

# Responses to Information Requests - Immigration and Refugee Board of Canada

Nigeria: Domestic violence, including legislation; protection and support services offered to victims (2016-November 2019)

## 1. Overview

Sources state that domestic violence is "prevalent" (CLEEN 18 Oct. 2019), "very prevalent" (Executive Director of WINET 5 Oct. 2019) or "widespread" in Nigeria (US 13 Mar. 2019, 33; Freedom House 29 Jan. 2019). Sources indicate that domestic violence can be physical, sexual or psychological (NPC of Nigeria and ICF Oct. 2019, 427; NOIPolls Limited and Project Alert July 2016, 4).

According to the Fund for Peace (FFP) [1], "[p]hysical violence and sexual assault are often perpetrated against women and children in households, but so too are other forms of abuse, such as financial disempowerment" (FFP 15 May 2018, 1). Some sources further note that even though the victims are mostly women, domestic violence can also affect men (CLEEN 18 Oct. 2019; Switzerland 22 Mar. 2019, 31; NOIPolls Limited and Project Alert July 2016, 4).

According to some sources, domestic violence is increasing in Nigeria (CLEEN 18 Oct. 2019; UN 24 Aug. 2018, para. 78; NOIPolls Limited and Project Alert July 2016, 4). A public opinion poll "to ascertain the perceptions of Nigerians" regarding domestic violence (NOIPolls Limited and Project Alert July 2016, 5), conducted by NOIPolls Limited [2] and Project Alert on Violence Against Women (Project Alert) [3] and published in July 2016, found that 78 percent of the Nigerians surveyed "stated that there is an increasing prevalence of domestic violence across Nigeria" (NOIPolls Limited and Project Alert July 2016, 4). According to some sources, conflict affecting Nigeria is increasing the rate of domestic violence, especially in the North-East (UN 27 Aug. 2018, para. 69; FFP 15 May 2018, 4).

### 1.1 Statistics

In a country information report on Nigeria, Australia's Department of Foreign Affairs and Trade (DFAT) indicates that the lack of reliable data and under-reporting of cases make it difficult to measure rates of domestic violence (Australia 9 Mar. 2018, para. 3.50).

According to the 2018 *Nigeria Demographic and Health Survey (NDHS)*, approximately 31 percent of women aged between 15 and 49 had experienced some form of physical violence since age 15, and 14 percent had experienced physical violence in the 12 months preceding the survey (NPC of Nigeria and ICF Oct. 2019, 429). The public opinion poll found that "54 percent of Nigerians have suffered a form of domestic violence or know someone that has experienced domestic violence in their homes" (NOIPolls Limited and Project Alert July 2016, 4). In a 2017 report, Nigeria's Gender Based Violence Sub-Sector Working Group (GBVSWG) [4] indicates that "[o]ne in four ever-married women have reported having experienced at least one type of domestic violence such as physical, emotional or sexual violence by their husband or partner" (GBVSWG 2017, 9). Australia's DFAT report indicates that "[l]ocal and international sources estimate that 30-50 per cent of women have experienced domestic violence" in Nigeria (Australia 9 Mar. 2018, para. 3.50).

In correspondence with the Research Directorate, a representative of the CLEEN Foundation (CLEEN) [5] noted that domestic violence is "common" in both urban and rural areas (CLEEN 18 Oct. 2019). The 2018 NDHS indicates that 32.3 percent of women in urban areas and 29.8 percent in rural areas reported that they had experienced some form of physical violence since age 15 (NPC of Nigeria and ICF Oct. 2019, 437). In correspondence with the Research Directorate, the Executive Director of Safehaven Development Initiative (SDI) [6] indicated that the domestic violence prevalence rate is higher in the urban than rural areas (SDI 13 Nov. 2019). However, in correspondence with the Research Directorate, the Executive Director of the Women Information Network (WINET) [7] noted that the prevalence of domestic violence is similar in urban and rural areas (Executive Director of WINET 5 Oct. 2019). The CLEEN Foundation representative stated the following:

[R]esulting from patriarchal norms, values and belief systems deeply entrenched in the rural areas (stigma), these spaces may be recording slightly higher cases than urban areas due to the weak presence of state mechanisms such as the Nigeria Police Force and weak enforcement and prosecution rates. (CLEEN 18 Oct. 2019)

The 2018 NDHS also provides the following information regarding the percentage of women who reported having experienced physical violence since age 15:

- the area with the highest proportion of such women is the South South, with 46.4 percent, and the lowest is the North West, with 11.7 percent;
- 38.4 percent of Catholics, 41.5 percent of other Christians, 34.9 percent of "[t]raditionalist[s]" and 21.9 percent of Muslim women;
- 35.6 and 35.9 percent of women with primary and secondary levels of schooling, respectively, 22.3 percent of women who never attended school, and 33.6 percent of women whose education level is "[m]ore than secondary";
- 31.5 percent of employed women paid in cash, 42.7 percent of women who were employed but not paid in cash, and 25 percent of unemployed women (NPC of Nigeria and ICF Oct. 2019, 437-438).

