the elections.<sup>1019</sup>

### 4.3 **Nigerian refugees in the region**

The instability in North-West and North-East Nigeria has led to refugee flows to neighbouring Niger, Chad and Cameroon. In February 2021, there were 306,400 Nigerian refugees in these neighbouring countries: approximately 172,000 in Niger, 118,000 in Cameroon and 16,000 in Chad.<sup>1020</sup>

#### 4.3.1 *Concerning humanitarian and security situation for Nigerian refugees in Niger*

In Niger, many Nigerians from North-East Nigeria who fled Boko Haram have settled in Diffa. Both the humanitarian and the security situation there give cause for concern.<sup>1021</sup> Most of the displaced people in Diffa live in 140 informal encampments by the side of the main road in the region. In addition, there is a UNHCR camp at Sayam Forage. Displaced people in Diffa are almost entirely dependent on international humanitarian organisations for basic necessities. In February 2020, the biometric data of 204,359 individuals residing in Diffa had been registered; this was 78% of the entire population there.<sup>1022</sup> 120,619 Nigerian refugees were living in Diffa at that time. Some Nigerian refugees have returned from Diffa, but the ongoing humanitarian crisis in North-East Nigeria often makes permanent returns to their own communities impossible (see 1.2.2 and 4.1.1).

Niger has also taken in Nigerians who have fled gang violence in North-West Nigeria. Most Nigerian refugees from Zamfara, Sokoto, Kano and Katsina were in Maradi.<sup>1023</sup> For example, around 30,000 Nigerians fled to Maradi in April and May 2020.<sup>1024</sup> Ninety percent of these are women and children.<sup>1025</sup> At the time, there were about 60,000 Nigerian refugees in Maradi. By October, UNHCR had managed to register 41,538 Nigerian refugees.<sup>1026</sup> There was an urgent need for food, shelter and clean water in Maradi.<sup>1027</sup> The situation in this region is changing all the time, with numerous returns and new displacements.<sup>1028</sup>

<sup>1014</sup> UNHCR, *Displaced Cameroonians struggle in Nigeria*, 15 May 2019; Al Jazeera, *Cameroon refugees struggle to cope with life of need in Nigeria*, 8 March 2020; MSF, *Cameroonian refugees in Nigeria*, 25 January 2019.

<sup>1015</sup> UNHCR, *Cameroonian Refugees Situation SGBV Mid-Year Report: January – June 2020*, 21 September 2020.

<sup>1016</sup> UNHCR, *Cameroon Refugees Overview*, p. 2, June 2020.

<sup>1017</sup> UNHCR, *Cameroon Refugees Overview*, p. 5, June 2020.

<sup>1018</sup> VOA News, *Cameroon Receives First Returning Asylum-Seekers, Ex-Separatists from Nigeria*, 2 January 2020.

<sup>1019</sup> ACAPS, *Nigeria: Cameroonian Refugees in Nigeria*, accessed 30 November 2020.

<sup>1020</sup> UNHCR, *Nigeria Situation*, accessed 12 March 2021.

<sup>1021</sup> MSF, *Violence, humanitarian needs and fear mount in Diffa*, 4 April 2019; TIME, *Boko Haram Refugees Find Safety in Niger. But How Long Can the Country Remain a Safe Haven in the Sahel?*, 30 January 2020

<sup>1022</sup> UNHCR, *Fact Sheet Diffa Region: Looking Beyond the Emergency toward Development*, February 2020.

<sup>1023</sup> UNHCR, *Nigeria violence sees 23,000 refugees flee into Niger in last month alone*, 12 May 2020.

<sup>1024</sup> UNHCR, *More than 30,000 refugees flee violence in northwestern Nigeria in last two months alone*, 26 June 2020.

<sup>1025</sup> UNHCR, *More than 30,000 refugees flee violence in northwestern Nigeria in last two months alone*, 26 June 2020.

<sup>1026</sup> UNHCR, *Fact Sheet Maradi Niger: A New Relocation Campaign Will Start in Maradi*, October 2020.

<sup>1027</sup> UNHCR, *Brutal attacks in Nigeria force thousands of women and children into Niger's Maradi region*, 25 June 2020.

<sup>1028</sup> ACAPS, *Niger: Nigerian Refugees*, accessed 30 November 2020.

4.3.2 *Deportation of Nigerian refugees in Cameroon*

As described in the previous country of origin information report, Nigerian refugees in Cameroon run the risk of being forcibly deported.<sup>1029</sup> The Cameroonian authorities continued this practice during this reporting period. Around 10,000 Nigerians were forcibly deported in 2018, and 9,000 Nigerian refugees who had fled Boko Haram attacks on the village of Rann a few days earlier were also immediately expelled in the first months of 2019.<sup>1030</sup> Since 2019, there have been no new reports of mass deportations of Nigerian refugees from Cameroon. Most Nigerian refugees in Cameroon stay in Minawao or Goura. Both the security situation and the humanitarian situation are concerning in this region. For example, there were attacks on IDP camps in Cameroon during the reporting period.<sup>1031</sup> There is a need for shelter and clean water, and a lack of sanitary facilities and education.<sup>1032</sup>

4.3.3 *Stabilisation of the situation of Nigerian refugees in Chad*

In December 2018, about 6,000 Nigerian refugees – mostly women and children – left via Lake Chad to Ngouboua in Chad, 20 kilometres from the border. At that time, Chad was already hosting around 11,000 Nigerian refugees in a camp near Dar-es-Salaam (not to be confused with the capital of Tanzania). The new cohort of refugees was also moved there in early 2019, because the region near the border is too unsafe.<sup>1033</sup> In October 2020, there were still approximately 15,000 Nigerian refugees in Chad. In August 2020, MSF indicated that the humanitarian situation on the shores of Lake Chad in Chad had become more stable.<sup>1034</sup>

<sup>1029</sup> Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, June 2018.

<sup>1030</sup> Foreign Policy, *Cameroon Used to Welcome Refugees. Now It Forcibly Expels Them.*, 12 February 2019.

<sup>1031</sup> UNHCR, *UNHCR outraged by attack on camp hosting displaced people in Cameroon, at least 18 people killed*, 4 August 2020.

<sup>1032</sup> OCHA, *Lake Chad Basin: Crisis Update*, June 2019.

<sup>1033</sup> VOA News, *Thousands of Nigerian Refugees Flee to Chad for Safety*, 23 January 2019.

<sup>1034</sup> MSF, *Over 10 million people heavily dependent on aid for survival*, 2020.

## 5 Repatriation

Many migrants return to Nigeria every year. There are various programmes to support returnees to Nigeria with their travel to and economic and other reintegration in Nigeria. Which programme a returnee can use depends on the country where he/she is based before returning to Nigeria and whether or not he/she cooperates with the repatriation. Nigerian returnees who are based in the Netherlands are eligible for two programmes. Voluntary returnees can make use of the voluntary repatriation programme of IOM Netherlands.<sup>1035</sup> This programme supports returnees in the run-up to their departure, organises the journey and provides reintegration support after their return to Nigeria. Between 2018 and 2020, about 130 Nigerians returned to Nigeria from the Netherlands.<sup>1036</sup> Just under 100 individuals made use of the IOM voluntary repatriation programme.<sup>1037</sup> Forced returnees from the Netherlands are not eligible for this IOM programme, but on arrival in Nigeria can make use of reintegration support provided by the European Return and Reintegration Network (ERRIN) under its joint reintegration programmes.<sup>1038</sup>

However, by far the largest group of returnees to Nigeria during this reporting period came from Libya or Niger with the support of IOM as part of a humanitarian evacuation.<sup>1039</sup> Between 2017 and December 2020, when the programme ended, more than 17,000 Nigerians returned from these two countries.<sup>1040</sup> As this is the group about which the most information is available, their experiences will also be discussed in this chapter. In this discussion of the situation of returnees after their arrival in Nigeria, an attempt will be made where necessary in the following paragraphs to distinguish as far as possible between the experiences of those repatriated voluntarily and forcibly and between returnees from the Netherlands/Europe and those from Libya/Niger.

### 5.1 Reception at the airport by the authorities

There is no evidence of systematic problems between returnees (voluntary and forced) and the authorities on arrival in Nigeria.

#### *Reception of voluntary returnees*

Voluntary returnees (from the Netherlands and from Libya/Niger) are assisted by IOM on arrival. Returnees from Libya/Niger came in large groups at the same time. IOM assisted the Nigerian authorities in receiving these returnees. IOM also made arrangements, if necessary, to accommodate these returnees during their first night in Nigeria and provided EUR 90 of 'pocket money'.<sup>1041</sup> According to various sources, voluntary returnees experienced no problems with the authorities at the airport. One confidential source reported overhearing derogatory remarks by government officials at the airport about female returnees who had been on a return flight from Libya or Niger.<sup>1042</sup>

<sup>1035</sup> For more information, see: <https://iom-nederland.nl/en/voluntary-return>.

<sup>1036</sup> Confidential source, 9 March 2021.

<sup>1037</sup> IOM Nederland, *Excel file with statistics voluntary return 2016-2020*, accessed January 2021. Most of these returnees were men, but there were also women, including some victims of human trafficking (no more than two or three per year).

<sup>1038</sup> For more information, see: <https://returnnetwork.eu/what-we-do-joint-reintegration-programmes/>.

<sup>1039</sup> EU-IOM, *Biannual Reintegration Report #3*, July 2020.

<sup>1040</sup> See: <https://migrationjointinitiative.org/>, last accessed 21 January 2021.

<sup>1041</sup> Confidential source, 12 November 2020; Confidential source, 4 November 2020; The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020; Deutsche Welle, *Nigerian returnees face poverty and destitution back home*, 2 February 2018; De Correspondent, *Dit is grensbewaking anno 2018: creëer onderweg een hel, zodat migranten massaal terug naar huis willen*, 21 August 2018.

<sup>1042</sup> Confidential source, 7 December 2020.



