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Nigeria: Domestic violence; recourse and protection available to victims of domestic violence (2005 - 2007)

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Various sources consulted by the Research Directorate report that domestic violence is "pervasive" in Nigeria (AI 2007; *ibid.* 31 May 2005, 1; US 6 Mar. 2007, Sec. 5). Women's rights groups in the country estimate that around 20 percent of Nigerian women experience physical, sexual or psychological violence from a spouse or male relative (VOA 4 June 2007; Afrol News n.d.a). According to a 2005 Amnesty International (AI) report entitled *Nigeria - Unheard Voices: Violence Against Women in the Family*, the levels of violence against women in Nigeria are "shockingly high," with up to two-thirds of women in certain communities having experienced violence in the family (31 May 2005, 1).

It is difficult to determine the extent of domestic violence in Nigeria because official statistics on violence in the home are not collected in the country (AI 31 May 2005, 9; Eze-Anaba 2006, 7; *This Day* 2 Nov. 2005). In addition, incidents of domestic violence tend to go unreported (*ibid.*; AI 31 May 2005, 7; Eze-Anaba 2006, 7; UK 25 May 2007, 96). Reasons cited for women not reporting violence in the home include: respect for tradition; lack of knowledge of rights (VOA 4 June 2007); pressure from family members to not disrupt the "family peace" (AI 31 May 2005, 7; see also *African Journal of Reproductive Health* Dec. 2005, 86); fear of reprisals from the abuser; the belief that their complaint will not be taken seriously by the police; and fear of financial insecurity (AI 31 May 2005, 7). It is reported that many women also feel that physical, sexual or psychological violence in the home is "normal" (*African Journal of Reproductive Health* Dec. 2005, 77, 81; Eze-Anaba 2006, 12).

Domestic violence in Nigeria is said to affect women of all communities (Eze-Anaba 2006, 8; AI 31 May 2005, 6). It involves women of all ethnic and religious groups (BAOBAB n.d.a) and all socio-economic groups, living in both rural and urban areas (AI 31 May 2005, 6). According to a gender profile of Nigeria published by Afrol News, an independent news agency that covers the African continent (Afrol n.d.b), spousal abuse is particularly common in polygynous families (*ibid.* n.d.a). Polygyny is practised "widely" in Nigeria (*ibid.*; US 6 Mar. 2007, Sec. 5). Female domestic servants are also vulnerable to violence in the home (AI 31 May 2005, 4; Eze-Anaba 2006, 9).

AI's *Nigeria - Unheard Voices* indicates that domestic violence against women "ranges from shoving and slapping to kicking and stabbing ... [causing] severe injuries, permanent disability or disfigurement, and sometimes even death" (31 May 2005, 4). The report notes that rape and sexual abuse in the home are "often accompanied by violence" (AI 31 May 2005, 4; see also *African Journal of Reproductive Health* Dec. 2005, 81).

Sources consulted by the Research Directorate indicate that there have also been reports of acid being used in attacks on women, often carried out by boyfriends or husbands (VOA 4 June 2007; AI 31 May 2007, 5), and which are "deliberately intended to mutilate or kill" (ibid.).

In AI's *Nigeria - Unheard Voices*, reasons cited for domestic violence against women include

- refusing sex, "nagging," or challenging the man's behaviour, for example if he takes a second wife or abuses alcohol;
- showing lack of respect for a husband's family;
- having too many engagements outside the home, and paying too little attention to cleaning the home or preparing meals on time;
- having, or under suspicion of having, a sexual relationship outside the marriage;
- being accused of witchcraft. (31 May 2005, 6)

Other reasons used to "justify" domestic abuse, as highlighted in a 2005 study on women's perception of partner violence in a rural Nigerian community, include talking back to or disobeying the husband, presenting poorly cooked or late meals, neglecting the children and showing disrespect for the husband's family (*African Journal of Reproductive Health* Dec. 2005, 81).

Legislation

Nigeria is party to several international treaties that address the rights of women and girls, including a number of United Nations (UN) conventions and covenants, such as the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Center for Reproductive Rights 2003, 78; see also Eze-Anaba 2006, 17-18 and BAOBAB n.d.a). Nigeria is also a signatory to the African Charter on Human and People's Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Eze-Anaba 2006, 13-14; AI 31 May 2005, 21-22), and the African Charter on the Rights of the Child (ibid., 22-23). However, sources consulted by the Research Directorate suggest that these international treaties have not been implemented at the domestic level (Eze-Anaba 2006, 5; UN 30 Jan. 2006, Para. 85).