Concerning the disparities that may appear in the results of surveys on domestic violence, Switzerland's State Secretariat for Migration (Secrétariat d'État aux migrations, SEM), in a report on Edo State, explained the following:

[translation]

[Data on domestic violence] should be considered in the knowledge that willingness to talk openly about family problems varies depending on the state or region, and that in Nigeria, as elsewhere, domestic violence remains under-reported. The reporting rate also depends on the level of education and socio-economic status of the respondents. (Switzerland 22 Mar. 2019, 31)

## **1.2 Underreporting of Domestic Violence**

According to sources, domestic violence is underreported in Nigeria (CLEEN 18 Oct. 2019; UN 2 Sept. 2019, para. 61; Freedom House 29 Jan. 2019). Sources indicate that a "culture of silence" surrounds domestic violence (Executive Director of WINET 5 Oct. 2019; UN 24 Aug. 2018, para. 78; FFP 15 May 2018, 1). According to the CLEEN Foundation representative, "[d]iscussions around domestic violence, especially within families and the community, are shrouded in secrecy; [this] encourag[es] acts of impunity" (CLEEN 18 Oct. 2019).

Victims are reluctant to report domestic violence because they fear being stigmatized (FFP 15 May 2018, 3; Arike Foundation, et al. June 2017, para. 60; NOIPolls Limited and Project Alert July 2016, 4). They are also hesitant to report domestic violence

because police reportedly turn away victims at police stations on the grounds that it is a private or family matter (CLEEN 18 Oct. 2019; UN 24 Aug. 2018, para. 78). Some sources also indicate that pressure from family members constitutes a barrier to reporting (CLEEN 18 Oct. 2019; Switzerland 22 Mar. 2019, 32). The Executive Director of SDI, however, speaking of Lagos, indicated that it was so in the past, but that "with increased awareness, people are [now] able to call on behalf of neighbours and [that] individuals [are] speaking out for themselves" (SDI 13 Nov. 2019).

According to respondents of the 2016 public opinion survey, "victims do not take any action mainly 'to avoid stigmatization' (34 percent), while in other cases their non-action could be as a result of [i]gnorance and [i]lliteracy of victims (21 percent), emotional attachment to their spouses and partners (18 percent) and fear of threat or insecurity (17 percent)" (NOIPolls Limited and Project Alert July 2016, 4).

According to the FFP, "survivors of domestic violence often choose to report domestic abuse to non-legal bodies, such as religious and traditional leaders, family members, or [civil society organizations]" (FFP 15 May 2018, 4). According to the 2018 *NDHS*, "[t]hirty-two percent of women who have ever experienced physical or sexual violence have sought help to stop the violence" (NPC of Nigeria and ICF Oct. 2019, 435). Among them, "the most common sources for help" were their own family (73 percent) and the family of their husband or partner (26 percent) (NPC of Nigeria and ICF Oct. 2019, 436). According to Switzerland's SEM, citing the 2013 *NDHS* as well as an interview with a "consultant on public health physician" interviewed in 2018 in Benin City, [translation] "when victims sought help from a third party, they most often sought help from members of their own families, who were thus the main actors of protection" (Switzerland 22 Mar. 2019, 31). Then, according to the same source, they turn to their spouse's family, who will not necessarily protect the victim, but can try to reason with the perpetrator (Switzerland 22 Mar. 2019, 32).

### 1.3 Societal Attitudes

The results of the 2016 public opinion poll indicate that 98 percent of the Nigerians interviewed responded that it is not proper for a man to hit his wife or wives (NOIPolls Limited and Project Alert July 2016, 14). Some sources state that awareness about domestic violence is increasing in Nigeria (SDI 13 Nov. 2019; Executive Director of WRAHP 1 Nov. 2019). In a telephone interview with the Research Directorate, the Executive Director of the Women's Rights and Health Project (WRAHP) [8] noted that, especially in Lagos, there is a noticeable change in attitude concerning the idea that domestic violence is a "domestic issue" (Executive Director of WRAHP 1 Nov. 2019). In contrast, other sources state that domestic violence is socially acceptable in Nigeria (SDI 13 Nov. 2019; US 13 Mar. 2019, 33). According to the WRAHP Executive Director, in rural areas, people "see domestic violence as the norm" (Executive Director of WRAHP 1 Nov. 2019). Switzerland's SEM reports that, according to an academic article published in 2016, [translation] "[a]mong 400 patients at an antenatal clinic in Benin City, 58 percent felt that domestic violence against women was justified in all circumstances" and "in cases of household negligence, the approval rate rose to 78 percent" (Switzerland 22 Mar. 2019, 31).

In their Social Institutions and Gender Index (SIGI), the Organisation for Economic Co-operation and Development (OECD) reports that a discriminatory attitude is prevalent towards women in Nigeria (OECD 2019, 6). The FFP emphasizes that there are "widely held notions that women should be subordinate to men, and that married women are the property of their husbands. This produces a power dynamic which justifies abusive behaviour perpetrated by a husband, including the use of violence" (FFP 15 May 2018, 2). The CLEEN Foundation representative similarly stated the

following:

Societal attitudes towards domestic violence are deeply rooted in the unequal power relations that exist between men and women, especially in traditional African societies like Nigeria. The blame for domestic violence is often laid at the doorstep of the woman as being solely responsible for acts leading to violence within the confines of marriage or intimate relationships in both urban and rural Nigeria. In a traditional patriarchal society like Nigeria, society's assertion as to the superiority of the man to the woman still holds sway. Therefore, acts of violence perpetrated by the men to their wives or intimate partners are often not considered rights violations. (CLEEN 18 Oct. 2019)

Sources report that Nigerian culture assigns men and women different roles and responsibilities (Switzerland 22 Mar. 2019, 30; FFP 15 May 2018, 2), women being expected to "be obedient, faithful, perform household chores, defer to their husbands on decision-making and bear children" (FFP 15 May 2018, 2). According to sources, not respecting those roles can be called up to justify domestic violence (Switzerland 22 Mar. 2019, 30; FFP 15 May 2018, 2).