### *Reception of forced returnees*

When forced repatriations take place, support may be provided at the airport by ERRIN partners.<sup>1043</sup> However, the sources consulted for this country of origin information report only described the arrival of forced returnees for whom no support was available on arrival. It is not clear whether these returnees came from the Netherlands or other (European) countries. Most of the sources consulted did not report any problems between the migrants and authorities on arrival.<sup>1044</sup> However, a confidential source indicated that the arrival of forced returnees was often less well organised than that of voluntary returnees.<sup>1045</sup> One confidential source knew of cases in which immigration officers took away the passport or identity documents of forced returnees at the airport.<sup>1046</sup> Another confidential source knew of a case in which immigration officials compelled a forced returnee to pay money by threatening him with imprisonment.<sup>1047</sup> According to a confidential source, the lack of reception on the day of arrival was the main problem for this group of forced returnees.<sup>1048</sup> According to sources, in practice the Nigerian authorities did not provide support to these individuals on arrival,<sup>1049</sup> despite being responsible, through the NCFRMI (the refugee and migrant affairs agency), for supporting the return and reintegration of both forced and voluntary returnees. Sources reported several cases in which forced returnees had no place to stay overnight.<sup>1050</sup> A confidential source indicated that (especially forced) returnees without a social safety net/financial means regularly end up on the streets, and that churches/priests play an important role in the reception of this category of individuals, but do not systematically provide assistance to this group.<sup>1051</sup>

## **5.2 Resettlement in another city or region**

Sources indicated that many returnees wish to settle in another region when they return, and often do so.<sup>1052</sup> According to these sources, voluntary returnees often feel shame about returning empty-handed and want to make some money before facing their families/communities again.<sup>1053</sup> In principle, as pointed out in Chapter One, there is nothing to prevent resettlement in another region of Nigeria, other than financial and cultural barriers. For all returnees, having a social network and accommodation in the city where they wish to settle is an important prerequisite for successful resettlement (see 5.5).<sup>1054</sup> IOM gives help with housing to some voluntary returnees who go through the reintegration programme, for example by paying rent.<sup>1055</sup>

## **5.3 Reintegration of voluntary returnees**

<sup>1043</sup> For more information, see: <https://returnnetwork.eu/what-we-do-joint-reintegration-programmes/>.

<sup>1044</sup> Trouw, *Verlost uit de Libische horror, terug in Nigeria. En dan?*, 31 May 2018; De Correspondent, *Dit is grensbewaking anno 2018: creëer onderweg een hel, zodat migranten massaal terug naar huis willen*, 21 August 2018; EuroNews, *Abused in Libya and forced into prostitution back home: the nightmare of trying to reach Europe*, 21 June 2020; Confidential source, 4 November 2020.

<sup>1045</sup> Confidential source, 12 November 2020.

<sup>1046</sup> Confidential source, 12 November 2020.

<sup>1047</sup> Confidential source, 7 December 2020.

<sup>1048</sup> Confidential source, 7 December 2020.

<sup>1049</sup> Confidential source, 4 November 2020.

<sup>1050</sup> Confidential source, 7 December 2020; The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020

<sup>1051</sup> Confidential source, 7 December 2020.

<sup>1052</sup> Confidential source, 12 November 2020; Confidential source, 7 December 2020. See also: Trouw, *Verlost uit de Libische horror, terug in Nigeria. En dan?*, 31 May 2018.

<sup>1053</sup> Confidential source, 12 November 2020; Confidential source, 7 December 2020. See also: Trouw, *Verlost uit de Libische horror, terug in Nigeria. En dan?*, 31 May 2018.

<sup>1054</sup> Confidential source, 12 November 2020.

<sup>1055</sup> Confidential source, 12 November 2020.

This section considers the extent to which voluntary returnees can survive independently after returning to Nigeria. It gives information about the reintegration support available to voluntary returnees and (where figures are available) about the results of this support. As already noted, voluntary returnees from the Netherlands are eligible for reintegration support from IOM, as are voluntary Nigerian returnees from Libya or Niger who return under the EU-IOM Joint Initiative. The support that the two categories of voluntary returnees receive is not exactly the same, although there are similarities. In addition, more information is available on the results of the EU-IOM Joint Initiative, as both IOM and external parties have attempted to measure the impact of the EU-IOM Joint Initiative on returnees. Insights into the extent to which voluntary Nigerian returnees manage to support themselves (economically and in other respects) after their return to Nigeria are therefore based on the experiences of this group of returnees. There are conflicting claims about their situation after their return to Nigeria.

### 5.3.1 *The nature of the support with economic and other forms of reintegration for voluntary returnees from the Netherlands*

In December 2020, support for voluntary returnees from the Netherlands through IOM consisted of the sum of 1,800 euros for adult returnees and 2,800 euros for underage returnees returning with or without family. This money must be used for training and/or setting up a small business on the basis of a reintegration plan that has been drawn up with an IOM adviser in the Netherlands. Returnees can request part of this amount, 300 euros, in cash at the time of their departure from Schiphol. The remainder is paid out by IOM in Nigeria in the form of goods and services. If necessary, returnees can use some of this money to pay for housing.<sup>1056</sup>

### 5.3.2 *The nature of the support with economic and other forms of reintegration for voluntary returnees from Libya and Niger*

The EU-IOM Joint Initiative for returnees from Libya and Niger consists of five phases, the final phase of which is reintegration support. The exact nature of the support to which a returnee is entitled depends on his or her profile. Under the EU-IOM Joint Initiative, all returnees are entitled to information and advice from a social worker who draws up a reintegration plan with the returned migrant. On the basis of this advice, IOM refers returnees to existing training courses and services provided by the government and NGOs.<sup>1057</sup> The purpose of these initiatives is to prepare the migrants for the job market or to set up their own business.<sup>1058</sup> Some of the returnees are eligible for additional reintegration support. On an economic level, additional support consists of either start-up capital for setting up a business<sup>1059</sup> or integration into a larger-scale development project in communities where many of the returnees come from.<sup>1060</sup> Vulnerable returnees, such as victims of trafficking or returnees with medical or psychological problems, are given priority in the provision of this additional support,<sup>1061</sup> as are returnees from communities where many of the returnees come from. However, other returnees may also qualify for support and start-up capital to set up a small business. Whether this is actually the case is determined by local selection committees on the basis of the business plan submitted by the returnee.<sup>1062</sup> Criteria such as the project's sustainability and likely impact are of key importance here.

<sup>1056</sup> For more information, see: <https://iom-nederland.nl/en/voluntary-return/what-is-reintegration-assistance>.

<sup>1057</sup> Examples of partners trained by IOM to provide such training and services include: National Directorate of Employment, Small and Medium Enterprises Development Agency of Nigeria, Industrial Training Fund, Edo State Task Force, Committee for Support of Dignity of Women en Lift Above Poverty Organization. See: EU-IOM, *Biannual Reintegration Report #1*, p. 39, March 2019.

<sup>1058</sup> IOM, *Nigerian Returnees Learn the Ropes of Business Development at Home*, 31 August 2018.

<sup>1059</sup> De Correspondent, *What happens to migrants who are sent back? I spent a year following 12 people to find out*, 9 January 2020.

<sup>1060</sup> IOM, *Farmers, Private Sector and Returnees Join Forces to Launch Pineapple Factory, Foster Reintegration in Nigeria*, 21 February 2020.

<sup>1061</sup> EU-IOM, *Biannual Reintegration Report #1*, pp. 5-6, March 2019.

<sup>1062</sup> EU-IOM, *Biannual Reintegration Report #1*, p. 28, March 2019.

5.3.3 *Effect of reintegration support on voluntary returnees from Libya and Niger*  
A significant proportion of returnees dropped out during the EU-IOM reintegration process, and views on the impact of reintegration support differed.

*Dropping out*

Between 1 April 2017 and the end of January 2020, IOM started the process described above with 11,991 returnees. Of this group, 4,367 returnees had completed the process by January 2020.<sup>1063</sup> Articles in the international media and academic research indicated that returnees dropped out because of bureaucratic obstacles and/or the costs associated with participating in the IOM process. For example, returnees could not afford transport costs to the training/support sessions.<sup>1064</sup>

*Lack of clarity about the lasting nature of the reintegration of returnees*

Opinions also differ about the impact of the programme on the returnees who did complete it. In recent quantitative evaluations by IOM of 610 Nigerian returnees, 85% of respondents said they were very satisfied or satisfied with the support.<sup>1065</sup> Seventy-seven percent of the respondents stated that the reintegration support met many or all of their needs.<sup>1066</sup> According to IOM data, the majority of Nigerian returnees who completed their programme also managed to reintegrate on a lasting basis economically, psychosocially and socially.<sup>1067</sup> Various other sources disputed this picture and stated that even participants who received extra support often failed to achieve lasting economic independence.<sup>1068</sup> One source indicated that IOM's focus on groups of participants setting up small businesses undermined the effectiveness of reintegration support, because motivated returnees were undermined by unmotivated group members.<sup>1069</sup> Specifically with regard to underage returnees, research by the Harvard FXB Center for Health and Human Rights showed that 41.6% of respondents who received IOM support were dissatisfied with the support they received. 18.8% said that they had no opinion and 39.6% said that they were satisfied or very satisfied. This survey found that 61.3% of respondents had failed to find work after returning and 16.8% had only managed to work for a short period of time; 98.3% of these respondents also stated that they were not attending any training.<sup>1070</sup>

5.4 **Reintegration of forced returnees**

There is less information about the situation of forced returnees and the extent to which they can survive independently after their return. Sources agree that less support is available for this group than for voluntary returnees.<sup>1071</sup> As already noted, forced returnees from the Netherlands were eligible for reintegration support through the ERRIN programme between August 2018 and May 2020. According to the ERRIN website, this support consisted of goods and/or services. The Nigerian NGO Idia Renaissance provides the following types of support on arrival in Nigeria:

<sup>1063</sup> EU-IOM, *Biannual Reintegration Report #3*, p. 24, July 2020.

<sup>1064</sup> De Correspondent, *What happens to migrants who are sent back? I spent a year following 12 people to find out*, 9 January 2020; Medico International & Brot fur die Welt, *Emergency returns by IOM from Libya and Niger*, July 2020.