In Nigeria, multiple legal systems reportedly "cause confusion" and allow choice of law, depending on such factors as place of residence, ethnic group, religion and type of marriage (Bamgbose July 2002, 16). According to AI,

[a]t the state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia. Many of these legal systems fail to address violence against women in the family. (31 May 2005, 24)

AI also reports that there are no laws in Nigeria at the federal or state level that specifically criminalize domestic violence (AI 31 May 2005, 23; ibid. 28 Nov. 2006, Sec. 4.2; Eze-Anaba 2006, 20). Other sources consulted indicate that Ebonyi State and Cross River State legislatures have enacted domestic violence bills (*This Day* 25

July 2006; UK 25 May 2007, 96). Information on whether these domestic violence bills have been signed into law in these states could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Domestic violence can otherwise be prosecuted under the country's penal and criminal codes, which penalize assault (Asylum Aid May 2003, 30; BAOBAB n.d.a; Eze-Anaba 2006, 19-20); however, according to AI, Nigeria's penal code, applied in the country's northern states, "explicitly condones certain forms of violence in the family" (31 May 2005, 23). Under the penal code, a husband is permitted to "correct" his wife, so long as his actions do not inflict "grievous hurt" (Eze-Anaba 2006, 19; AI 31 May 2005, 23-24; Asylum Aid May 2003, 30; see also UN Feb. 2007). "Grievous hurt" is defined by the law as

emasculat[i]on; permanent deprivation of sight of an eye, of the hearing of an ear, or the power of speech; deprivation of any member or joint; permanent [disfigurat[i]on] of the head or face; fracture or dislocation of bone or tooth; any hurt which endangers life or which causes the sufferer to be, during the space of 20 days, in severe bodily pain or unable to follow his ordinary pursuits. (Eze-Anaba 2006, 19; Asylum Aid May 2003, 30-31)

Nigeria's criminal code, applied in the southern states of Nigeria, states that "[a]ny person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years" (Nigeria 1990a, Sec. 360).

Punishments for assaults under the penal and criminal codes range from one to three years imprisonment, and up to seven years imprisonment for "grievous" bodily harm (BAOBAB n.d.a).

According to a 28 November 2006 AI report, *Nigeria: Rape - The Silent Weapon*, Nigeria's criminal code and penal code do not recognize marital rape (see also Center for Reproductive Rights 2003, 85). In contrast, *Country Reports on Human Rights Practices for 2006* states that marital rape is recognized under the law in Nigeria, but that it is hard to prove in court (US 6 Mar. 2007, Sec. 5). In 2006, there were reportedly no prosecutions for marital rape (ibid.).

In its 31 May 2005 publication *Nigeria: Unheard Voices*, AI cites information from a 2002 report by BAOBAB for Women's Human Rights, "a not for profit, non-governmental women's human rights organization, which focuses on women's legal rights issues" (BAOBAB n.d.b). According to the BAOBAB for Women's Human Rights report, under Sharia law, which applies to all Muslims, "a husband has the right to beat his wife, but may use only a small implement and should not make a physical mark on her body" (AI 31 May 2005, 26). Nigerian states that are predominantly Muslim include Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nasarawa, Niger, Sokoto, Yobe and Zamfara (CSIS Mar. 2002, 1). Muslim populations can also be found in Benue, Kaduna, Kogi, Kwara, Lagos, Ogun, Osun, Oyo, Plateau and Taraba (ibid.).

Under Sharia, or Muslim personal laws, a woman can seek a divorce if her husband assaults her; however, the assault would need to be proven, which usually requires witnesses (BAOBAB n.d.a). If the court grants the woman a divorce, she is not required to repay the *mahr* (dowry) or make other payments to the husband (ibid.).

Customary laws in Nigeria vary by region, although there are similarities in the laws with respect to violence against women (ibid.). According to BAOBAB for Women's Human Rights, women married under Igbo customary law are able to seek a divorce if they have been "excessively chastised" by their husbands, but this

"chastisement" has to be "fairly severe" (ibid.). Information on customary laws of other ethnic groups in terms of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Under Section 16 of Nigeria's *Matrimonial Causes Act* a woman is entitled to a divorce if her husband has been convicted of inflicting "grievous harm or grievous hurt" or attempting to inflict "grievous harm or hurt" or to kill her (Nigeria 1990b, Sec. 16.1.e).

Domestic Violence Bills

Women's rights groups in the country have reportedly initiated several bills to criminalize domestic violence; however, few have been adopted or implemented to date (AI 28 Nov. 2006, Sec. 4.2).

