



RPD File No. / N° de dossier de la SPR : MB8-08294

MB8-08403 / MB8-08404 / MB8-08405

UCI / IUC : XXXX XXXXXXXXXX XXXX XXXX XXXX XXXX

Private Proceeding / Huis clos

Reasons and decision – Motifs et décision

Claimant(s)	XXXX XXXX XXXX XXXXXXXXXXXX XXXX XXXX XXXXXXXXXX XXXX XXXX XXXX XXXXXXXXXXXX XXXX XXXX	Demandeur(e)(s) d'asile
Date(s) of hearing	January 13, 2021, and January 21, 2021	Date(s) de l'audience
Place of hearing	Virtual hearing – MS Teams	Lieu de l'audience
Date of decision and reasons	February 8, 2021	Date de la décision et des motifs
Panel	Péguy Chahine	Tribunal
Counsel for the claimant(s)	Julien Labrie-Masse	Conseil(s) du (de la/des) demandeur(e)(s) d'asile
Designated representative	XXXX XXXX XXXX	Représentant(e) désigné(e)
Counsel for the Minister	N/A	Conseil du (de la) ministre

REASONS FOR DECISION

[1] XXXX XXXX XXXX (the principal claimant) is accompanied by her three children, XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX (the minor claimants). All four are citizens of Nigeria. They are claiming refugee protection under section 96 and paragraph 97(1)(b) of the *Immigration and Refugee Protection Act* (IRPA).

[2] The principal claimant was appointed as the designated representative¹ of the three minor claimants.

DETERMINATION

[3] The panel determines that the claimants are neither “Convention refugees” nor “persons in need of protection” by reason of a lack of credibility, as set out below.

SUMMARY OF ALLEGED FACTS

[4] The minor claimants’ refugee protection claims² are based on the principal claimant’s Basis of Claim Form³ (BOC Form). On May 29, 2018, the claimant signed a first written account (initial written account)⁴ in which she states that she primarily fears her in-laws, who have been threatening to take her children away from her since her husband disappeared in February 2018. Her in-laws are accusing her of knowing what happened to her husband and are demanding that she return him to them.

[5] In summary, the claimant submits that she was married on XXXX XXXX, 2005. She lived with her family in XXXX XXXX Nigeria, where she owned a XXXX XXXX. In August 2012, she and her family decided to move to Lagos out of fear of becoming the next victims of murders committed by Muslims against Christians. In October 2012, she and her family moved to Lagos.

¹ The panel does not have concerns regarding possible exclusion under Article 1F(b) of the Convention for child abduction, as the minor claimants’ father is aware of and implicitly agrees to the minor claimants’ presence in Canada with their mother, the principal claimant. See the affidavit from Mr. XXXX in Document 5 – D-1.

² Documents 2.2–2.4: Basis of Claim Forms (BOC Form) for each of the minor children.

³ Document 2.1: Principal claimant’s BOC Form.

⁴ Ibid., principal claimant’s initial written account.

Her children attended school, while she made a living XXXX XXXX XXXX. Her husband, meanwhile, XXXX XXXX XXXX.

[6] In 2014, a group known as Ritualiste created fear among residents of Lagos. In 2016, another group, Bado, emerged. The claimant reports that her neighbour and her two children were killed by that group. Fearful, the claimant and her family applied for visas for the United States (US).

[7] Her husband then disappeared, failing to come home from work one day in February 2018. She maintains that even the police were unable to find him. Following threats from her in-laws, the claimant sold all her belongings to pay for airplane tickets for all of the claimants. They left Nigeria on XXXX XXXX, 2018, for the US. On XXXX XXXX, 2018, they crossed the land border into Canada and claimed refugee protection on April 14, 2018.

[8] On August 5, 2020, the principal claimant signed an amendment to her written account (second written account)⁵ in which she states that September 20, 2019, was the last date on which she heard from her husband “after the receipt of the story of how he was abducted and kidnapped in Nigeria.” She states that she has since made efforts to contact him but has been unsuccessful.

