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Nigeria: Consequences for parents who refuse to submit their daughters to the practice of female genital mutilation; reports of women, girls or children being abducted and forced to undergo the procedure; response by authorities to complaints; and legal recourse

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Background

Although the prevalence of female genital mutilation (FGM) in Nigeria is thought to have declined in recent years (US 8 Mar. 2006; Denmark Jan. 2005, 26; OMCT and CLEEN June 2004, 13), it is still regularly practised across the country (ibid.; Women's Rights Watch Nigeria 24 Aug. 2006). FGM is most common in Nigeria's middle belt and southern states (Denmark Jan. 2005, 26-27). The Women's Aid Collective (WACOL), cited in a joint British-Danish fact-finding mission to Nigeria report, estimates that in states such as Enugu, Imo and Plateau, the prevalence of FGM is as high as 95 percent (ibid., 27).

FGM is reportedly a common practice for several ethnic groups in Nigeria, including the Yoruba [in the southwest (*L'Encyclopédie de L'Agora* n.d.)], the Igbo [in southeast (ibid.)], the Hausa [in the north (ibid.)], the Ijaw [in the south (ibid.)], and the Kanuri [in the north (ibid.)], among others (US 1 June 2001; see also Asylum Aid May 2003, 24). FGM is reportedly not practised by the Fulani or the Nupe (Asylum Aid May 2003, 24; see also US 1 June 2001) of northern Nigeria (*L'Encyclopédie de L'Agora* n.d.).

In Nigeria, the age at which FGM is performed varies (US 8 Mar. 2006; Denmark Jan. 2005, 27; Women's Rights Watch Nigeria 24 Aug. 2006; OMCT and CLEEN June 2004, 12-13). For example, the Ijaws and Etsakos of southern Nigeria perform FGM on women as a premarital ritual (Bamgbose 2001-2002), while the Urhobo in the state of Delta circumcise women during pregnancy (ibid.; Women's Rights Watch Nigeria 24 Aug. 2006) and the Igbo in the southeast reportedly carry out FGM during or after adolescence (Asylum Aid May 2003, 24). However, in most parts of Nigeria, FGM is performed at birth (Women's Rights Watch Nigeria 24 Aug. 2006; US 8 Mar. 2006, Sec. 5).

Consequences for parents who refuse to submit their daughters to FGM

Information on the consequences for parents in Nigeria who refuse to submit their daughters to FGM could not be found among the sources consulted by the Research Directorate. However, in 24 August 2006 correspondence with the Research Directorate, the Project Coordinator of Women's Rights Watch Nigeria suggested that most parents are supportive of FGM being performed on their daughters, stating that

[d]ue to the prevalence of the belief system [in Nigeria], men refuse to marry an uncircumcised woman because he believes she will be unfaithful to him. As a result, parents, even educated ones, routinely circumcise their daughters so as to enhance their chances of marriage.

Reports of kidnapping and forced FGM and response by authorities

The Project Coordinator of Women's Rights Watch Nigeria also indicated in her correspondence that kidnapping and forced FGM occurs in Nigeria (24 Aug. 2006). The Project Coordinator stated that

Among the Urhobo Tribe of Delta State, the women are not notified of the date of [their] circumcision. They are kidnapped and forcefully circumcised during pregnancy. The authorities have done nothing and only pay lip service to the prevention of FGM. Even though some states have passed a law making FGM a crime, there has been no prosecution and FGM is still practised daily in Nigeria. (24 Aug. 2006)

In 2005 and 2006, there were reports that a Nigerian woman, Pamela Izevbekhai, sought refugee status in Ireland because she feared her two daughters would be forced to undergo FGM (*The Sun* 10 Dec. 2005; *Irish Times* 9 Dec. 2005; Women's eNews 27 Jan. 2006). Izevbekhai claimed that her husband's family insisted the girls undergo FGM and his parents "stopped at nothing to get a hold of the girls, including attempted kidnap on a handful of occasions" (ibid.). Ireland turned down Izevbekhai's application for asylum (ibid.; *The Sun* 10 Dec. 2005; *Irish Times* 9 Dec. 2005). However, her case has gone before Ireland's High Court (Women's eNews 27 Jan. 2006). According to a 27 January 2006 article posted by Women's eNews, "Izevbekhai and her supporters say the decision [to reject her claim for asylum] was reached on the basis of faulty reports of female genital mutilation that have since been revised."