<sup>1065</sup> EU-IOM, *Biannual Reintegration Report #3*, p. 42, July 2020.

<sup>1066</sup> EU-IOM, *Biannual Reintegration Report #3*, p. 43, July 2020.

<sup>1067</sup> EU IOM, *Biannual Reintegration Report #3*, p. 44, July 2020; IOM, *Farmers, Private Sector and Returnees Join Forces to Launch Pineapple Factory, Foster Reintegration in Nigeria*, 21 February 2020.

<sup>1068</sup> De Correspondent, *Zo ziet het leven van 12 teruggekeerde migranten in Nigeria eruit (gefotografeerd door hen zelf)*, 29 August 2019; Human Rights Watch, *"You Pray for Death": Trafficking of Women and Girls in Nigeria*, 27 August 2019

<sup>1069</sup> De Correspondent, *What happens to migrants who are sent back? I spent a year following 12 people to find out*, 9 January 2020.

<sup>1070</sup> Harvard FXB Center for Health and Human Rights, *Returning Home? The Reintegration Challenges Facing Child and Youth Returnees from Libya to Nigeria*, 2019.

<sup>1071</sup> Medico International & Brot fur die Welt, *Emergency returns by IOM from Libya and Niger*, July 2020; The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020.

- Pick-up from the airport or reception at the place of arrival;
- Help with onward travel in Nigeria;
- Temporary accommodation (for up to seven days);
- Referrals for emergency medical care;
- Other basic necessities;

After this, in consultation with Idia Renaissance, returnees can choose from different types of advice/support (within a predetermined budget for reintegration support):

- Social, legal and medical support;
- Longer-term housing support;
- Education and language training;
- Assistance with job-seeking;
- Technical and vocational training;
- Help with starting a business;
- Individual assistance for vulnerable groups.<sup>1072</sup>

A confidential source indicated that the forced returnees the source had encountered had not always connected up with such support.<sup>1073</sup> This may be because they were ineligible for or had not used the ERRIN programme. ERRIN's support is only provided to returnees who were previously based in the countries that fund the ERRIN programme in Nigeria.<sup>1074</sup> These countries run a check to determine whether the (forced) returnee meets the eligibility criteria for ERRIN support.<sup>1075</sup> Returnees who do not fall within the scope of international reintegration programmes can, according to sources, in practice expect almost no financial or other support for reintegration, because the Nigerian authorities have no programmes of their own to help returnees.<sup>1076</sup>

## 5.5 Factors that may contribute to reintegration

Sources identified a number of factors that affect the extent to which returnees succeed in reintegrating or surviving when they are unable to find a sustainable source of income. These factors are: 1) having family and/or a strong social network within Nigeria,<sup>1077</sup> 2) receiving remittances from family outside Nigeria,<sup>1078</sup> and 3) having investments/land.<sup>1079</sup> Research shows that in practice most returnees often ended up in a more precarious economic situation on their return to Nigeria than before their departure, because they had invested a lot of money (including savings) in their journey, because they had left a job or business and/or because their social networks had grown weaker while they were out of the country.<sup>1080</sup>

<sup>1072</sup> For more information, see: [https://returnnetwork.eu/wp-content/uploads/2019/05/ERRIN-Country-Leaflet\\_Nigeria-v.6.pdf](https://returnnetwork.eu/wp-content/uploads/2019/05/ERRIN-Country-Leaflet_Nigeria-v.6.pdf).

<sup>1073</sup> Confidential source, 7 December 2020.

<sup>1074</sup> For a list of countries participating in ERRIN, see: <https://returnnetwork.eu/about-errin/>. In January 2021, Austria, Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom used ERRIN in Nigeria. Not all of these countries used ERRIN only for forced returnees: some also used ERRIN in Nigeria to support voluntary returnees.

<sup>1075</sup> See: [https://returnnetwork.eu/wp-content/uploads/2019/05/ERRIN-Country-Leaflet\\_Nigeria-v.6.pdf](https://returnnetwork.eu/wp-content/uploads/2019/05/ERRIN-Country-Leaflet_Nigeria-v.6.pdf).

<sup>1076</sup> 90.8% of minor returnees who took part in a Harvard study of this group's experiences on their return to Nigeria said they had not received any government support. Harvard FXB Center for Health and Human Rights, *Returning Home? The Reintegration Challenges Facing Child and Youth Returnees from Libya to Nigeria*, p. 33, 2019.

<sup>1077</sup> Medico International & Brot fur die Welt, *Emergency returns by IOM from Libya and Niger*, July 2020; Confidential source, 28 October 2020; Confidential source, 29 October 2020.

<sup>1078</sup> Confidential source, 7 December 2020.

<sup>1079</sup> Medico International & Brot fur die Welt, *Emergency returns by IOM from Libya and Niger*, July 2020. See also: De Correspondent, *Maak kennis met de mensen achter de 'migratiestroom'. Deze vrouw overleefde 12 jaar als illegale seksslaaf*, 13 April 2019.

<sup>1080</sup> Medico International & Brot fur die Welt, *Emergency returns by IOM from Libya and Niger*, July 2020.

## 5.6 Care of unaccompanied minor returnees

There are different care options for unaccompanied minor returnees, depending on their gender and whether they belong to a vulnerable group. In general, unaccompanied minors can go to orphanages in Nigeria (see 3.4.8). Minor female and male victims of human trafficking can go to special facilities or shelters run by NGOs. Minor male victims of human trafficking have their own wing in these facilities. A confidential source noted that more than 90% of the victims in these shelters were women and girls.<sup>1081</sup> Sources also criticised the fact that underage and adult victims (mostly female) are housed in the same NAPTIP shelters.<sup>1082</sup> Since this reporting period, there have also been two shelters for (adult) male victims of human trafficking in Lagos and Edo state (for more details on care for adult male victims of human trafficking, see 6.3.6). It is not known whether these facilities also offer shelter to underage male victims.

<sup>1081</sup> Confidential source, 13 November 2020.

<sup>1082</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018; Confidential source, September 2020.

## 6 Human trafficking

This chapter examines the situation of Nigerian victims and focuses on the circumstances they encounter after returning to their country of origin. After a brief description of the profiles of different categories of victims, particular attention will be paid to female victims of human trafficking from southern Nigeria. In the process, a closer look will be taken at the risk of reprisals if a victim returns to Nigeria, the available care options, the criminal prosecution of human traffickers and public attitudes towards prostitution in general and returning victims of human trafficking in particular.

### 6.1 Profiles of human trafficking victims

Nigeria is a country of origin, transit and destination for victims of human trafficking.<sup>1083</sup> Nigerian was the most common nationality of human trafficking victims in the Netherlands in 2019, according to the National Rapporteur on Human Trafficking.<sup>1084</sup> European measures aimed at countering migration via the Mediterranean and instability in Libya – the main point of departure for Nigerian migrants crossing the Mediterranean – have greatly reduced the number of new Nigerian human trafficking victims arriving in Europe since 2018, however.<sup>1085</sup>

There are several categories of human trafficking victims from Nigeria. In the Netherlands and the EU, the main group of Nigerian victims consists of female victims from southern Nigeria who are exploited in the sex industry. In addition, there was growth in the number of adult and minor male victims of human trafficking in the Netherlands during the reporting period, although their numbers were lower than those of the first category of victims.<sup>1086</sup> Other categories of Nigerian human trafficking victims include women (some of them minors, and some of them displaced) from northern Nigeria who are trafficked as domestic workers or prostitutes, particularly to surrounding Islamic countries and the Middle East,<sup>1087</sup> and minors who are exploited within Nigeria as domestic workers.<sup>1088</sup> There are also – to a very limited extent – Nigerian victims of organ trafficking.<sup>1089</sup> Given this chapter's focus on the situation of victims on their return from Europe to Nigeria, the following sections will focus only on the situation of Nigerian trafficking victims exploited in the European sex industry and Nigerian male victims of trafficking in Europe.

<sup>1083</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, pp. 381-382, 2020; Frontex, *Risk Analysis for 2018*, p. 36, February 2018. Frontex is an agency of the European Union that focuses on EU Member State cooperation with regard to the common European external border. It has its own website: <https://frontex.europa.eu/>.

<sup>1084</sup> Nationaal Rapporteur Mensenhandel, *Slachtoffermonitor Mensenhandel 2015-2019*, 2020.

<sup>1085</sup> BBC, *Migrant crisis: Illegal entries to EU at lowest level in five years*, 4 January 2019.

<sup>1086</sup> Confidential source, 19 November 2020.

<sup>1087</sup> Confidential source, December 2020. These girls and women are recruited from IDP camps in North-East Nigeria under the pretence of a legitimate job in Europe and then forced to work as prostitutes in Niger, North Africa, the Gulf region and sometimes Europe. Less is known about this group of victims than about the women from southern Nigeria. The UN Special Rapporteur on Trafficking in Persons, especially Women and Children called for more research into this group in the statement she published after her visit to Nigeria in September 2018. See: Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018.

<sup>1088</sup> NAPTIP, *2019 Data Analysis*, 2019.

<sup>1089</sup> NAPTIP, *2019 Data Analysis*, 2019.

6.1.1 *Female victims from southern Nigeria*

Frontex stated in 2018 that most of the Nigerian trafficking victims that reached Europe were women and girls from southern Nigeria<sup>1090</sup> who were brought to Europe for sexual exploitation.<sup>1091</sup> Most of these women come from poor communities, especially in the southern states of Nigeria.<sup>1092</sup>

Some of these women were lured to Europe with the prospect of a paid job as a nanny, hairdresser or domestic help.<sup>1093</sup> However, there has been a growing realisation (among academics and policymakers) over the last five to ten years that many women from southern Nigeria are aware that they will end up in the sex industry and that they have often been induced (or coerced) to leave by family members who have stayed behind.<sup>1094</sup> Their stay in Europe is seen as a way in which they can raise their family out of poverty.<sup>1095</sup> However, most of these victims – whether they are aware that they will be employed as prostitutes or not – are unaware that once they are in Europe, in the early years they will see virtually nothing of the money they earn through prostitution, and underestimate the extent and nature of the exploitation. On their arrival, they are informed that all their earnings will be used to reimburse the costs incurred for their crossing to Europe; the amounts concerned are exponentially higher than the actual cost of their journey and/or what the women thought at the time of their departure from Nigeria that they would owe their traffickers.<sup>1096</sup> For most of these women, both the route to and the stay in Europe are accompanied by serious forms of abuse and human rights violations.<sup>1097</sup> After paying off their debts, many of these women end up as ‘*madames*’, overseeing the sexual exploitation in Europe of Nigerian girls once they arrive at their destination. Working as a madame offers former and current victims the opportunity to earn money themselves and provide for the livelihood of family members in Nigeria.<sup>1098</sup> In addition, this work often seems to be the only way to earn income for victims of human trafficking who are in Europe illegally and have no other work experience or networks.

