



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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29 July 2010

### NGA103509.E

Nigeria: Domestic violence, recourse and protection available to victims of domestic violence  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to Nigeria's *Demographic and Health Survey 2008* (NDHS), of 21,468 women surveyed about domestic violence, 28 percent reported ever experiencing physical violence since the age of 15 years; 15 percent had experienced violence within the previous twelve months (Nigeria Nov. 2008, 262). However, the NDHS report also states that collecting information about domestic violence "is challenging because many women may not disclose their experiences out of shame or fear" (*ibid.*, 261). The report further states that interviewers were provided training on gender-based violence to help them collect survey information (*ibid.*).

Sources indicate that domestic violence is "pervasive" in the country (AI 2010, 248; Antai and Antai 25 Sept. 2008; UN 8 July 2008, Para. 326; *Daily Independent* 21 Apr. 2010; US 11 Mar. 2010, Sec 6). According to a journal article written by Hadiza Iza Bazza, a researcher from Nigeria's University of Maiduguri, available information suggests that domestic violence "has reached alarming proportions" (2009, 178). According to a report produced by the Nigerian NGO Coalition on CEDAW, a collective of numerous Nigerian non-governmental organizations (NGOs):

Domestic violence is endemic in Nigeria as many of the NGOs who contributed to this report can attest, as they see high numbers of battered women on a daily basis. (Apr. 2008, 69)

In contrast, the Embassy of Nigeria website in the Netherlands states that "there is no credibility" to the assertion that domestic violence is prevalent in Nigeria (Nigeria n.d.).

### Legislation

There is no national law specifically addressing violence against women in Nigeria (Bazza 2009, 184; UN 8 July 2008, Para. 326; US 11 Mar. 2010, Sec. 6).

Nigeria ratified the Convention for the Elimination of Discrimination against Women (CEDAW) in 1985 (UN n.d.). However, according to Section 12 of the Nigerian Constitution, international treaties can only be enforced once a corresponding domestic law has been enacted by Parliament (Nigeria 1999, Subsection 12 (1)). Such domestic legislation was drafted in 2005 (UN 8 July 2008, Para. 314), but, as of February 2010, has not been passed into law (*ibid.*; *This Day* 4 Feb. 2010; AI 2010, 248).

In addition, a bill addressing violence against women has been pending before the Nigerian Parliament since 2003 (UN 8 July 2008, Para. 326; Open Democracy 26 Nov. 2007).

Amnesty International (AI) indicates that several of Nigeria's states have adopted legislation addressing discrimination and violence against women; the report did not specify the names of these states (2010, 248). Further information regarding the provisions of these state laws as well as information their implementation was not found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a report submitted to the United Nations (UN) Human Rights Council, the government of Nigeria stated that it was unnecessary to have a law that specifically addresses violence against women since "[a]ssault and battery have been made subject of both civil and criminal laws, with the criminal aspects attracting very stiff and severe penalties" (Nigeria 5 Jan. 2009, Para. 79). According to Section 360 of the Nigerian Criminal Code:

[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 1990, Sec. 360)

The unlawful and indecent assault of a "male person" is a felony and is punishable by three years in prison, according to Section 353 of the Criminal Code (ibid., Sec. 353).

In addition, Section 55 of the Penal Code, which governs Nigeria's northern states, allows husbands to "correct" their wives using physical punishment, so long as the woman is not seriously harmed (*Tribune* 4 June 2010; UN 8 July 2008, Para. 316; Bazza 2009, 185). According to the Bazza article, Paragraph 55 (1)(d) of the Penal Code states:

nothing is an offence which does not amount to infliction of grievous hurt upon any person and which is done by ...(d) a husband for the purpose of correcting his wife such husband and wife being subject to any routine law or custom on which such correction is recognized as lawful. (2009, 185)

*Country Reports on Human Rights Practices for 2009* states that grievous harm refers to "loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries" (US 11 Mar. 2010, Sec. 6). This information is corroborated by a media article which provides further details (*Vanguard* 10 Dec. 2009). An article published in the *Journal of International Women's Studies* also states that, according to the Nigerian Penal Code, women may be struck by their husbands with a stick, so long as it is not thicker than the man's thumb (Ozo-Eson May 2008, 294). Corroborating information regarding this provision could not be found among the sources consulted by the Research Directorate.

According to the UN report there is no national strategy or program to address violence against women (8 July 2008, Para. 326).

### **Social views of domestic violence**

Several sources state that domestic violence is often viewed as socially acceptable (US 11 Mar. 2010, Sec. 6; Bazza 2009, 176; Ozo-Eson May 2008, 292). A human rights lawyer is quoted in a newspaper article as saying that in Nigeria, violence against women is considered to be justifiable under religious and customary practices (*This Day* 9 Dec. 2009). For example, the aforementioned Bazza article states that domestic violence is "celebrated" by the Efick ethnic group, who reside in

the South South zone, as an indication of a husband's authority over his wife (Bazza 2009, 179).