According to the FFP, "[r]eligious norms can often be used to justify domestic violence against women. In some settings, the prevalence of the need for 'submissiveness' by a woman is often preached in the religious community, cutting across many of the major faiths practiced in Nigeria" (FFP 15 May 2018, 2). According to the academic article cited by Switzerland's SEM, 76 percent of women interviewed in Benin City recommended [translation] "submission" as a way to stop domestic violence (Switzerland 22 Mar. 2019, 32).

Some sources state that domestic violence is tolerated by victims because of the shame or social stigma attached to being abused by a partner (Executive Director of WRAHP 1 Nov. 2019) or to their marriage failing (Pulitzer Center 24 July 2019).

## 2. Legislation

Nigeria's GBVSWG states the following:

The legal regime in Nigeria is a mix of common law, sharia law and customary law. States have a level of autonomy [which means that] legislations passed at [the] federal government level can only be applicable in states after a process of ratification/domestication. Although the 1999 Constitution of Nigeria prohibits discrimination on the grounds of sex, customary and religious practices continue to restrict women's rights. Also, the contradictory provisions of existing laws worsen the situation of women and girls in terms of harmonized interpretation and application. (GBVSWG 2017, 10)

The same source reports that sections of Nigerian law allow a man to use "corrective" violence against his wife (GBVSWG 2017, 10). According to sources, section 55 of the penal [or criminal] code allows a man to beat his wife for the purpose of disciplining [or "correcting"] her (UN 27 July 2017, para. 11; Musawah July 2017, 5; Arike Foundation, et al. June 2017, para. 62), "as long as no grievous bodily harm is inflicted" (UN 24 July 2017, para. 11). Sources specify that this penal code is applicable in Northern Nigeria (Musawah July 2017, 5; Arike Foundation, et al. June 2017, para. 62). A retired judge in the State of Edo similarly stated to Switzerland's SEM that [translation] "traditional law does not allow physical violence against women unless it is 'applied for the purpose of correction' and does not cause serious injury" (Switzerland 22 Mar. 2019, 30).

Sources indicate that Nigeria does not have a comprehensive national law applied

throughout the country to combat domestic violence or violence against women (Switzerland 22 Mar. 2019, 30; US 13 Mar. 2019, 33; Arike Foundation, et al. June 2017, para. 44). Sources state that various legal instruments are used to address domestic violence or violence against women (CLEEN 18 Oct. 2019; Arike Foundation, et al. June 2017, para. 44), including the 1999 Constitution of Nigeria and the 2003 Child's Rights Act (CLEEN 18 Oct. 2019). According to 28 Too Many [9], however, while the 1999 Constitution addresses equality of rights and dignity and prohibits discrimination, it "does not specifically refer to violence against women and girls" (28 Too Many June 2018, 2).

## **2.1 The 2015 *Violence Against Persons (Prohibition) (VAPP) Act***

Sources report that the *VAPP Act*, passed in 2015, is a legal instrument used to address domestic violence (CLEEN 18 Oct. 2019; 28 Too Many June 2018, 2-3; Musawah July 2017, 25); it is a federal law (28 Too Many June 2018, 2; Musawah July 2017, 25). The *VAPP Act*, which aims at eliminating "'violence in private and public life', " "prohibit[s] all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices, [and] discrimination against persons', particularly women" (Musawah July 2017, 25, second set of square brackets in original). Similarly, according to 28 Too Many, the *VAPP Act* "criminalis[es] and set[s] out the punishment for acts including rape (but not spousal rape), incest, domestic violence, stalking, harmful traditional practices and FGM" (28 Too Many June 2018, 2-3). US Department of State's *Country Reports on Human Rights Practices for 2018* specifies that the *VAPP Act* also mentions "socioeconomic violence" and

cites spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), other harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) as offenses. (US 13 Mar. 2019, 32)

Under the *VAPP Act*, spousal battery is prohibited and punished by up to three years' imprisonment, a fine not exceeding 200,000 Nigerian naira (NGN) [C\$726], or both (Nigeria 2015, Art. 19). A copy of the *VAPP Act* is attached to this Response.

Sources, however, explain that as a federal law, the *VAPP Act* is only effective in the Federal Capital Territory (FCT) of Abuja (UN 2 Sept. 2019, para. 61; EU Feb. 2019, 62; 28 Too Many June 2018, 3). Musawah [10] specifies that "only the High Court of the Federal Capital Territory has jurisdiction to hear and grant applications, including restraining orders" (Musawah July 2017, 25). The law, according to sources, has not been domesticated [11] in all 36 states of Nigeria (28 Too Many June 2018, 3; Musawah July 2017, 25). Sources report that "some" (Executive Director of WINET 5 Oct. 2019) or "[a] few" states have done so (UN 2 Sept. 2019, para. 61). US *Country Reports 2018* indicates that, "[a]s of March [2018], only Anambra, Ebonyi, and Oyo states, in addition to the FCT, had domesticated the VAPP," but that Cross River, Ebonyi, Jigawa and Lagos have "enacted domestic violence laws" (US 13 Mar. 2019, 32, 33). The WINET Executive Director stated that the states of Anambra and Enugu, "among others," had domesticated the *VAPP Act* (Executive Director of WINET 5 Oct. 2019).