6.1.2 *Male victims of human trafficking*

Nigerian men are also victims of human trafficking in Europe. However, several recent studies have indicated that there is a serious shortage of reliable, high-quality information about the profiles and fortunes of this group.<sup>1099</sup> A confidential source stated that the proportion of male Nigerian human trafficking victims in the Netherlands increased during the reporting period.<sup>1100</sup> Adult Nigerian men who reach Europe are often exploited in agriculture in southern Europe,<sup>1101</sup> or are initiated into the activities of the criminal gangs (cults) that have enabled them to get to Europe.<sup>1102</sup> A confidential source indicated that in the Netherlands, members of this

<sup>1090</sup> Frontex, *Risk Analysis for 2018*, February 2018.

<sup>1091</sup> Nationaal Rapporteur Mensenhandel, *Slachtoffermonitor Mensenhandel 2015-2019*, p. 30, 2020. This picture also emerged in older research, see for example: International Organization for Migration, *Human Trafficking Along the Central Mediterranean Route: Data, Stories and Information Collected by the International Organization for Migration*, p. 13, 2017.

<sup>1092</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, p. 382, 2020.

<sup>1093</sup> This picture often emerges in individual testimonials of female human trafficking victims in the media and in reports from human rights organisations, for example: Human Rights Watch, “*You Pray for Death*”: *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

<sup>1094</sup> Confidential source, 13 November 2020.

<sup>1095</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, 2020; De Correspondent, *Maak kennis met de mensen achter de ‘migratiestroom’*. *Deze vrouw overleefde 12 jaar als illegale seksslaaf*, 13 April 2019; De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018

<sup>1096</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, 2020.

<sup>1097</sup> Human Rights Watch, “*You Pray for Death*”: *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

<sup>1098</sup> The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020; InfoMigrants, *Tricked, trafficked and sold: How criminal gangs are bringing Nigerian women to Italy*, 25 January 2019; Amnesty International, *Mafia, Madames und Mädchen*, November 2019.

<sup>1099</sup> University of Bedfordshire, *Vulnerability to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK - Report of Shared Learning Event held in Lagos, Nigeria: 17-18 January 2018*, October 2018.

<sup>1100</sup> Confidential source, 19 November 2020.

<sup>1101</sup> TIME, *‘It Was As if We Weren’t Human.’ Inside the Modern Slave Trade Trapping African Migrants*, 14 March 2019

<sup>1102</sup> Confidential source, 5 October 2020; Confidential source, 19 November 2020.

last group mainly end up as drug couriers.<sup>1103</sup> In addition, several sources indicated that 'football trafficking' of Nigerian boys occurred during the reporting period. Boys are lured to Europe on the pretext of a career at a professional football club, but ultimately become victims of exploitation outside the football industry.<sup>1104</sup>

#### *Sexual exploitation of male victims of human trafficking*

In 2017, EASO stated that there was no evidence of organised criminal prostitution networks between Nigeria and Europe for male prostitutes.<sup>1105</sup> However, there was both older and more recent (anecdotal) evidence of Nigerian boys being brought to Europe by traffickers for sexual exploitation or ending up in sexual exploitation once in Europe.<sup>1106</sup> A confidential source knew of two cases where boys were smuggled to Europe with their sisters for the purpose of sexual exploitation.<sup>1107</sup> Another confidential source also knew of male Nigerian victims of human trafficking who were sexually exploited in the Netherlands during the reporting period.<sup>1108</sup>

## **6.2 Risk of reprisals**

This section examines the prevalence of reprisals against female trafficking victims from southern Nigeria in particular. Many of these victims fear reprisals against themselves or their family members if they flee sexual exploitation without paying off their debt. However, there is no clear picture of the scale and extent to which victims were actually subjected to reprisals after returning to Nigeria and few concrete cases of reprisals during this reporting period are known. Several sources noted that traffickers' attitudes towards victims who return to Nigeria without paying their debt had hardened.<sup>1109</sup> This resulted in reprisals against family members of victims and/or the re-trafficking of returned trafficking victims. No information was available on the prevalence of reprisals against male victims of trafficking.

### **6.2.1 Fear of supernatural reprisals**

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. Traffickers operating out of this region make most of their victims swear an oath of obedience (a juju oath) under the watchful eye of a voodoo priest before their departure. Victims are afraid that if they break this oath by evading the authority of madames/human traffickers, they will meet with some serious misfortune.<sup>1110</sup> However, the intervention of the Oba (traditional ruler) of Benin<sup>1111</sup> in March 2018 seems to have diminished the impact of these spells on trafficking victims from Edo state. Together with 500 voodoo priests, the Oba declared all these juju oaths invalid. Several sources stated that this has had a positive effect on human trafficking victims from Edo state inside and outside Nigeria.<sup>1112</sup> However,

<sup>1103</sup> Confidential source, 19 November 2020.

<sup>1104</sup> Al Jazeera, *African footballers stranded around the world with crushed dreams*, 26 August 2019; Premium Times, *Football agents in Nigeria tasked on trafficking, other vices*, 13 November 2019

<sup>1105</sup> European Asylum Support Office, *Country of Origin Information Report: Nigeria Country Focus*, p. 45, June 2017.

<sup>1106</sup> Nationaal Rapporteur Mensenhandel, Slachtoffermonitor Mensenhandel 2015-2019, p. 19, 2020; The Children's Society, *Boys Don't Cry: Improving identification and disclosure of sexual exploitation of boys and young men trafficked to the UK*, p. 53, 2016. Social workers interviewed about underage male victims of human trafficking in the UK for this report stated that they had had frequent contact with Nigerian boys who had been brought to the UK for a mixture of domestic slavery and sexual exploitation.

<sup>1107</sup> Confidential source, 28 October 2020.

<sup>1108</sup> Confidential source, 19 November 2020.

<sup>1109</sup> De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018.

<sup>1110</sup> De Correspondent, *Vijfhonderd voodoo-priesters en een vloek laten zien: met magie kun je mensenhandel bestrijden*, 26 September 2018; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020; Dutch Ministry of Foreign Affairs, *Country of origin information report Nigeria*, p. 65, June 2018.

<sup>1111</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>1112</sup> De Correspondent, *Vijfhonderd voodoo-priesters en een vloek laten zien: met magie kun je mensenhandel bestrijden*, 26 September 2018; De Volkskrant, *Sarahs Europese droom eindigt in de tippelzone van Turijn*, 7 September 2020; Confidential source, 9 October 2020; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020.



the sphere of influence of the Oba of Benin does not extend beyond the state of Edo, and some sources indicated that traffickers have started recruiting victims<sup>1113</sup> and using voodoo priests from outside Benin City/Edo.<sup>1114</sup> The number of victims from the states of Delta and Anambra has increased in recent years.<sup>1115</sup>

#### 6.2.2

##### *Lack of clarity about the prevalence of reprisals against victims in practice*

Although there is great fear of reprisals among human trafficking victims, there is less information about the scale on which reprisals (violent or otherwise) occur in practice. The confidential sources interviewed for this country of origin information report also contradicted each other on this point. They broadly distinguished three types of reprisals: deadly/non-deadly violence and threats against returned victims, deadly/non-deadly violence and threats against family members of victims who have returned or are still in Europe, and re-trafficking of returned victims. The views of confidential sources differed most on the extent to which victims themselves become victims of deadly/non-deadly violence. However, most sources acknowledged that victims' families were subject to reprisals during the reporting period. Most sources also recognised the risk of re-trafficking, but differed about whether victims were forced or decided of their own accord to travel back to Europe or other destinations with the aim of returning to work in prostitution. The following paragraphs take a closer look at each category of reprisals.

#### 6.2.3

##### *A possible hardening of attitudes on the part of human traffickers: indications of threats and violence against returning victims*

In addition to the fact that victims of human trafficking fear the consequences of breaking a juju oath, research conducted with Nigerian victims (in Europe) shows that there is also great fear of the violent practices of the criminal networks/cults that coordinate human trafficking from Nigeria.<sup>1116</sup> There is less clarity about the extent to which these groups do actually use violence against female trafficking victims who return to Nigeria without paying their debt. During the reporting period, several sources noted a hardening of traffickers' attitudes toward trafficking victims who returned without paying off their debts.<sup>1117</sup> An article in *De Correspondent* attributes this to the fact that the traffickers' earnings model has come under pressure since it has become more difficult to get women to Europe due to the more active role of the Libyan coastguard in combating human trafficking.<sup>1118</sup> This means that from a financial point of view it has become more important for traffickers to ensure that women stay in work and pay off their debts, according to this source. This hardening of traffickers' attitudes was also referred to by Daniel Atokolo, the head of the NAPTIP office in Lagos, in an interview with *Deutsche Welle*.<sup>1119</sup> Several sources indicate that they believe this development lies behind an increase in violence and threats against victims and their families. A number of sources indicated that they were aware of cases in which returning victims of human trafficking had been threatened.<sup>1120</sup> A confidential source indicated that contacts within the Nigerian police had stated that there had been lethal violence against

<sup>1113</sup> Reuters, *Nigerian sex traffickers fleeing hotspot for new havens, activists warn*, 3 July 2019.

<sup>1114</sup> De Correspondent, *Vijfhonderd voodoo-priesters en een vloek laten zien: met magie kun je mensenhandel bestrijden*, 26 September 2018; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020; Confidential source, 5 October 2020.