[9] At the hearing on January 13, 2021, counsel for the claimants filed 10 documents in support of their refugee protection claims. These included a third written account (third written account)⁶ from which the panel learned that the claimant has XXXX XXXX XXXX XXXX XXXX XXXX

IDENTITY

[10] The claimants’ identities as Nigerian citizens were established, on a balance of probabilities, based on copies of their Nigerian passports.⁷

ANALYSIS

[11] These refugee protection claims were analyzed under section 96 of the IRPA because the claimants raised more than one nexus to a Convention ground: persecution as a woman and

⁵ Document 6 – Second amendment to the written account signed on August 5, 2020, by the claimant and submitted to the panel on August 10, 2020.

⁶ Document 5 – Exhibit D-2: Third amended written account.

⁷ Document 1 – Information package provided by the Canada Border Services Agency and/or Immigration, Refugees and Citizenship Canada, passports.

because the claimant XXXX XXXX XXXX XXXX. Additional grounds under paragraph 97(1)(b) were also presented and were considered by the panel. However, insofar as it is not alleged that the Nigerian government would subject the claimants to torture, within the meaning of Article 1 of the *Convention against Torture*, paragraph 97(1)(a) of the IRPA does not apply.

[12] In its analysis, the panel also considered *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*.⁸

[13] The determinative issue in these refugee protection claims is credibility and whether the claimants have established a serious possibility of persecution or a prospective risk if they were to return to Nigeria.

Abduction of claimant's husband

[14] The panel finds that the claimant is not a credible witness in relation to the story alleged in her initial and second written accounts. The panel finds that her testimony at these hearings gave rise to multiple omissions and contradictions that could not be reasonably explained. The panel will limit itself to the credibility factors it deems most important.

- First abduction – circumstances

[15] The panel notes an initial omission concerning the circumstances of the first abduction of her husband.

[16] In her initial written account, the claimant simply states that her husband did not come home from work one day in February 2018. She also reports going to the police for help but without any success. In her second written account, she simply states that September 20, 2019, was the last date on which she heard from her husband “after the receipt of the story of how he was abducted and kidnapped in Nigeria.” She claims that she has since made efforts to contact him but without any success. She states that she attempted to contact him through her friend, XXXX, and through her husband’s family. These efforts did not yield any results. At the hearing, the claimant testified that her husband was abducted on his way home at the end of his work day. His vehicle was allegedly circled by a van, he was forced out of his vehicle, and four men covered his face and took him away.

⁸ *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*. Guideline issued by the Immigration and Refugee Board of Canada (IRB). pursuant to subsection 65(3) of the *Immigration Act*. Effective date: November 13, 1996.

[17] The panel questioned the claimant as to why she had not mentioned the information concerning the circumstances surrounding her husband's first abduction in the second written account filed. She testified that the only information she had was that he had left home and failed to return, that she had no information concerning the circumstances and that no one had told her what had happened. She reiterated that she did not know what the problem was, for instance, whether he owed money to someone. She went on to testify that following his release, her husband told her that he had not been the only person abducted.

[18] The panel finds the claimant's explanation unsatisfactory. Although the claimant testified that she was in contact with her husband for two to three months after he was released and that he forwarded her an affidavit containing the details of what had happened to him, it would have been reasonable to expect her to disclose the circumstances of her husband's first abduction while taking the time to submit an amendment. Furthermore, although the claimant considers that the information she learned was futile, the panel is of a different view. In reality, this information indicates where the abduction took place (Lagos, on the way home), by whom it was committed (a group of at least four individuals) and clues as to a motive, since the victim (the husband) was allegedly taken to a remote location where other people had also been taken. Based on this information, it appears that the claimant's husband was not the victim of a personal vendetta but rather of a random crime committed by a group.

[19] The panel consequently considers that all of this information is important and should have been mentioned in the claimant's second written account. The panel draws a negative credibility inference concerning the allegation in relation to the circumstances of the husband's first abduction.

- ***First abduction – subsequent contact***

[20] The panel notes a contradiction between what the claimant reported and her husband's affidavit with respect to how she learned of his release.

[21] At the hearing, the claimant testified that her friend XXXX emailed her to inform her that people had seen someone who looked like her husband and that when she asked her to go see for herself, her friend went and indeed located the claimant's husband. He reportedly asked XXXX about the claimant. Following this event, the claimant remained in contact with her husband for

two to three months. However, in the husband's affidavit,⁹ he writes that when he was freed after his first abduction, passersby had found him at the side of the highway and that he had borrowed a telephone from them and called XXXX. He writes: "So I called her she picked up I was grateful that she was at least alive I told her who I was as she screamed I asked her about my wife and kids and then she told me all that happened after I disappeared and said my wife and kids were in Canada."