No further information on kidnapping and forced FGM could be found among the sources consulted by the Research Directorate.

Legal recourse

Although the Nigerian federal government has publicly criticized FGM (OMCT and CLEEN June 2004, 13; Denmark Jan. 2005, 26), there is no federal law against the practice (ibid.; Women's Rights Watch Nigeria 24 Aug. 2006; OMCT and CLEEN June 2004, 13). However, laws banning FGM have reportedly been adopted at the state level in several states, including:

- Akwa Ebom (Denmark Jan. 2005, 26);
- Ondo (ibid.);
- Edo (ibid.; US 8 Mar. 2006, Sec. 5; Women's Rights Watch Nigeria 24 Aug. 2006; OMCT and CLEEN June 2004, 13);
- Delta (ibid.; Women's Rights Watch Nigeria 24 Aug. 2006);
- Cross River (OMCT and CLEEN June 2004, 13; Denmark Jan. 2005, 26; US 8 Mar. 2006, Sec. 5);
- Bayelsa (ibid.);
- Ogun (ibid.);
- Osun (ibid.); and
- Rivers State (ibid.).

In Edo State, for example, the offence of FGM is punishable by a prison term of not less than three years and/or a fine of three thousand Nigerian Nairas (NGN)

[approximately CAD 26 (XE.com 25 Aug. 2006)] (Women's Rights Watch Nigeria 19 July 2004).

Despite the adoption of such laws, the practice of FGM has continued in Nigeria (ibid. 24 Aug. 2006; Denmark Jan. 2005, 26). In 24 August 2006 correspondence, the Project Coordinator of Women's Rights Watch Nigeria stated that "[i]t is ... difficult to apprehend the [FGM] violators because the victim is usually a baby and the parents and the circumciser are willing collaborators."

Sources consulted by the Research Directorate also indicate that FGM is considered a private matter, and that Nigerian authorities generally do not interfere (Denmark Jan. 2005, 27; OMCT and CLEEN June 2004, 13). In the report of the joint British-Danish fact-finding mission to Nigeria, a representative of Nigeria's National Human Rights Commission (NHRC) indicated that, while it might be possible to avoid FGM, "the 'traditional attitude' of a police officer or a village council would normally determine their level of concern and intervention" (Denmark Jan. 2005, 27). The NHRC representative further indicated that, given cultural attitudes, victims of FGM may not have the courage to seek legal recourse (ibid.).

In the same fact-finding mission report, BAOBAB for Women's Human Rights, a Nigerian non-governmental organization (NGO), indicated that government institutions and NGOs provide protection to women escaping FGM (Denmark Jan. 2005, 27). According to BAOBAB, there were between 10 and 15 NGOs operating in Nigeria in 2005 that provided support exclusively to women (ibid., 37).

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 additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: BAOBAB for Women's Human Rights and the Heinrich Böll Foundation (HBF) Nigeria office did not provide information within the time constraints of this Response.

Internet sites, including: AllAfrica, Amnesty International (AI), BAOBAB for Women's Human Rights, British Broadcasting Corporation (BBC), Center for Reproductive Rights, European Country of Origin Information Network (ecoi.net), Freedom House, Human Rights Watch (HRW), Integrated Regional Information Networks (IRIN), Office of the United Nations High Commissioner for Refugees (UNHCR), Pambazuka News, United Kingdom Home Office, United States Department of State, U.S. Committee for Refugees and Immigrants (USCRI), Women's Aid Collective (WACOL), World Health Organization (WHO).

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