<sup>1115</sup> Confidential source, December 2020.

<sup>1116</sup> De Correspondent, *Vijfhonderd voodoo-priesters en een vloek laten zien: met magie kun je mensenhandel bestrijden*, 26 September 2018; De Volkskrant, *Saraha's Europese droom eindigt in de tippelzone van Turijn*, 7 September 2020; Confidential source, 9 October 2020; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020.

<sup>1117</sup> Confidential source, 10 November 2020; De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018; Deutsche Welle, *How the 'Nigerian mafia' exploits African women in Europe*, 25 December 2019.

<sup>1118</sup> De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018.

<sup>1119</sup> Deutsche Welle, *How the 'Nigerian mafia' exploits African women in Europe*, 25 December 2019.

<sup>1120</sup> De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018; Confidential source, 10 November 2020.

female trafficking victims on their return to Nigeria during the reporting period.<sup>1121</sup> However, none of the confidential sources interviewed for this country of origin information report could provide specific details of cases of this type, such as date/location. There were also confidential sources that indicated that they had hardly ever encountered cases of reprisals against victims in daily practice.<sup>1122</sup> Traffickers, according to one of these sources, prefer to stay off the radar of the judicial system, and it is more efficient for them to send a new victim to Europe than to use force against a returned victim.<sup>1123</sup>

Regarding the reasons behind these differing views on the prevalence and nature of reprisals against returned victims, the literature consulted for this report gave the impression that there has historically been a wide range of views in this area.<sup>1124</sup> The above analysis of recent sources confirmed that there is still a lack of reliable figures on this phenomenon and that few concrete cases of reprisals are reported in Nigerian media. Some confidential sources indicated that this is the case because female trafficking victims are not a newsworthy topic in southern Nigeria in particular.<sup>1125</sup> One of these sources stated that this was also the case because so many people in southern Nigeria are caught up in human trafficking, so that few people want more attention to be paid to this subject in the media.<sup>1126</sup> A source working with trafficking victims in Nigeria stated that after experiencing threats or abuse, most victims are afraid to share their stories with the media for fear of further reprisals.<sup>1127</sup> Another source indicated that the lack of clarity about whether trafficking victims suffer reprisals is partly due to the fact that Benin City is a dangerous place for women in general. According to this source, it is therefore not always clear whether violence against returning trafficking victims is a reprisal or some other form of violence.<sup>1128</sup>

#### 6.2.4

##### *Retrafficking*

In many cases, threats and violence against victims serve the purpose of forcing women to pay off their debt through sexual exploitation. According to EASO, the main form of reprisal against trafficking victims was re trafficking: forcing victims to return to prostitution in Europe or elsewhere.<sup>1129</sup> For traffickers primarily interested in collecting 'the debt' that is still outstanding, this is the most efficient measure to take against a 'disobedient victim', according to several confidential sources.<sup>1130</sup> A confidential source stated that eight or nine out of every ten female trafficking victims who are forcibly repatriated to Edo state will become victims of human trafficking/sexual exploitation again.<sup>1131</sup> Another confidential source reported receiving regular calls from victims who, after returning from Italy to Nigeria, had ended up in a situation of sexual exploitation again in another country, such as Israel or Russia.<sup>1132</sup> Several online publications also indicated that re trafficking is a common phenomenon.<sup>1133</sup> Sources also stated that as it has become harder to bring

<sup>1121</sup> Confidential source, 13 November 2020.

<sup>1122</sup> Confidential source, 9 October 2020; Confidential source, 19 November 2020.

<sup>1123</sup> Confidential source, 9 October 2020.

<sup>1124</sup> A 2015 report by the Finnish Immigration Service also included testimonials from Nigerian trafficking experts who believed that the risk of retaliation is slight, and testimonials from other Nigerian experts who believed the risk of retaliation is real. Finnish Immigration Service, *Human Trafficking of Nigerian Women to Europe*, 2015.

<sup>1125</sup> Confidential source, 21 October 2020.

<sup>1126</sup> Confidential source, 13 November 2020.

<sup>1127</sup> Confidential source, 10 November 2020.

<sup>1128</sup> Confidential source, 12 November 2020.

<sup>1129</sup> European Asylum Support Office, *Country of Origin Information Report Nigeria: Targeting of Individuals*, November 2018.

<sup>1130</sup> Confidential source, 9 October 2020; Confidential source, 28 October 2020.

<sup>1131</sup> Confidential source, 10 November 2020.

<sup>1132</sup> Confidential source, 5 October 2020.

<sup>1133</sup> De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018; Human Rights Watch, *"You Pray for Death": Trafficking of Women and Girls in Nigeria*, 27 August 2019

victims to Europe, victims are more likely to be employed in the sex industry in neighbouring countries such as Ghana or Libya, or in Nigeria itself.<sup>1134</sup>

It was not always clear to what extent victims of re-trafficking were driven by violence and threats when they travelled abroad for a second time to end up in the sex industry. Both confidential sources and articles in the media referred to cases in which women, out of financial or other forms of despair/shame at having returned empty-handed, decided to travel to Europe or another destination again with the help of a human trafficker.<sup>1135</sup> A source indicated that women who have paid off a large or smaller part of their debt wanted to return to Europe in order to pay off the entire debt and then be able to work for their own account.<sup>1136</sup>

#### 6.2.5 *Reprisals against family members*

Various sources consulted for this study indicated that victims' family members were particularly at risk of being subjected to threats and violence when victims had fled their madame but were still in Europe.<sup>1137</sup> With regard to this category, sources also cited recent concrete examples. In a report on human trafficking in *The Guardian*, an Italian lawyer specialising in assisting trafficking victims stated that families of several of her clients had been attacked.<sup>1138</sup> She also cited an example in which a client's mother had been murdered by traffickers in Nigeria. A recent French study highlighted the role of cults in organising human trafficking and cited testimonials from three Nigerian trafficking victims (in France) who said their relatives in Nigeria had been threatened and/or abused by cult members.<sup>1139</sup> A confidential source knew of two recent cases of violence against family members. In the first case, traffickers in Nigeria had murdered the father of a victim in Italy. In the second case, they set fire to the parental home of another victim who had fled her madame in Italy.<sup>1140</sup> Another confidential source said that in 2020 the brother of a trafficking victim living in Denmark was murdered.<sup>1141</sup> Finally, a third confidential source was aware of a planned attack against the family of a trafficking victim that had been foiled by police stationed around the family's home.<sup>1142</sup> However, this last source stated that it was relatively rare for families to be subject to reprisals, as they are often involved in the trafficking of their daughters and thus often encourage their daughters to go back to their traffickers/madames after they have fled.<sup>1143</sup>

#### *Threats through children*

There is also evidence that human traffickers kidnapped their victims' children in order to ensure that they would not flee. An article in *InfoMigrants* stated that many Nigerian women in Libya are made pregnant by their Libyan and Nigerian guards in order to make it easier to control them once they arrive in Italy. When the women try to 'rebel', the guards/traffickers threaten to harm their children.<sup>1144</sup> Another source knew of a case in which the child of a human trafficking victim was abducted after she fled her madame in Italy.<sup>1145</sup>

<sup>1134</sup> Confidential source, 28 October 2020; Confidential source, 13 November 2020; The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020.

<sup>1135</sup> Confidential source, 9 October 2020; Confidential source, 19 November 2020.

<sup>1136</sup> Confidential source, 19 November 2020.

<sup>1137</sup> Confidential source, 5 October 2020; Confidential source, 10 November 2020; Confidential source, 13 November 2020; Confidential source, 28 October 2020.

<sup>1138</sup> The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020.

<sup>1139</sup> Lavaud-Legendre & Plessard, *Groupes cultist et traite des êtres humains du Nigéria vers l'Europe*, p. 36, 2019.

<sup>1140</sup> Confidential source, 5 October 2020.

<sup>1141</sup> Confidential source, 10 November 2020. Confidential source, 19 November 2020.

<sup>1142</sup> Confidential source, 9 October 2020.

<sup>1143</sup> Confidential source, 9 October 2020; Confidential source, 13 November 2020. Such a situation was also described in an article in *Trouw* in May 2018: *Trouw, Benin City loopt leeg: waarom de vrouwenhandel van Afrika naar Europa niet te stoppen is*, 25 May 2018.

<sup>1144</sup> InfoMigrants, *Tricked, trafficked and sold: How criminal gangs are bringing Nigerian women to Italy*, 25 January 2019.

<sup>1145</sup> Confidential source, 5 October 2020.

### 6.2.6

#### *Reprisals against underage and adult male victims of human trafficking*

Sources did not provide any information about the risk of reprisals against underage and adult male trafficking victims returning to Nigeria. A source interviewed for this report stated that the risk of reprisals is low for adult Nigerian men returning to Nigeria from Europe, as they often pay people smugglers in advance for their passage.<sup>1146</sup> This differs from the situation of female trafficking victims, for whom the traffickers advance the cost of the journey to Europe and who are then expected to repay this debt by working in the sex industry. Another confidential source reported having heard of a few cases where men who had returned from Libya were put under pressure to pay smugglers for the Libya-Europe journey even though they had not made the planned crossing to Europe.<sup>1147</sup> However, men did become victims of human trafficking/slavery<sup>1148</sup> during the journey, especially in Libya, even though they had actually paid for their journey in advance and thus not made a deal to repay the traffickers the cost of the journey through exploitation/unpaid work. No information was available on the extent to which this category of individuals suffered reprisals on returning to Nigeria.

## 6.3

### **Protection of human trafficking victims**

International organisations and other experts agree that the Nigerian authorities at the national and state levels – particularly in Edo state – recognise that human trafficking is a serious problem.<sup>1149</sup> Nevertheless, these sources also stated that this recognition is not accompanied by the investment of sufficient resources in the fight against human trafficking,<sup>1150</sup> and is mainly confined to the trafficking of women for sexual exploitation.<sup>1151</sup> The positive developments during this reporting period were the efforts to develop a National Action Plan against Human Trafficking<sup>1152</sup> and the preparations for the creation of 'state task forces on human trafficking' in all states of Nigeria.<sup>1153</sup> This section looks at the protection of trafficking victims by the Nigerian authorities and other parties, and focuses on the protection of victims in shelters, the protection of victims' family members and the criminal prosecution of traffickers. The next section will then examine the social reintegration of victims in more detail.