[22] The panel questioned the claimant as to how she explained this difference between her testimony that her friend XXXX had emailed her to inform her that people had recognized her husband in Lagos and her husband's statement that he contacted XXXX himself to ask about the claimants. The claimant stated that her husband had tried to contact his own brother and had then tried to contact XXXX. She stated that she did not know how he reached XXXX XXXX whether via email or other means. She then stated that he had tried to call her. In her continued attempt to respond to the contradiction raised, the claimant also mentioned that XXXX emailed her to inform her that someone had seen her husband. She reiterated that XXXX had gone to where her husband was and had made contact with him.

[23] The panel considers the claimant's explanation to be vague, disjointed and entirely lacking in consistency. Moreover, she was unable to justify the contradiction raised. The panel considered an initial context in which the husband states in his affidavit that after managing to speak with XXXX: "I immediately asked if she had a number I could reach my wife which she gave me her number and I called her and we spoke length." To the panel, it would have been reasonable to expect the stories to be consistent concerning a subsequent reunion between the claimant and her husband after he had been held for more than a year. The panel considers that this reunion was significant, particularly following an abduction for such a long period that had such significant consequences, including leading all of the claimants to flee to Canada.

[24] As a result, this contradiction and the preceding omission are significant and undermine the credibility of the allegations concerning the first abduction of the claimant's husband. The panel does not, on a balance of probabilities, believe that the husband's first abduction occurred.

⁹ Document 5 – D-1, Affidavit from XXXX XXXX signed on September 12; year not indicated clearly in document.

- *Second abduction*

[25] The panel notes a second omission between the claimant's testimony at the hearing and her amended written accounts regarding her husband's second abduction.

[26] In her second written account, the claimant writes that September 20, 2019, was the last date on which she heard from her husband and that she tried unsuccessfully to reach him afterwards. She reportedly also tried to locate him through his family and her friend XXXX, also unsuccessfully. Meanwhile, based on the claimant's testimony at the hearing on January 13, 2021, her husband was abducted a second time around September or October 2020.

[27] The panel questioned the claimant in an effort to understand why she had not submitted an amendment mentioning her husband's second abduction and the circumstances thereof. She replied that she had tried unsuccessfully to reach her husband by telephone and had tried to contact people to get news about him. She stated that her friend XXXX contacted people living in the same building as her husband to see if they had any information. They allegedly told her that a group of individuals had kidnapped multiple people, the husband being among the victims. According to the statements, he had been unable to outrun the kidnappers.

[28] The panel considers that the claimant failed to provide a reasonable justification for the omission identified. She simply repeated the testimony she had given to the panel earlier. However, an abduction is not a detail. In particular, this information should have been reported in response to question 2(a) of the BOC Form, which instructed her to explain in detail what happened to her and her family. The panel is also of the view that there is nothing in the claimant's second amendment to indicate that her husband was abducted more than once. Stating that she was no longer able to reach her husband is insufficient to conclude that he had been abducted a second time, especially in circumstances where the husband's first abduction was unrelated to any personal problem.

[29] Moreover, the evidence corroborating this second abduction is based solely on the statements of the claimant's friend, XXXX, and people living in the same neighbourhood as the husband. That said, the panel cannot rely on mere speculation to determine, on a balance of probabilities, that the claimant's husband was abducted a second time. The claimant has not produced any documents corroborating this second abduction.

[30] For all these reasons, the panel concludes that this omission is significant and undermines the credibility of the allegation concerning the husband's second abduction. The panel does not

believe, on a balance of probabilities, that the husband was kidnapped a second time in 2020, as alleged.

DOCUMENTARY EVIDENCE

[31] The claimant provided as evidence the following documents to support her allegations.

[32] Husband's affidavit.¹⁰ This is the document in which her husband describes the events of his first abduction and how he managed to contact the claimant after being freed. Having previously identified a significant contradiction between this affidavit and the claimant's testimony concerning their subsequent reunion, the panel does not give any probative value to this document for the purpose of establishing all the circumstances surrounding the first abduction.