A June 2017 shadow report submitted to the Committee on the Elimination of Discrimination Against Women (CEDAW) by a coalition of Nigerian NGOs, coordinated by the Women Advocates Research and Documentation Centre (WARDC), states that the following six states have passed laws against domestic

violence: Lagos, Osun, Cross River, Ebonyi, Ekiti and Kogi (WARDC, et al. June 2017, 12). The European Asylum Support Office (EASO) indicates that 13 states have passed laws similar to the *VAPP Act* (EU Feb. 2019, 62). The NGO coalition further reports that the following legislation and policies aimed at eliminating harmful traditional practices and domestic violence were adopted in various states:

- Enugu State Prohibition of Infringement of a Widow's and Widower's Fundamental Rights Law No. 3, 2001;
- Rivers State Abolition of Female Circumcision Law No. 2, 2001;
- Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No. 4 of 1999;
- Ekiti State Gender-Based Violence (Prohibition) Law, 2011;
- Osun State Protection Against Domestic Violence Law, 2013;
- Domestic Violence Law of Lagos State, 2007;
- Jigawa State Gender Policy, 2013 (WARDC, et al. June 2017, 13).

## 2.2 Marital Rape

Sources report that although rape is criminalized in Nigeria (Freedom House 29 Jan. 2019; EU Feb. 2019, 62), marital rape is not recognized (GBVSWG 2017, 10). 28 Too Many specifies that the *VAPP Act* does not address marital rape (28 Too Many June 2018, 2-3). Musawah points out that "[u]nder [the] Penal Code of the Federal Capital Territory of Abuja section 282(2), the Northern Nigerian Penal Code section 357, and the Shari'ah Penal Codes, marital rape is not a crime" (Musawah July 2017, 24). In contrast, without providing further details, the Australian DFAT indicates in a March 2018 report that "[r]ape, including marital rape, is an offence under Nigerian law and Nigerian courts have delivered some convictions for spousal rape" (Australia 9 Mar. 2018, para. 3.51). In a compilation on Nigeria, the Office of the UN High Commissioner for Human Rights (OHCHR) indicates in an August 2018 report that the "Special Rapporteurs on health, on sale of children and on slavery noted that the [*VAPP*] Act prohibited all forms of violence and criminalized marital rape" and added that they also "recommended that Nigeria ensure that the Act was adopted in those states that had yet to do so" (UN 27 Aug. 2018, para. 65). The *VAPP Act* defines rape as follows:

(l) A person commits the offence of rape if-

1. he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else;
2. the other person does not consent to the penetration; or
3. the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse. (Nigeria 2015, Art. 1(1))

Further information, including cases of the *VAPP Act* being used to prosecute marital rape, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.3 Protection Orders

Sources indicate that restraining or protection orders may be applied in Nigeria (SDI 13 Nov. 2019; US 13 Mar. 2019, 33; Australia 9 Mar. 2018, para. 3.51). Article 28(1) of the *VAPP Act* provides the following:

An application for a protection order may, be made before the High Court following a complaint of violence by the complainant and such order, if granted, shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order. (Nigeria 2015)

For further details on protection orders, see articles 28 to 31, 33 to 35 and 41 of the *VAPP Act*, attached to this Response.

Sources also specified that protection orders are available in the state of Lagos (Executive Director of WRAHP 1 Nov. 2019; CLEEN 18 Oct. 2019), as per the Lagos state law against domestic violence (CLEEN 18 Oct. 2019). According to the CLEEN Foundation representative, obtaining a protection order requires bringing the case of domestic violence before a court and being granted one (CLEEN 18 Oct. 2019). However, according to the WRAHP Executive Director, a victim can go to a social worker, an organization or directly to the police and swear an affidavit about the circumstances (Executive Director of WRAHP 1 Nov. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **2.4 Enforcement of Legislation**

A coalition of eight Nigerian NGOs indicate in a June 2017 shadow report submitted to CEDAW that "[p]oor or no implementation of [the legal] instruments and measures [available to address domestic violence in Nigeria] continue[s]" (Arike Foundation, et al. June 2017, para. 44). CEDAW similarly noted in July 2017 that "the 'enforcement procedure' framework for the implementation of the [*VAPP*] Act has not been prepared" (UN 24 July 2017, para. 25). The Executive Director of SDI also indicated that implementation of the law was a "serious issue" (SDI 13 Nov. 2019). According to the CLEEN Foundation representative, the implementation of laws addressing domestic violence is impeded by a lack of political will to deal with the issue (CLEEN 18 Oct. 2019).

Without providing further details, the CLEEN Foundation representative nonetheless stated, in response to a question on legislation related to domestic violence and its enforcement, that "[i]n courts of law, specific aspects of these general laws have been utilized within the broad scope of violence against persons to convict persons accused of domestic violence in Nigeria" (CLEEN 18 Oct. 2019). The same source also reported the following concerning Lagos:

It is important to mention that [the] Lagos state government has the most proactive law and enforcement against domestic violence in Nigeria. The Lagos state government law against domestic violence gave provision[s] for victims of domestic violence to receive adequate treatment and shelter as the case may be. The law also ensures that offenders of the law receive the necessary punishment for their atrocities. The law also ensures that different categories of people within the jurisdiction of the state get the needed protection of the state against every form of violation. (CLEEN 18 Oct. 2019)