### 6.3.1

#### *The legal framework regarding human trafficking*

The Nigerian Constitution prohibits slavery and forced labour, and the Criminal Code and the Code of Criminal Procedure also prohibit various behaviours and actions indicative of human trafficking. Nigeria has strong anti-trafficking laws, especially compared with other West African countries. In 2003, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (TIPLEAA), or Anti-Trafficking Act, was passed; this provides a legal basis for combating human trafficking in Nigeria.<sup>1154</sup> It was revised in 2015.<sup>1155</sup> In addition, several states such as Edo have

<sup>1146</sup> Confidential source, 9 October 2020.

<sup>1147</sup> Confidential source, 28 October 2020.

<sup>1148</sup> Confidential source, 28 October 2020; TIME, 'It Was As if We Weren't Human.' *Inside the Modern Slave Trade Trapping African Migrants*, 14 March 2019.

<sup>1149</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, 2020; Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018.

<sup>1150</sup> Confidential source, 21 October 2020.

<sup>1151</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, 2020; Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018.

<sup>1152</sup> UNODC, *NAPTIP kick-off process to develop a new national action plan against human trafficking*, 23 November 2020; UNODC, *Strengthening the policy framework and response to human trafficking in Nigeria (2020 – 2021)*, 2020.

<sup>1153</sup> UNODC, *Nigeria heeds global call, sets up State Task Force against human trafficking*, undated. See also: <https://www.naptip.gov.ng/2020/10/>, consulted 1 December 2020.

<sup>1154</sup> Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2003.

<sup>1155</sup> Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2015.

adopted their own laws to combat trafficking.<sup>1156</sup> The Anti-Trafficking Act provided for the creation of NAPTIP, the agency charged with coordinating all actions aimed at eliminating trafficking. NAPTIP is concerned with the prevention of trafficking, the protection of trafficking victims and the prosecution of perpetrators.<sup>1157</sup>

### 6.3.2 *Capacity of shelters for human trafficking victims*

In December 2020, NAPTIP had ten shelters for trafficking victims, at its headquarters in Abuja and at the nine zonal command offices in Lagos, Benin, Uyo, Enugu, Kano, Sokoto, Maiduguri, Osun and Makurdi.<sup>1158</sup> NAPTIP had space for a total of 314 people in 2020,<sup>1159</sup> but was not using this capacity to the full.<sup>1160</sup> Its shelters take in victims for up to six weeks, unless there are special circumstances:<sup>1161</sup> extra vulnerable victims and victims who are cooperating in the criminal prosecution of traffickers are allowed to stay at NAPTIP shelters for longer.<sup>1162</sup> NAPTIP also coordinates with NGOs that provide shelter to trafficking victims. A confidential source indicated that there are a total of about 100 places available for trafficking victims in Edo state. According to this source, this was enough because none of these shelters took in victims permanently, so places were always becoming available.<sup>1163</sup> However, the UN Special Rapporteur expressed concern during the reporting period that some NAPTIP shelters were taking in victims of other forms of gender-based violence. This reduces the number of places available for trafficking victims. She also indicated that the length of time that victims were allowed to stay at the shelters was too short.<sup>1164</sup>

### 6.3.3 *Nature and quality of protection at NAPTIP shelters*

The quality of NAPTIP facilities does not meet international standards for the shelter of human trafficking victims.<sup>1165</sup> Sources indicated that many trafficking victims refuse to stay in NAPTIP shelters because the living conditions are so low.<sup>1166</sup> NAPTIP centres have a policy of remaining closed to prevent those staying there from becoming victims of trafficking again. During the six weeks that victims stay at a NAPTIP shelter, they are allowed no contact with the outside world, including their families. It is not clear to what extent this policy actually protects victims from re-trafficking. Experts such as the UN Special Rapporteur on Trafficking in Persons, especially Women and Children claimed that closed shelters violate the human rights of trafficking victims.<sup>1167</sup> Various sources revealed a range of other abuses in NAPTIP shelters.<sup>1168</sup> Trafficking victims in NAPTIP shelters also indicated in interviews with HRW that they had no contact with family and did not know when they would be allowed to return home.<sup>1169</sup> The UN Special Rapporteur complimented NAPTIP for running ten shelters for human trafficking victims, but also expressed

<sup>1156</sup> Pathfinders Justice Initiative, *Edo state human trafficking bill signed into law by governor Obaseki*, 2018.

<sup>1157</sup> It has its own website: [www.naptip.gov.ng](http://www.naptip.gov.ng).

<sup>1158</sup> NAPTIP, *Organizational Structure*, accessed 1 December 2020.

<sup>1159</sup> Confidential source, September 2020.

<sup>1160</sup> Confidential source, September 2020.

<sup>1161</sup> EASO, *Country Guidance Nigeria*, p. 95, February 2019.

<sup>1162</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, 2020.

<sup>1163</sup> Confidential source, 21 October 2020; Confidential source, 10 November 2020.

<sup>1164</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, 10 September 2018.

<sup>1165</sup> Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, 27 August 2019; Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, 10 September 2018.

<sup>1166</sup> Confidential source, 19 November 2020; Confidential source, September 2020.

<sup>1167</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, 10 September 2018; Confidential source, 21 October 2020.

<sup>1168</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, 2020; Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

<sup>1169</sup> Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

concerns about the inadequate resources NAPTIP has at its disposal to assist victims, the short time (six weeks) that victims stay at the shelter, and the fact that NAPTIP also uses the shelters for victims of other forms of gender-based violence, thus reducing their capacity for trafficking victims.<sup>1170</sup>

#### 6.3.4 *Nature and quality of protection at other shelters*

Some shelters run by NGOs are open while others are closed.<sup>1171</sup> There have been reports of NGO shelters withholding food from human trafficking victims as a punishment for disobedience.<sup>1172</sup> During the reporting period, there were indications that victims at these shelters are not fully protected against threats and the risk of re-trafficking. In an article for *Trouw*, an incident was cited in which family members came to collect their daughter/sister from a shelter in order to urge her to return to her trafficker.<sup>1173</sup> A confidential source indicated that NGO shelters are not very difficult for traffickers to identify.<sup>1174</sup> Resettlement in another region can help protect victims from threats and re-trafficking. A confidential source indicated that resettlement is only a realistic option if victims know that they are supported by an NGO, because if these girls try to withdraw from their family's sphere of influence, there will be no social safety net to catch them.<sup>1175</sup> Some NGO shelters offer the possibility for trafficking victims to settle in another region of the country for a long period (up to one year).<sup>1176</sup>

#### 6.3.5 *Shelter for male victims of human trafficking*

The above shelter options only exist for underage and adult female trafficking victims and for underage male trafficking victims. For this reason, both the UN Special Rapporteur and the 2020 USDoS report stated that adequate protection is not provided by NAPTIP or other organisations to adult male trafficking victims. Two shelters for male returnees were set up during this reporting period, according to a confidential source:<sup>1177</sup> one in the city of Lagos and one in the state of Edo. Both facilities are run by NGOs. The shelter in Lagos is managed by Patriotic Citizen Initiatives (PCI), and that in Edo by the Society for the Empowerment of Young Persons (SEYP).<sup>1178</sup> Male trafficking victims and other returning male migrants can also participate in the IOM and ERRIN reintegration programmes discussed in Chapter Four, and will in some cases be eligible for housing support.

#### 6.3.6 *Protection of victims outside shelters and of the family members of human trafficking victims*

Several sources stressed the importance of adequate protection for trafficking victims after they have left shelters and for the family members of trafficking victims.<sup>1179</sup> This is especially true for families of trafficking victims who have fled their madames/traffickers but remained in Europe. Such protection is almost never provided.<sup>1180</sup> When women leave shelters, NAPTIP lacks the capacity to provide protection itself. Coordination with the local police is possible in theory, but rarely if

<sup>1170</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, 10 September 2018.

<sup>1171</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, 2020.

<sup>1172</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, pp. 12, 14, 2020; Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, p. 7, 27 August 2019

<sup>1173</sup> *Trouw*, *Benin City loopt leeg: waarom de vrouwenhandel van Afrika naar Europa niet te stoppen is*, 25 May 2018.

<sup>1174</sup> Confidential source, 28 October 2020.

<sup>1175</sup> Confidential source, 10 November 2020.

<sup>1176</sup> Confidential source, 10 November 2020.

<sup>1177</sup> Confidential source, 10 November 2020.

<sup>1178</sup> Confidential source, 10 November 2020.

<sup>1179</sup> Confidential source, 28 October 2020; Confidential source, 10 November 2020; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020.

<sup>1180</sup> Confidential source, September 2020.

ever occurs in practice, according to a confidential source.<sup>1181</sup> As highlighted in the next section, corrupt police officers sometimes work with traffickers. One confidential source indicated that if families are not involved in the exploitation of their daughter/sister/niece and are actually threatened, the Nigerian authorities will deploy police to protect them and thus prevent reprisals by traffickers. However, this source also indicated that lack of capacity within the Nigerian police is an obstacle to the use of this remedy.<sup>1182</sup> In addition, this type of protection is temporary, allowing traffickers to wait for their opportunity if they actually do want to take revenge on family members.