In 2000, the Legal Defence and Assistance Project (LEDAP), a Lagos-based non-governmental organization of lawyers, drafted the Domestic Violence and Other Related Matters Bill, (Eze-Anaba 2006, 25-26). LEDAP also conducted awareness-raising projects in twelve states: Cross River, Benue Jigawa, Edo, Ekiti, Enugu, Akwa Ibom, Ebonyi, Katsina, Kaduna, Lagos and Plateau (ibid.) (Eze-Anaba 2006, 25-26). Lagos State had a public hearing of the Domestic Violence and Related Matters Bill in 2006 (AI 2007; ibid. 28 Nov. 2006, Sec. 4.2). Other states have had public hearings of similar bills including Benue, Jigawa, Ogun (ibid.) and Rivers State (*Vanguard* 6 Sept. 2006). According to a 25 July 2006 article in the Lagos-based newspaper *This Day*, the Ebonyi State and Cross River State have enacted the Domestic Violence and Other Related Matters Bill (see also UK 25 May 2007, 96); however, information on whether the domestic violence bill has been signed into law in these states could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Information on whether domestic violence laws have been enacted or have come into effect in Nigeria's other 34 states could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In its 2007 *Annual Report*, AI notes that in December 2006, Nigeria's federal government introduced a bill to reform discriminatory laws against women and a bill to eliminate societal violence, including domestic violence. Further information on these bills could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Police and judicial protection

A United Kingdom (UK) Home Office report cites information obtained in 2005 from the chairman of the Nigerian National Human Rights Commission (NHRC) Alhaji Bukhari Bello indicating that "[the Nigerian Police Force (NPF) does] not respond adequately to complaints from women about domestic violence" (UK 25 May 2007, 95).

The Nigerian police seldom intervene in cases of domestic violence (ibid.; UN Feb. 2007; AI 31 May 2005, 12; Afrol News n.d.a); domestic violence is generally regarded as an issue to be resolved within the family (UK 25 May 2007, 95; AI 31 May 2005, 12-13). According to *Country Reports 2006*, in some of Nigeria's rural areas, "[the] 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 customary norms in the areas" (US 6 Mar. 2007, Sec. 5).

Sources consulted by the Research Directorate indicate that victims of domestic violence who decide to register a complaint with the police may have their cases

"trivialized" and be told by the police to go home (Eze-Anaba 2006, 12; AI 31 May 2005, 13; see also VOA 4 June 2007 and Norway Aug. 2006, 23). According to the information obtained from the NHRC's Bello, the Nigerian police are "insensitive to women ... [and] sometimes even go out of their way to intimidate or harass women" (UK 25 May 2007, 96). There have been cases in which the police have arrested abusive husbands, but in which the women have then asked for legal proceedings to be stopped because they are financially dependent on their husbands (Norway Aug. 2006, 23).

Also cited in the 25 May 2007 UK Home Office report, the Special Assistant to the Chairman of the Police Service Commission indicated in 2005 that where family matters arise and "there is a threat to life," the police will become involved (UK 25 May 2007, 96). Nevertheless, there have been reports of cases in which husbands have murdered their wives following a lack of intervention by the police in cases of domestic violence (ibid., 95; *The New York Times* 11 Aug. 2005; AI 31 May 2005, 13).

The 30 January 2006 report on the United Nations (UN) mission to Nigeria from the Special Representative of the Secretary-General on Human Rights Defenders indicates that women's rights defenders working to protect victims of domestic violence have been threatened by family members of victims and that these threats are often not "appropriately" addressed by the police (Para. 86-87). The report provides the example of an activist who was assaulted by a victim's husband in front of a police station, an incident that was not addressed by the police (UN 30 Jan. 2006, Para. 87).

Non-governmental organizations and shelters

The CLEEN Foundation, formerly known as the Centre for Law Enforcement Education (CLEEN), is a Nigerian non-governmental organization (NGO) that works to promote "public safety, security and accessible justice" (CLEEN n.d.). Cited in the UK Home Office report, Innocent Chukwuma of CLEEN stated in 2005 that "[t]here is no support mechanism for women victims" and that "[t]he Social Welfare Department tend[s] to refer cases to non-government organisations" (UK 25 May 2007, 96).

In 2005, the Danish Immigration Service released a report of findings of the fall 2004 joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria (Denmark Jan. 2005). According to the report, BAOBAB for Women's Human Rights indicated that there were between 10 and 15 NGOs operating in Nigeria that provided support to women (Denmark Jan. 2005, 37). The NGO also indicated that there was no government system in Nigeria to support women (ibid., 37). Other sources consulted by the Research Directorate similarly note a shortage of shelters in Nigeria for victims of domestic violence (*The New York Times* 11 Aug. 2005; AI 31 May 2005, 11). According to Afrol News, most women's rights groups are located in the south of the country (n.d.a).

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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Elimination of All Forms of Discrimination against Women (CEDAW), Women's Aid Collective (WACOL), Women Living Under Muslim Laws (WLUML).

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