The Executive Director of SDI similarly stated that "in Lagos State, people are rising up to challenge the police and insisting on going to court" (SDI 13 Nov. 2019). However, the representative of CLEEN Foundation added that, despite these developments, "the rates of domestic and sexual violence in Lagos state ... continues to spike upwards" (CLEEN 18 Oct. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. State Protection

Citing UN publications, the OECD's 2019 SIGI indicates that the Nigerian government has taken measures to improve women's access to legal services and protect them from domestic violence, including

a Legal Aid Council that was established to provide free legal counsel to women victims/survivors of violence; a Citizens['] Rights Department that was established in 2005 within the Federal Ministry of Justice to offer free legal counselling to indigent women. A National Gender Data Bank was created to pool and harmonize existing data sources into a one-stop referral point; and a Multi-Technical Team (MTT) composed of relevant [m]inistries, [a]gencies and [c]ivil [s]ociet[y] [organizations] that was constituted in 2006 to coordinate on cases of reported cases of domestic violence, sexual assault and rape, sexual harassment as well as protective measures that are intended to assist abused women (legal aid, financial assistance, housing assistance, shelters, police action, NGO efforts). (OECD 2019, 12)

An August 2018 OHCHR report states that the government of Nigeria has established "a gender-based violence coordination mechanism" to address issues including the rising incidence of domestic violence in northeast Nigeria (UN 27 Aug. 2018, para. 69). Information on the implementation and effectiveness of these services could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 3.1 Police

Sources indicate that victims of domestic violence do not turn to the police as their primary option for assistance (Switzerland 22 Mar. 2019, 31; NPC of Nigeria and ICF Oct. 2019, 456). According to the 2018 NDHS, 1 percent of women who experienced physical or sexual violence sought help from the police (NPC of Nigeria and ICF Oct. 2019, 456). As noted in section 1.2 of this Response, sources report that victims of domestic violence are turned away by police officers who consider domestic violence a private or family matter (Executive Director of WINET 5 Oct. 2019; UN 24 Aug. 2018, para. 78). The WRAHP Executive Director stated that the police station is where most cases end and that the seriousness with which a case is considered depends on the family support, the education of the victim and the individual police officer (Executive Director of WRAHP 1 Nov. 2019). Some sources further report that police officers sometimes blame the victim for provoking abuse (US 13 Mar. 2019, 33) or further abuse them (FFP 15 May 2018, 4). The CLEEN Foundation representative reported that the "[w]orst scenarios are ... cases where [the] investigating police officer requests victims to recount the entire tortuous process" and indicates that "[v]ictims do not always want to report to the police as a result of these instances" (CLEEN 18 Oct. 2019). The WRAHP Executive Director similarly stated that "[p]olice retraumatize" victims and that "if both the victim (female) and the perpetrator (male) are present, the police will 90% of the time believe the man over the woman" (Executive Director of WRAHP 1 Nov. 2019). *US Country Reports 2018* states that "[i]n rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed local customary norms" (US 13 Mar. 2019, 33). However, in Lagos, according to the Executive Director of SDI, since the police have been trained about domestic violence, they will now "openly" arrest the perpetrators and protect the victims; when a case is reported to the police gender desk, it is recorded and the abuser is sent to be picked up to hear his or her version of the facts (SDI 13 Nov. 2019). The same source also indicated that in Lagos, the police generally take the case to court (SDI 13 Nov. 2019).

Sources indicate that the police have "gender desk[s]" or units (SDI 13 Nov. 2019;



CLEEN 18 Oct. 2019; Switzerland 22 Mar. 2019, 31) to receive complaints from victims of domestic violence (Switzerland 22 Mar. 2019, 31). According to the CLEEN Foundation representative, they are available in most state commands, but "their effectiveness is hampered by [a] lack of funds to operate" (CLEEN 18 Oct. 2019). The same source further stated that there have been "modest reforms to truly reform police action on domestic violence through capacity building for the right skills [and] the use of alternative dispute resolution mechanisms," and reported that "there have been positive instances of the police supporting survivors through following up cases even to the courts of law (until such cases face judicial deaths due to pressures from victim's family) [and] filling [out] paperwork, etc." (CLEEN 18 Oct. 2019). The WRAHP Executive Director indicated that the government tried to put mechanisms in place to reform the police, but that, because of corruption, the issues persist (Executive Director of WRAHP 1 Nov. 2019).

Information on the number of cases of domestic violence investigated by the police could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3.2 Judiciary

US *Country Reports 2018* states that "victims and survivors [of domestic violence] had little or no recourse to justice" (US 13 Mar. 2019, 33). In its report on Edo State, Switzerland's SEM similarly states that the use of the judiciary by victims of domestic violence remained [translation] "marginal" (Switzerland 22 Mar. 2019, 31). A doctor interviewed by the same source indicated that [translation] "few women report their husbands and that 'often those who have filed a complaint withdraw it, because when the family wants to intervene, they say that the complaint must first be withdrawn'" (Switzerland 22 Mar. 2019, 32). The WINET Executive Director, however, stated that it "is not a taboo to report or discuss [domestic violence], it is just that victims are unaware of their human rights as enshrined in the 1999 Constitution of the Federal Republic of Nigeria as amended that protects the dignity of the human person" (Executive Director of WINET 5 Oct. 2019). The WRAHP Executive Director similarly noted that victims are not aware of the laws [that may be able to offer them protection], while specifying that the level of awareness is higher in urban than in rural areas (Executive Director of WRAHP 1 Nov. 2019).