6.3.7 *Inadequate criminal prosecution of human traffickers*

In theory, the criminal prosecution of traffickers could help protect trafficking victims and their families from reprisals and re-trafficking. During the reporting period, the number of convictions remained low.<sup>1183</sup> In addition, convictions of high-ranking figures within trafficking networks largely failed to materialise.<sup>1184</sup> NAPTIP data show that of the 1,076 cases NAPTIP received in 2018, 206 were fully investigated. Seventy-five cases were eventually brought to trial (including a number of cases from 2017). NAPTIP won 31 cases and lost 1. This resulted in the conviction of 50 human traffickers.<sup>1185</sup> In 2019, 203 cases were fully investigated, 701 suspects were arrested and perpetrators were convicted in 18 cases (25 individuals in total).<sup>1186</sup> Twenty percent of the 701 suspects arrested were involved in human trafficking abroad. According to a confidential source, the vast majority of human trafficking convictions in Nigeria involved low-ranking criminals, and the leaders of trafficking networks have remained unaffected.<sup>1187</sup> There were several positive developments in criminal prosecution during the reporting period. In 2019, several officials were convicted of involvement in trafficking. In Sokoto, for example, three mid-level and senior-level government officials were convicted under TIPLEAA and VAPP for 'procurement for sexual exploitation'. In Delta, two government officials were convicted of attempted child trafficking.<sup>1188</sup> In November 2020, a Nigerian judge sentenced three female traffickers to 10 and 14 years in prison for sexually exploiting a Nigerian woman in Russia. The Director-General of NAPTIP welcomed this conviction on the grounds that penalties had previously been very light.<sup>1189</sup>

6.3.8 *Fear, corruption and inefficiency as causes of limited criminal prosecution*

The reluctance of victims to testify against their traffickers, the involvement of government officials/politicians in trafficking and the inefficiency and lack of capacity of the investigation services are the main causes of the lack of convictions of traffickers. According to various sources, the lack of victims who are willing to testify against their traffickers is the main reason why so few traffickers are convicted.<sup>1190</sup> This reluctance is primarily due to fear of the effects of juju or of reprisals by traffickers.<sup>1191</sup> Various sources indicate that there is no properly functioning witness protection programme in Nigeria, which means that victims cannot assume that they themselves and their families will be protected if they cooperate in criminal prosecution.<sup>1192</sup> In addition, there is a fear among victims of stigmatisation by the

<sup>1181</sup> Confidential source, September 2020.

<sup>1182</sup> Confidential source, 9 October 2020.

<sup>1183</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, pp. 379-379, 2020; Premium Times, *ANALYSIS: Despite successes, NAPTIP investigates, prosecutes only few reported trafficking cases*, 2 October 2019.

<sup>1184</sup> Confidential source, 21 October 2020.

<sup>1185</sup> NAPTIP, *2018 4<sup>th</sup> Quarter Report*, pp. 2-6, 2018.

<sup>1186</sup> NAPTIP, *2019 Data Analysis*, p. 6, 2019.

<sup>1187</sup> Confidential source, 21 October 2020.

<sup>1188</sup> US Department of State, *Trafficking in Persons Report 2020: Nigeria*, p. 379, 2020.

<sup>1189</sup> Reuters, *Nigeria convicts family of sex traffickers with rare jail sentence*, 17 November 2020.

<sup>1190</sup> Confidential source, 21 October 2020; Confidential source, 10 November 2020; Confidential source, 28 October 2020.

<sup>1191</sup> Confidential source, 10 November 2020.

<sup>1192</sup> Confidential source, 10 November 2020; Confidential source, 21 October 2020; Confidential source, 5 October 2020.

family/wider community if they speak out.<sup>1193</sup> Victims are also often unwilling to testify because in many cases their family members were involved in the exploitation,<sup>1194</sup> or because they do not see themselves as victims.<sup>1195</sup> Corruption is another major cause of the lack of convictions, according to various sources.<sup>1196</sup> Other causes for NAPTIP's problems in prosecuting traffickers are lack of coordination between NAPTIP and the police and judicial authorities, lack of capacity within NAPTIP and the length of time it takes to process cases.<sup>1197</sup>

#### 6.4 Social reintegration

The following paragraphs deal with the social reintegration of human trafficking victims. Social attitudes towards returning victims of trafficking, and in particular of sexual exploitation, are first examined; the initiatives are then discussed that exist to support them in their reintegration into society.

##### *Economic success determines the social position of female human trafficking victims on their return*

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. Victims of sexual exploitation in Europe are at high risk of being stigmatised on their return because of the negative views of prostitution/sex work in Nigeria.<sup>1198</sup> Despite this, research shows that victims of sexual exploitation are not always subject to stigma, and that the extent to which victims are able to provide their families with an income largely determines whether or not this is the case.<sup>1199</sup> If a trafficking victim (eventually) succeeds in sending money home (especially if the amount sent home is considerable), the victim can probably expect to receive more respect within her family, partly because its accumulated wealth will have increased its prestige within the wider community. Research and media articles show that when sexual exploitation victims from southern Nigeria manage to make a living, the provenance of this new wealth is largely ignored.<sup>1200</sup>

<sup>1193</sup> Confidential source, 28 October 2020.

<sup>1194</sup> Confidential source, 21 October 2020.

<sup>1195</sup> For a discussion of this phenomenon, see: Plambach, 'God brought you home – deportation as moral governance in the lives of Nigerian sex worker migrants', *Journal of Ethnic and Migration Studies*, 2017.

<sup>1196</sup> Confidential source, 5 October 2020; US Department of State, *Trafficking in Persons Report 2020: Nigeria*, p. 379, 2020; Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018; Premium Times, *ANALYSIS: Despite successes, NAPTIP investigates, prosecutes only few reported trafficking cases*, 2 October 2019.

<sup>1197</sup> Office of the High Commissioner for Human Rights, *End of visit statement, Nigeria (3-10 September)* by Maria Grazia Giammarinaro, *UN Special Rapporteur on Trafficking in Persons, especially Women and Children*, 10 September 2018; Confidential source, 21 October 2020. The Nigerian legal system is generally characterised by inefficiency and high levels of corruption.

<sup>1198</sup> BBC, *Coronavirus: How sex workers are surviving in Uganda and Nigeria*, 14 June 2020.

<sup>1199</sup> Academic research with deprived families from Benin from 2013 shows that female trafficking victims who manage to send back money help improve the status of their family within the community and themselves enjoy an elevated status within their families. More recent sources confirm that these considerations are still central to social attitudes towards trafficking victims. For the original research, see: Osezua, 'Changing Status of Women and the Phenomenon Trafficking of Women for Transactional Sex in Nigeria: A Qualitative Analysis', *International Journal of Women's Studies*, pp. 14-29, 2013. For more recent publications in which these dynamics are noted, see: De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018; The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020; Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, pp. 1-19, 2020; Australian Government, *DFAT Country of Information Report – Nigeria*, section 3.54, 2018; EASO, *Country Guidance Nigeria*, February 2019.

<sup>1200</sup> De Correspondent, *Wie migratie écht wil begrijpen, moet naar de achterblijvers in Afrika kijken*, 8 August 2018; De Correspondent, *Benin City zette al mijn denkbeelden over migratie op z'n kop*, 8 August 2018; The Guardian, *Escape: the woman who brought her trafficker to justice*, 27 August 2020.



- 6.4.1 *Risk of stigmatisation and expulsion of returning human trafficking victims*  
However, if a victim fails to send any or enough money back home and/or returns sooner than expected, she runs the risk of being stigmatised for having been exploited in the sex industry.<sup>1201</sup> In addition, examples are known of victims who were rejected by their families or forced to return to prostitution.<sup>1202</sup> However, there is not always a negative attitude towards 'unsuccessful' trafficking victims who return. A survey of the experiences of 13 trafficking victims after returning to Nigeria indicated that these girls and women had not faced stigmatisation or rejection by the community after undergoing rehabilitation.<sup>1203</sup> The researchers indicated that this may have been partly due to the fact that the women had completed their reintegration process at an 'inconspicuous' location and stayed in the metropolis of Lagos. Concerning the family's attitude in the event of an 'unsuccessful' return, one source indicated that the way the family reacts depends on the nature of the family and the existing relationship between the family and the victim.<sup>1204</sup>
- 6.4.2 *Stigmatisation of male victims of human trafficking and sexual exploitation*  
Less is known about the attitudes of communities towards returning male victims of trafficking in general and sexual exploitation in particular.<sup>1205</sup> There is a great stigma attached to male prostitutes, partly due to the association of male prostitution with homosexuality.<sup>1206</sup> Male trafficking victims who return to Nigeria empty-handed experience shame regardless of whether they have been exploited in the sex industry or another sector.<sup>1207</sup> This is especially the case as most Nigerian men do not set out as trafficking victims: a smuggler is paid in advance to smuggle the migrant into Europe, often requiring an enormous investment from the victim's entire family. If the migrant then fails to earn money and/or falls victim to trafficking, this is seen as a failure or source of shame, regardless of the circumstances.<sup>1208</sup> 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.
- 6.4.3 *NGOs play a leading role in the economic reintegration of victims of human trafficking*  
As already described in the section on protection, NAPTIP organises shelter and rehabilitation for trafficking victims in conjunction with other government agencies. NGOs play a leading role in the rehabilitation and economic reintegration of victims. They provide shelter for lengthy periods (sometimes up to two years),<sup>1209</sup> organise training aimed at increasing victims' participation in the labour market, provide psychosocial assistance and mediate between victims and their families in the event of conflict. The quality of the shelter and training provided by local NGOs varies widely and depends to a large extent on the amount of donor funding these

<sup>1201</sup> The New Humanitarian, *Nigerians returned from Europe face stigma and growing hardship*, 28 July 2020; Osezua, 'Changing Status of Women and the Phenomenon Trafficking of Women for Transactional Sex in Nigeria: A Qualitative Analysis', *International Journal of Women's Studies*, pp. 14-19, 2013; Premium Times, *Trauma, Shame, Stigma: Nigerian returnees lament burdens of failed migration*, 3 December 2020.

<sup>1202</sup> Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

<sup>1203</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, pp. 1-19, 2020.

<sup>1204</sup> Confidential source, 5 October 2020.

<sup>1205</sup> IFRA, *Trafficking for Sexual Exploitation: The Gender Gap*, 29 July 2017.

<sup>1206</sup> IFRA, *Trafficking for Sexual Exploitation: The Gender Gap*, 29 July 2017; Crowell et al., 'Access to healthcare, and HIV risks among men who sell sex to men in Nigeria', *Journal of the International AIDS Society*, 20, 2017.