[33] A Statement of Fact¹¹ from the claimant dated February 7, 2018. This is a sworn statement from the claimant stating that her husband has not returned home and asking the authorities to assist in locating him. In light of the claimant's lack of credibility, the panel does not give any probative value to this document for the purpose of establishing the allegation concerning her husband's first abduction.

[34] An Extract from crime diary.¹² This is a document reiterating the allegations made by the claimant in her Statement of Fact. In view of the preceding conclusion, particularly insofar as this document does not independently establish the allegation concerning the husband's first abduction, the panel does not give any probative value to this document for the purpose of establishing this last allegation.

[35] An affidavit¹³ signed by XXXX XXXX on October 26, 2018, in which she states that she was "fully aware about the incident of her missing husband ... sometimes on 6th February 2018 till date ... that myself and my family have joined the frantic efforts to locate her missing husband." The affidavit does not provide any details as to how the undersigned became aware of the disappearance of the claimant's husband or what actions she took in order to locate him. The panel notes further that the affidavit makes no conclusion as to an abduction and refers simply to a

¹⁰ Document 5 – D-1: Affidavit from the principal claimant's husband.

¹¹ Document 5 – D-5: Statement of Fact signed by the claimant on February 7, 2018.

¹² Document 5 – D-6: Extract from crime diary dated February 7, 2018.

¹³ Document 5 – D-7: Affidavit from XXXX XXXX signed on October 26, 2018.

disappearance. As a result, the panel does not give any probative value to this document for the purpose of establishing the first abduction of the claimant's husband.

[36] Letters from her brother XXXX,¹⁴ the reverend¹⁵ of the church she attended in Nigeria and the owner¹⁶ of the minor claimants' school in Nigeria. These three letters indicate that the husband had disappeared following a communal clash that took place in their region. However, neither the first nor the second of the claimant's BOC Forms contains any reference to this situation, nor did her testimony at the hearing when the topic of the husband's first abduction arose. When asked more than once to explain the reasons, the claimant finally stated that she had not described her husband's abduction as a communal clash. However, she considered that this was what the experience had been like for her and those around her since multiple incidents involving Boko Haram and Fulani herdsmen had occurred. She stated that the letters were written in this way because that was how their authors had understood the events. For the panel, even if it accepts the claimant's explanations, the fact remains that the authors of these letters did not witness the husband's first abduction and are basing their comments on what the claimant told them. As a result, the panel does not give them any probative value for the purpose of establishing the circumstances surrounding the husband's first abduction.

[37] On February 4, 2021, the panel received the "Elementary Provincial Report Card" of claimant XXXX XXXX XXXX. This report card was from the first semester of her 2020–2021 school year. The panel does not give any probative value to this document since it is not relevant to the present refugee protection claims.

[38] Cumulatively, the aforementioned omissions and contradictions are sufficiently significant to doubt the credibility of the claimant's allegations concerning the abductions of her husband. The panel considers that the claimant was unable to establish, on a balance of probabilities, the allegation forming the basis of her claim to the effect that her husband was, and remains, abducted and that for this reason she and the minor claimants face a serious possibility of persecution or a risk to their lives.

¹⁴ Document 5 – D-8: Letter signed by XXXX XXXX on December 17, 2018; the panel also notes that the claimant did not disclose in her BOC Form that she had a brother named XXXX. When questioned in this regard, she stated in the end that it was an oversight. However, in light of all the non-credible testimony from the claimant and the lack of evidence establishing that XXXX is the claimant's brother, the panel does not believe, on a balance of probabilities, that the claimant has a brother named XXXX.

¹⁵ Document 5 – D-9: Letter from Reverend XXXX XXXX signed on December 11, 2018.

¹⁶ Document 5 – D-9: Letter from Reverend XXXX XXXX signed on December 11, 2018.

Insecurity in Nigeria

[39] In both her initial and amended written accounts, as well as at the hearing, the claimant raises the fact that generalized insecurity exists in Nigeria due to Muslims attacking Christians, the groups Ritualiste and Bado, Boko Haram, the Fulani herdsmen and the kidnappers.