The CLEEN Foundation representative noted that "[t]he cost of legal representation can be prohibitive for a number of women affected by domestic violence in Nigeria. Where funds are a constraint to victims, this acts as a major barrier to present cases of domestic violence before the criminal justice system" (CLEEN 18 Oct. 2019). The WRAHP Executive Director similarly indicated that there is no legal aid available to victims, that lawyers will not work pro bono, and that victims have to pay themselves for the proceedings or count on family support (Executive Director of WRAHP 1 Nov. 2019).

The FFP indicates that women in rural areas have more difficulty accessing justice in cases of domestic violence, as the justice system is "largely urban-based"; the source adds that "rural women frequently rely on traditional justice systems which normally encourage reconciliation rather than prosecution, and offer limited protection for victims of violence" (FFP 15 May 2018, 4). A retired judge in Edo State reported to Switzerland's SEM that [translation] "[t]raditional courts operate only at the first instance level" and that "'the lack of education and lack of knowledge of the law by most rural women prevents them from exercising their rights'" (Switzerland 22 Mar. 2019, 30).

The CLEEN Foundation representative indicated that "data has been patchy and non-

existent in some cases" and that "[d]ocumentation remains a challenge to depict efforts towards accountability for domestic violence in Nigeria" (CLEEN 18 Oct. 2019). Freedom House states that the rates of prosecution are low (Freedom House 29 Jan. 2019). Switzerland's SEM reports that most judicial proceedings remain pending or result in a divorce rather than in the punishment of the abuser (Switzerland 22 Mar. 2019, 32). According to the CLEEN Foundation representative, domestic violence is treated as a criminal offence "theoretically," but that "accountability for such crimes remains a weak link in Nigeria" (CLEEN 18 Oct. 2019).

#### 4. Support Services

US *Country Reports 2018* indicates that in Nigeria, "[v]ictims and survivors of violence are entitled to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies" (US 13 Mar. 2019, 32). The OECD's SIGI states that the *VAPP Act* "establishes ... provisions for the protection of victims[,] including: comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies; protective orders for victims; a sex offender registry; [and] a special trust fund for legal services for victims" (OECD 2019, 6). According to the EASO, in Lagos, a state-sponsored Domestic and Sexual Violence Response Team provides legal, medical, emergency, and psychological assistance to victims of domestic violence (EU Nov. 2018, 55). The Executive Director of SDI further indicated that the Office of the Public Defence, "where legal matters are handled for free," provides legal aid to victims of domestic violence in Lagos State (SDI 13 Nov. 2019). According to the CLEEN Foundation representative, other states such as Enugu, Abuja and Kaduna have domestic violence referral centres, but they are managed by NGOs and therefore have "sustainability" issues (CLEEN 18 Oct. 2019). The same source stated that much of the support provided to victims of domestic violence comes from civil society organizations and international development partners (CLEEN 18 Oct. 2019). According to its *Strategy for Gender-Based Violence Prevention, Mitigation and Response in the Humanitarian Context*, the GBVSWG states that its key priorities are the provision of material assistance, health care and medical services to survivors of gender-based violence, along with case management support, mental health and psychosocial support, safety and security services, and legal aid services (GBVSWG 2017, 14-15).

Sources indicated that the federal government of Nigeria (CLEEN 18 Oct. 2019) and the Lagos State government provided hotlines to victims of domestic violence (SDI 13 Nov. 2019; CLEEN 18 Oct. 2019). According to the CLEEN Foundation, the goal of the Lagos emergency line is to have "an immediate response team deployed to the scene" (CLEEN 18 Oct. 2019).

The CLEEN Foundation representative reported the following:

There are several interventions to represent survivors in court through state and non-state led interventions. This is with the view of assisting them in case the victim does not have the financial capacity to hire the service of a lawyer. The International Federation of Women Lawyers is one such non-state intervention [group that aims] to support victims in courts through representation. These have state chapters working in collaboration with the Federal Ministry of Justice and state ministries of Justice. For state-led support, the challenge continues to be the availability of State counsel, especially where there are other compelling cases needing attention. These constraints could lead to unnecessary complications and extension of the court proceedings on the case. (CLEEN 18 Oct. 2019)

Information on the implementation and effectiveness of these services and the

number of women who have been able to access them could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 4.1 Shelters

The Executive Director of SDI reported that "Lagos State has a great functional shelter with all services" (SDI 13 Nov. 2019). However, sources report that there are few shelters for women victims of domestic violence in Nigeria (CLEEN 18 Oct. 2019; Executive Director of WINET 5 Oct. 2019). Sources state that there is ["a small number of" (Australia 9 Mar. 2018, para. 3.51)] government-run shelters (OECD 2019 6; Australia 9 Mar. 2018, para. 3.51). According to Australia's DFAT report, they are "poorly equipped and do not provide adequate protection" (Australia 9 Mar. 2018, para. 3.51). CEDAW similarly noted in July 2017 that "[s]helters are inadequate and there is no information on their accessibility for women and girls, especially in remote areas" (UN 24 July 2017, para. 25). According to the WRAHP Executive Director, victims have to pay to stay in government shelters and can only stay there for a week or two (Executive Director of WRAHP 1 Nov. 2019). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Some sources indicate that there are NGO-run shelters (Executive Director of WINET 5 Oct. 2019; Australia 9 Mar. 2018, para. 3.51), including one in Enugu and another in Lagos (Executive Director of WINET 5 Oct. 2019). In 2014, according to EASO, the UN Development Program (UNDP) identified three shelters in Lagos and three more (one each) in the states of Ekiti, Enugu and Cross River, in addition to one that was under construction in Kaduna (EU Nov. 2018, para. 2.9.4). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Australia's DFAT report states that shelters are "predominantly located in southern Nigeria" (Australia 9 Mar. 2018, para. 3.51). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate the existence of two sexual assault [referral] centres: the Tamar Centre in Enugu [South East] and the Mirabel Centre in Lagos [South West] (Executive Director of WINET 5 Oct. 2019; British Council n.d.). Information on the current operations of these centers could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 4.2 Mediation Services