<sup>1207</sup> Harvard FXB, *Returning Home? The Reintegration Challenges Facing Child and Youth Returnees from Libya to Nigeria*, p. 27, 2019; De Correspondent, *Zo ziet het leven van 12 teruggekeerde migranten in Nigeria eruit (gefotografeerd door hen zelf)*, 29 August 2019; Premium Times, *Trauma, Shame, Stigma: Nigerian returnees lament burdens of failed migration*, 3 December 2020.

<sup>1208</sup> Harvard FXB, *Returning Home? The Reintegration Challenges Facing Child and Youth Returnees from Libya to Nigeria*, 2019.

<sup>1209</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, 2020.

organisations receive.<sup>1210</sup> Experiences of victims in the field of education and training therefore also vary.<sup>1211</sup> However, HRW indicates that many training programmes do not fit well with the skills required in the labour market.<sup>1212</sup> There was more detailed discussion in 5.3 of the quality of economic and other forms of reintegration support for individuals returning to Nigeria with or without assistance from IOM.

#### 6.4.4 *Reintegration after the end of the care period*

Various sources imply that a minority of returning female trafficking victims will manage to survive on their own financially in the longer term. For example, HRW stated that of the 76 female trafficking victims who had returned and whom it interviewed for a report on repatriation, 4 had succeeded in setting up their own businesses.<sup>1213</sup> Several women cited in this study indicated that they did not have enough money to buy food for themselves or their children. Other research with 13 returning trafficking victims indicated that 2 participants had set up a business, 2 had found a stable, well-paid job and 3 were in higher education. The other 6 participants had no job or irregular source of supplementary income.<sup>1214</sup> A confidential source indicated that women who fail to find a job or start a business will find it very hard to survive without the support of their families.<sup>1215</sup> They run the risk of ending up in prostitution and/or becoming victims of trafficking again.<sup>1216</sup> NGOs therefore provide guidance and therapy to both victims and their relatives with the aim of making it easier for victims to return to their families. The research for this country of origin information report did not produce any information into the percentage of returning trafficking victims who are not supported by their families in the end and do not have their own source of income.

### 6.5 **Risk of criminal prosecution for sex work/prostitution**

This section deals with the criminalisation of female sex workers in Nigeria who do not work under duress. National legislation makes exploitation in the sex industry a criminal offence,<sup>1217</sup> but not sex work. Despite this, there were attempts by the authorities during the reporting period to prosecute sex workers in Nigeria on the basis of local law.

#### 6.5.1 *Criminalisation of sexual exploitation in national law*

The Nigerian Penal Code contains a series of sections on prostitution that criminalise the sexual exploitation of women and girls. Sections 223, 224 and 225, 225A and 225B criminalise those who incite a woman to prostitution and/or profit from prostitution (for example by renting a property to a brothel owner), with penalties of up to two years in prison.<sup>1218</sup> Section 14 of the Anti-Trafficking Act, 2015 makes the import to and export from Nigeria of individuals for the purpose of exploitation, including sexual exploitation, a criminal offence carrying penalties of five years in prison and a fine of 1,000,000 naira.<sup>1219</sup> Section 15 makes sexual and other forms of exploitation within Nigeria a criminal offence carrying penalties of five years in

<sup>1210</sup> Human Rights Watch, "You Pray for Death": *Trafficking of Women and Girls in Nigeria*, 27 August 2019.

<sup>1211</sup> Human Rights Watch, *Witness: No Reprieve for Trafficking Survivors in Nigeria*, 27 August 2019; Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, pp. 1-19, 2020.

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<sup>1214</sup> Okoli and Idemudia, 'Survivor's Perceptions of Human Trafficking Rehabilitation Programs in Nigeria: Empowerment or Disempowerment?', *Journal of Human Trafficking*, 2020.

<sup>1215</sup> Confidential source, 10 November 2020.

<sup>1216</sup> EuroNews, *Abused in Libya and forced into prostitution back home: the nightmare of trying to reach Europe*, 21 June 2020.

<sup>1217</sup> Nigeria Sex Workers Association, *SHADOW REPORT: On the situation of Sex Workers in Nigeria*, May 2017.

<sup>1218</sup> Nigeria, *Criminal Code Act*, 1990.

<sup>1219</sup> Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2015. On 26 November 2020, 1,000,000 naira was worth 2,224.80 euros, according to CoinMill.com, an online exchange rate converter.

prison and a fine of 500,000 naira.<sup>1220</sup> Section 16 makes the procurement or recruitment of minors for prostitution a criminal offence carrying penalties of seven years in prison and a fine of 1,000,000 naira. Section 18 stipulates the same penalty for organising foreign travel with the aim of promoting prostitution of minors or adults.<sup>1221</sup> Sex workers, i.e. women who voluntarily exercise this profession, are not liable to punishment under national law. This is also the case for women who have worked (voluntarily) as sex workers outside Nigeria or who have been forcibly sexually exploited. Sex workers are liable to punishment under local legislation, however. In the northern states, for example, sex work is punishable under Islamist law. Sex work is also punishable by non-religious local law. For example, Section 532 of the Penal Code Act, Federal Capital of Abuja, 1990 criminalises 'prostitution' as well as 'visiting prostitutes' and 'profiting from prostitution' in FCT.<sup>1222</sup> The maximum sentence is two years in prison or a fine of 450 naira.<sup>1223</sup>

#### 6.5.2 *Arrest and acquittal of (alleged) sex workers*

During the reporting period, the Nigerian authorities and the religious police in northern Nigeria made several attempts (on the basis of local legislation) to arrest and prosecute alleged sex workers.<sup>1224</sup> In December 2019, the high court in Abuja ruled that sex work is not a crime in Nigeria, in a case brought against 16 women arrested on suspicion of prostitution in Abuja's nightclubs.<sup>1225</sup> Research for this country of origin information report found no indications that arrests of alleged sex workers by the religious morality police in northern Nigeria during the reporting period had led to convictions by sharia courts.

<sup>1220</sup> Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2015. On 26 November 2020, 500,000 naira was worth 1,112.40 euros, according to CoinMill.com, an online exchange rate converter.

<sup>1221</sup> Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2015. On 26 November 2020, 200,000 naira was worth 444.96 euros, according to CoinMill.com, an online exchange rate converter.

<sup>1222</sup> Premium Times, *Arrest Of Women In Abuja: What Nigerian law says about prostitution*, 10 May 2019.

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## 7.2 Abbreviations

ACCORD	Austrian Centre for Country of Origin & Asylum Research and Documentation
ACLED	Armed Conflict Location & Event Data
AFD	Agence Française de Développement
AGE	Advocates for Grassroots Empowerment
AGHI	Access to Good Health Initiative
APC	All Progressives Congress
APPG	All Party Parliamentary Group
CAFSSO-WRAG	<i>Child Adolescent and Family Survival Organization- Women’s Right Action Group</i>
CAGeM	Campaign Against FGM
CEDAW	Commission on the Elimination of all forms of Discrimination against Women
CFR	Council on Foreign Relations
CJTF	Civilian Joint Task Forces
CRU	Complaints Response Unit
DFAT	Australian Government Department of Foreign Affairs and Trade
DIHHR	Dynamic Initiative for Healthcare and Human Rights
EASO	European Asylum Support Office
EU EOM	European Union Election Observation Mission
EYN	Ekklesiyar Yan’uwa a Nigeria
FCT	Federal Capital Territory
FGM	Female Genital Mutilation
FRSC	Federal Road Safety Corps
GPI	Girl Power Initiative
GTI	Global Terrorism Index
HAHAI	Hope Alive Health Awareness Initiative
HoRF	House of Rainbow Fellowship
HRW	Human Rights Watch
ICARH	International Centre for Advocacy on Rights to Health
ICG	International Crisis Group
IFRA	Institut français de recherche en Afrique
IMH	Initiative for Improved Male Health
IMN	Islamic Movement of Nigeria
INEC	Independent National Electoral Commission
IDMC	International Displacement Monitoring Centre
IOM	International Organization for Migration
IPOB	Indigenous People of Biafra
IRBC	Immigration and Refugee Board of Canada
ISRHRA	Initiative for Sexual Reproductive Health and Rights Awareness
ISWAP	Islamic State West African Province
IYHI	Improved Youth Health Initiative
JAS	Jama’tu Ahlis Sunna Lidda’awati wal-Jihad
KAGM	Kick Against Genital Mutilation
LGA	Local Government Area
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MASSOB	Movement for the Actualization of the Sovereign State of Biafra

MHSI	Men's Health Support Initiative
MNJTF	Multi-National Joint Task Force
MSF	Médecins Sans Frontières
MWASD	Ministry of Women Affairs and Social Development
NAF	Nigerian Armed Forces
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NCFRMI	National Commission for Refugees, Migrants and IDPs
NDA	Niger Delta Avengers
NDHS	National Demographic and Health Survey
NHRC	National Human Rights Commission
NIMC	National Identity Management Commission
NIN	National Identity Number
NIS	National Immigration Service
NOA	National Orientation Agency
NPF	Nigerian Police Force
OCHA	Office for the Coordination of Humanitarian Affairs
OSAC	United States Overseas Security Advisory Council
PCC	Public Complaints Commission
PCI	Patriotic Citizen Initiatives
PSC	Police Service Commission
PDP	People's Democratic Party
PIND	Foundation for Partnership Initiatives in the Niger Delta
QA	Queer Alliance
SAM	Severe Acute Malnutrition
SARS	Special Anti-Robbery Squad
SEMA	State Emergency Management Agency
SEYP	Society for the Empowerment of Young Persons
SHCI	Society for Human Health Care Intervention
SSMPA	Same Sex Marriage Prohibition Act
TIER	The Initiative for Equal Rights
TIPLEAA	Trafficking in Persons (Prohibition) Law Enforcement and Administration Act
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USDoS	United States Department of State
VAPP	Violence against Persons Prohibition Act
VFN	The Value Female Network
WFP	World Food Programme
WHO	World Health Organization
WHER	Women's Health and Equal Rights Initiative
WRAHP	Women's Rights and Health Project

### 7.3 Map of Nigeria





