



Nigeria – Researched and compiled by the Refugee Documentation Centre of Ireland on 25 August 2014

Any Information on police protection within Nigeria with regard to a single woman with 2 children. Please provide information on police protection for woman complaining of domestic violence at the hands of her husband.

A Think Africa Press article, in a paragraph headed “Lack of institutional support”, states:

“Many Nigerians have little faith in the integrity or capacity of the police to redress crimes of domestic abuse. This can be attributed to corruption and under-resourcing of the police as well as perceived pervasive institutional sexism. Itoro Eze-Anaba of the Legal Defence and Assistance Project (LEDAP) said, 'The police and courts often dismiss domestic violence as a family matter and refuse to investigate or press charges'. Like much of the world, women in Nigeria face humiliating rules regarding evidence in court when it concerns violence against them.” (Think Africa Press (14 March 2012) *Domestic Violence: The Problem Pervading Nigeria*)

A report published by the British Council, in a section titled “Institutions and gender violence in Nigeria”, states:

“Certain forms of violence are institutionalised. Much of the blame is placed on plural legal systems. The law as currently constituted does not offer women and girls adequate protection from violence (Mahdi, 2011; Nigeria CEDAW NGO Coalition, 2008). Although progress has been made (for example, the Violence against Women Prevention, Protection and Prohibition Act 2002), only four Nigerian states (Ebonyi, Jigawa, Cross Rivers and Lagos) have enacted domestic violence laws, while just six (Enugu, Edo, Bayelsa, Delta, Cross Rivers and Ogun) have passed laws against female genital mutilation (FGM). The literature identifies statutory, religious and customary laws in Nigeria that permit violence against women. The Nigeria CEDAW NGO Coalition report (2008), for example, identifies the penal code (section 55(4)), applicable in the Northern regions, that legalises 'corrective' beating of a child, pupil, servant or wife, as long as this does not cause grievous hurt. For some, this is the root cause of violence against women. Similarly, marital rape is excluded from the definition of rape in penal legislation in the North and under the criminal code in the South.” (British Council (2012) *Gender in Nigeria report 2012 improving the lives of girls and women in Nigeria*, p.49)

A Country of Origin Research and Information (CORI) report, in a section titled “Access to justice” (section 2.1.3), states:

“In 2008 the Nigerian NGO CEDAW Coalition shadow report stated that many police officers and Judges in customary courts and some higher courts are

not aware of international and regional laws on violence against women. The Nigerian NGO CEDAW Coalition shadow report states that police view domestic violence as a private matter to be settled within the family,

“The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws.”

In 2008 the Nigerian NGO CEDAW Coalition shadow report stated that the outcome of police investigations into cases of husbands killing their wives often go unreported and the absence of disaggregated data makes it difficult to determine the extent of domestic violence in Nigeria.” (Country of Origin Research and Information (CORI) (December 2012) *CORI Thematic Report – Nigeria: Gender and Age*, p.32)

This section of the report also states:

"In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that police trivialised the issue of domestic violence, viewing it as a private matter,

“where a victim summons the courage to report to law enforcement agents, the issue is trivialized and termed a 'private matter.'

In July 2011 the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that there is a level of acceptance of domestic violence amongst law enforcement and court officials; according to the *Inter African Committee* a few cases have been taken to court, however they state that the punishment was not proportionate to the crime,

“There is a generally high level of acceptance of domestic violence even amongst law enforcement officers and court personnel. Given cultural attitudes, victims may not have the courage to seek legal recourse. However I may add that things are gradually easing off with the police being sensitized to see Domestic violence as violence and not just a family matter. Few cases have been taken to court and justice melted out to culprits but the truth is the punishment given to such men is not as heavy as the violence committed.” (ibid, p.33)

The 2013 US Department of State country report on Nigeria, in a section titled “Women” (sub-section titled “Rape and Domestic Violence”), states:

“No national laws criminalize gender-based violence, and some federal laws allow such violence. For example, the law permits husbands to use physical means to chastise their wives as long as it does not result in 'grievous harm,'

which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman. Ebonyi, Jigawa, Cross River, and Lagos are the only states to have enacted domestic violence laws.” (US Department of State (27 February 2014) *2013 Country Reports on Human Rights Practices – Nigeria*, p.35)

This report also states:

“Police did not intervene in domestic disputes. In rural areas courts and police remained 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.” (ibid, p.35)

A Daily Post article quotes women’s rights activist Onyeka Onwenu as saying:

“We do have domestic violence, rape and others, but when it is reported to the police, they will simply say just go and settle it. They will even blame it on the woman, by telling her, eh na you cause am, na the way you they waka provoke the man (meaning that she sexually provoked the man by her seductive steps).” (Daily Post (14 March 2014) *Rape: Nigeria is not protecting its women – Onyeka Onwenu*)

This article also states:

“Stressing on the inadequacy of protection rights for Nigerian women, the songwriter said “The police feel no obligation to prosecute sex offenders. They see rape is a little thing. They would say rape is just a crime against women. Or when a husband beats the wife into coma they will say go and settle it at home. The same home where you were nearly killed? I think women should be able to access a lawyer in pushing their cases.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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