## **Police response**

*Country Reports 2009* states that generally police do not become involved in disputes involving domestic violence (US 11 Mar. 2010, Sec. 6). Similarly, according to a journal article written by Philomena I. Ozo-Eson, a senior lecturer at the University of Abuja, domestic violence is "usually dismissed by the police and the entire legal system as a family matter" (May 2008, 292). This information is corroborated by a *Nigeria Daily News* commentary, which states that women experiencing domestic violence do not go to the police because domestic violence is considered a "private affair between husband and wife" (2 June 2010). An article published in the journal *Rural and Remote Health* states that rural police officers have "patriarchal" attitudes which make them ineffective in addressing domestic violence (Antai and Antai 25 Sept. 2008). The *Nigeria Daily News* commentary put forth the view that the police only address extreme cases of domestic violence - those that lead to death or disability (2 June 2010).

In 2008, a Nigerian government representative told a UN committee that human rights desks have been established in all police stations "in order to protect women" from violence (UN 6 Aug. 2008, Para. 3). A report produced by the Observatory for the Protection of Human Rights Defenders and Front Line corroborates that human rights desks have been created, but states that they have not been established in all police stations (The Observatory/Frontline Apr. 2010, 18). The Observatory for the Protection of Human Rights Defenders is a joint program of the World Organization against Torture (OMCT, Organisation mondiale contre la torture) and the International Federation for Human Rights (FIDH, Fédération internationale des ligues des droits de l'homme) (ibid., 3). Front Line is the International Foundation for the Protection of Human Rights Defenders, a Dublin-based human rights organization (ibid.).

A UN report indicates that desk officers have not been trained in how to address issues affecting women (6 Aug. 2008, Para.10). The Observatory/Front Line report states that the desks address issues related to police abuse and police custody, adding that they are "highly inefficient and corrupt," according to human rights defenders (Apr. 2010, 18).

## **Courts**

*Country Reports 2009* states that courts and police in rural areas generally do not respond to protect women who formally complain of domestic violence if the violence is considered to be within cultural norms (US 11 Mar. 2010, Sec. 6). The Bazza article states that it is often difficult for women who experience abuse to obtain justice (2009, 175). A commentary published in a Nigerian newspaper expresses the view that the "justice system is not victim-friendly," adding that the particular needs of women experiencing domestic violence are not taken into account by the legal system (*Vanguard* 10 Dec. 2009). Similarly, another newspaper article indicates that the Nigerian justice system is "unnecessarily slow" (*Daily Independent* 21 Apr. 2010).

## **Services for victims**

According to a UN report, most services for victims of domestic violence, including shelters, are provided by NGOs in Nigeria (UN 8 July 2008, Para. 326). The report states that support for these NGOs from Nigeria's national government is limited (ibid.). This information is corroborated by a report produced by the Nigeria NGO Coalition on CEDAW that indicates that NGOs provide training and support services "without support" from government (Apr. 2008, 11).

Project Alert is an NGO that provides counselling services and legal aid to women who have been victims of violence (Project Alert n.d.). In 2001, the NGO established a shelter that has provided accommodation to more than 580 women or girls (ibid.). The House of Mercy (HOMI) Rehab Centre, which is run by Christian missionaries, provides shelter for women who have experienced domestic violence (Angya 9 Sept. 2008, 7-9). Women can remain in the shelter for up to a year or more until they find more permanent housing (ibid., 8). Women's Rights Advancement and Protection Alternative (WRAPA) Nigeria is an NGO that provides legal aid and counselling to women (WRAPA n.d.). BAOBAB for Women's Human Rights is an NGO that does outreach activities and advocacy pertaining to the rights of women (BAOBAB n.d.).

According to the national survey, of women who sought help to address domestic violence, 65 percent turned to their family for assistance (Nigeria Nov. 2008, 284). A further 31 percent looked to their in-laws for help; and 17 percent went to a friend or neighbour (ibid.). Fewer than 1 percent went to a social service agency, 2 percent went to the police and 3 percent sought help from a religious leader (ibid.).

In addition, the UN report indicates that the government has addressed domestic violence with some training programs and awareness-raising activities (UN 8 July 2008, Para. 326).

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.

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### **Additional Sources Consulted**

**Internet sites, including:** African Gender Institute, British Broadcasting Corporation (BBC), European Country of Origin Network (ecoi.net), Freedom House, Human Rights Watch, Siyanda, United Nations (UN), Division for the Advancement of Women, UN Secretary-General's Database on Violence Against Women, Women's Aid Collective (WACOL), World Health Organization (WHO).

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