The FFP mentions that mediation services can be provided to victims of domestic violence (FFP 15 May 2018, 1). According to Switzerland's SEM, the Federal Ministry of Women Affairs and Social Development organizes couple mediation and in Benin City, the ministry proceeds by organizing a mediation meeting and if this does not succeed, it offers the victim the option to lodge a complaint and to assist them in this process (Switzerland 22 Mar. 2019, 31-32). The WINET Executive Director reported being aware of NGOs providing "pro bono services for domestic violence issues," including through mediation (Executive Director of WINET 5 Oct. 2019). Further information, including number of cases and success rates of mediation services, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information

currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] The Fund for Peace (FFP) is an independent US-based NGO with an office in Abuja, Nigeria; it develops tools and approaches to reduce conflicts by providing "context-specific, data-driven applications to diagnose risks and vulnerabilities and to develop solutions" (FFP n.d.).

[2] NOIPolls Limited offers "country-specific polling services" in the West African region that deliver research and data on public opinion and consumer markets, focusing on "social and economic issues" and giving voice to "ordinary citizens" (NOIPolls Limited n.d.).

[3] Project Alert on Violence Against Women (Project Alert) is a Nigerian NGO promoting women's rights by providing information on violence against women, advocating against tolerance of that violence and providing support services to women victims of violence (Project Alert n.d.).

[4] Nigeria's Gender Based Violence Sub-Sector Working Group (GBVSWG) "brings together NGOs, UN agencies, civil society organisations, and others under the shared objective of ensuring life-saving, predictable, accountable and effective GBV prevention, risk mitigation and response in emergencies" (UN n.d.).

[5] "The CLEEN Foundation (formerly known as [the] Centre for Law Enforcement Education) is [a] non-governmental organization established in January 1998 with the mission of promoting public safety, security and accessible justice through the strategies of empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government, civil society and the private sector" (CLEEN n.d.).

[6] The Safehaven Development Initiative (SDI) is a non-profit Nigerian NGO based in Lagos and Cross River States helping vulnerable women and girls by educating them on health issues and human rights; in addition to working on education in rural areas, it campaigns against female genital mutilation and provides training to women in order to promote their autonomy (The Girl Generation n.d.).

[7] The Women Information Network (WINET) is a Nigerian NGO working to promote gender equality, human rights and political rights through the dissemination of information (WINET n.d.).

[8] The Women's Rights and Health Project (WRAHP) is a Nigerian non-profit NGO working for the "promotion of reproductive health, rights and general development of women, young people and communities" by "equipping, mobilizing and actively engaging members of the community as agents of social change through information sharing, capacity building and advocacy" (WRAHP n.d.).

[9] "28 Too Many is a registered charity in England and Wales ... [that] undertake[s] research and provide[s] knowledge and tools to those working to end FGM in the countries in Africa where it is practised and across the diaspora worldwide" (28 Too Many n.d.).

[10] Musawah is "a global movement for equality and justice in the Muslim family" comprised of "NGOs, activists, scholars, legal practitioners, policy makers, and grassroots women and men from around the world" who promote equality, non-

discrimination, justice and dignity by sharing knowledge, connecting people and engaging internationally (Musawah n.d.).

[11] In Nigeria, for a federal law to apply in a state, the state government and house of assembly have to "domestic[ate]" the act (Executive Director of WINET 5 Oct. 2019).

## References

28 Too Many. June 2018. [Nigeria: The Law and FGM](#). [Accessed 26 Sept. 2019]

[28 Too Many](#). N.d. "About." [Accessed 31 Oct. 2019]

Arike Foundation, et al. June 2017. [Women, Peace and Security in Nigeria: Joint Shadow Report. CEDAW Committee, 67th Session \(July 2017\)](#). Geneva, Switzerland: Women's International League for Peace and Freedom. [Accessed 24 Sept. 2019]

Australia. 9 March 2018. Department of Foreign Affairs and Trade (DFAT). [DFAT Country Information Report: Nigeria](#). [Accessed 24 Sept. 2019]

British Council. N.d. "[Justice for All Programme](#)." [Accessed 11 Nov. 2019]

CLEEN Foundation (CLEEN). 18 October 2019. Correspondence from a representative to the Research Directorate.

[CLEEN Foundation \(CLEEN\)](#). N.d. "About." [Accessed 31 Oct. 2019]

European Union (EU). February 2019. European Asylum and Support Office (EASO). [Country Guidance: Nigeria](#). [Accessed 24 Sept. 2019]

European Union (EU). November 2018. European Asylum Support Office (EASO). [Country of Origin Information Report. Nigeria: Key Socio-Economic Indicators](#). [Accessed 26 Sept. 2019]

Executive Director, Women Information Network (WINET). 5 October 2019. Correspondence with the Research Directorate.

Executive Director, Women's Rights and Health Project (WRAHP). 1 November 2019. Telephone interview with the Research Directorate.

Freedom House. 29 January 2019. "Nigeria." [Freedom in the World 2019](#). [Accessed 24 Sept. 2019]

Fund for Peace (FFP). 15 May 2018. [Domestic Violence in Rivers State: A Threat to Social and Family Stability](#). [Accessed 26 Sept. 2019]

[Fund for Peace \(FFP\)](#). N.d. "Who We Are." [Accessed 31 Oct. 2019]

Gender Based Violence Sub-Sector Working Group (GBVSWG). 2017. [Strategy for Gender-Based Violence Prevention, Mitigation and Response in the Humanitarian Context](#). [Accessed 30 Oct. 2019]

The Girl Generation. N.d. "[Safehaven Development Initiative \(SDI\)](#)." [Accessed 13 Nov. 2019]

Musawah. July 2017. [Musawah Thematic Report on Article 16 & Muslim Family Law: Nigeria](#). [Accessed 31 Oct. 2019]

[Musawah](#). N.d. "About Us." [Accessed 31 Oct. 2019]

National Population Commission (NPC) of Nigeria and ICF International (ICF). October 2019. [Nigeria Demographic and Health Survey 2018](#). [Accessed 12 Nov. 2019]

Nigeria. 2015. [Violence Against Persons \(Prohibition\) Act, 2015](#). [Accessed 26 Sept. 2019]

NOIPolls Limited and Project Alert on Violence Against Women (Project Alert). July 2016. [Domestic Violence: Poll Report](#). [Accessed 29 Oct. 2019]

[NOIPolls Limited](#). N.d. "Who We Are." [Accessed 31 Oct. 2019]

Organisation for Economic Co-operation and Development (OECD). 2019. "Nigeria." [Social Institutions and Gender Index \(SIGI\)](#). [Accessed 24 Sept. 2019]

Project Alert on Violence Against Women (Project Alert). N.d. "[Project Alert in Brief](#)." [Accessed 30 Oct. 2019]

Pulitzer Center. 24 July 2019. Joy Ikekhua. "[Speaking Up and Out: How Nigerian Women Are Resisting and Changing Cultural Silence by Sharing Their Experiences](#)." [Accessed 8 Nov. 2019]

Safehaven Development Initiative (SDI). 13 November 2019. Correspondence from the Executive Director to the Research Directorate.

Switzerland. 22 March 2019. Secrétariat d'État aux migrations (SEM). [Focus Nigéria: Profil de l'État d'Edo](#). [Accessed 24 Sept. 2019]

United Nations (UN). 2 September 2019. [End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Nigeria](#). [Accessed 26 Sept. 2019]

United Nations (UN). 27 August 2018. Human Rights Council. [Compilation on Nigeria](#). (A/HRC/WG.6/31/NGA/2) [Accessed 24 Sept. 2019]

United Nations (UN). 24 August 2018. Human Rights Council. [Summary of Stakeholders' Submissions on Nigeria](#). (A/HRC/WG.6/NGA/3) [Accessed 26 Sept. 2019]

United Nations (UN). 24 July 2017. Committee on the Elimination of Discrimination Against Women (CEDAW). [Concluding Observations on the Combined Seventh and Eighth Periodic Reports of Nigeria](#). (CEDAW/C/NGA/CO/7-8) [Accessed 26 Sept. 2019]

United Nations (UN). N.d. Office for the Coordination of Humanitarian Affairs (OCHA). "[Gender Based Violence](#)." [Accessed 7 Nov. 2019]

United States (US). 13 March 2019. Department of State. "Nigeria." [Country Reports on Human Rights Practices for 2018](#). [Accessed 24 Sept. 2019]

Women Advocates Research and Documentation Centre (WARDC), et al. June 2017. [NGO Coalition Shadow Report to the 7th & 8th Periodic Report of Nigeria on Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#). [Accessed 31 Oct. 2019]

Women Information Network (WINET). N.d. "[About WINET Nigeria](#)." [Accessed 31 Oct. 2019]

[Women's Rights and Health Project \(WRAHP\). N.d. "About Us."](#) [Accessed 4 Nov. 2019]

## Additional Sources Consulted

**Oral sources:** Arise Nigerian Woman Foundation; associate professor of sociology whose interests include social demography and statistics in Nigeria; Civil Resource Development and Documentation Centre Nigeria; Civil Society Legislative Advocacy Centre; International Federation of Women Lawyers; Nigeria – National Human Rights Commission, Public Complaints Commission; Nigerian journalist; Nigerian lawyer; Project Alert on Violence Against Women; Society to Heighten Awareness of Women and Children Abuse; Women Aid Collective; Women for Peace and Gender Equality Initiative; Women for Women International; Women Living Under Muslim Laws; Women's Consortium of Nigeria.

**Internet sites, including:** Amnesty International; Asylum Research Centre; Austrian Centre for Country of Origin and Asylum Research and Documentation; BBC; CARE Nigeria; ecoinet; Factiva; *The Guardian* (Nigeria); *The Guardian* (UK); Human Rights Watch; International Crisis Group; *The Punch*; UK – Home Office; UN – Food and Agriculture Organization, Office for the Coordination of Humanitarian Affairs, Refworld; US – US Agency for International Development (USAID).

## Attachment

Nigeria. 2015. [Violence Against Persons \(Prohibition\) Act, 2015.](#) [Accessed 28 Oct. 2019]