[40] Some of the elements raised by the claimant may be considered under section 96 of the IRPA as potentially related to religion. For example, according to one response to information request,¹⁷ sources indicate that Boko Haram has been targeting Christians and non-Christians. There is also communal violence between the Muslim Fulani herdsmen and Christian farmers. That said, the panel has no evidence on the record to establish that the claimants were targeted by or the victims of one or any of these groups. The sources also indicate that 40% to 50% of Nigeria's population is Christian; Christians constitute the majority in the southeastern states and in the Niger Delta region. Other sources report that the situation of Christians in Lagos State is [translation] "normal," that they live "peacefully" alongside people of other religions and that Lagos State authorities and the Nigerian police "have increased security" so that people can practise their religion in Lagos. The situation is apparently similar in Abuja. The panel consequently considers that the claimants would not face a serious possibility of persecution by reason of their religion if they were to return to Nigeria.

[41] Other factors cited by the claimant, such as insecurity and abductions, relate to paragraph 97(1)(b) of the IRPA. A generalized risk of crime affecting the entire population of a country is not enough to support a refugee protection claim under subparagraph 97(1)(b)(ii) of the IRPA.¹⁸ In this refugee protection claim, other than stating repeatedly at the hearing on January 13, 2021, that she and her daughters would not be safe in Nigeria, the claimant did not provide any evidence based on which the panel could conclude that they would be targeted other than randomly. She testified only to the general situation in the country. The claimant did not allege any other factors, with the exception of her husband's abductions, which the panel did not believe, that could place the claimants at a greater or different risk than the rest of Nigeria's population. For these reasons, the panel rejects this allegation.

¹⁷ Document 3 – National Documentation Package (NDP) on Nigeria, November 30, 2020, Tab 12.5: Response to Information Request (RIR) NGA105320.E, IRB, November 17, 2015.

¹⁸ *Prophète v. Canada (Citizenship and Immigration)*, 2008 FC 331, 2009 FCA 31; *Lamour, Nathalie v. M.C.I.* (2011 FC 322), Montigny, March 17, 2011.

Women

[42] At the hearing on January 13, 2021, the claimant alleged that she and the minor claimants could not live safely in Nigeria due to the fact that they are women. She testified that they could be raped or abducted. Although questioned in this regard by the panel and her counsel, the claimant failed to establish how her or her daughters' situation would subject them to a serious possibility of gender-related persecution.

[43] The panel considered the information available in the National Documentation Package on Nigeria. Although the situation in terms of violence against women is a widespread phenomenon in Nigeria,¹⁹ certain factors may increase this risk, such as being victims of domestic violence, female genital mutilation, forced marriage, human trafficking, or widowhood rites or other rituals, living in camps or being captured by Boko Haram.²⁰ However, none of these or any other circumstances were alleged in this case. Additionally, certain factors are taken into account when reviewing a woman's fear of returning to Nigeria, such as skills and education, work experience, family situation, psychological state, economic status and the existence of a network of contacts.²¹

[44] The panel considered the claimant's profile. She is a young woman who is 42 years old. She testified that she has the equivalent of a XXXX XXXX education. She testified that she has completed occupational courses in XXXX XXXX XXXX. She is currently completing training as a XXXX XXXX XXXX. She speaks English and Edo. She is Catholic. She testified that she worked for many years in Nigeria, including five years at XXXX XXXX XXXX in XXXX XXXX about 10 years at XXXX XXXX XXXX and also at XXXX XXXX XXXX Lagos. The claimant also testified that she had previously travelled to Europe on vacation.²² She testified that she was involved in her church. She alleges that her parents died years ago. However, she testified that she has three brothers and two sisters, one in XXXX and the other in XXXX XXXX. It is also clear that her friend XXXX provided invaluable support when the claimant and her family moved from XXXX to Lagos and has continued to provide invaluable support to the claimant.

¹⁹ Document 3 – NDP on Nigeria, November 30, 2020, Tab 1.5: *Rapport de mission en République fédérale du Nigeria*, September 9 to 21, 2016 [report of a mission in the Federal Republic of Nigeria]. France. Office français de protection des réfugiés et apatrides [French office for the protection of refugees and stateless persons]. 2016.

²⁰ Ibid., Tab 1.4: *EASO Country of Origin Information Report: Nigeria. Country Focus*. European Union. European Asylum Support Office. June 2017 and see Tab 1.7: *Country Background Note: Nigeria. Version 2.0*. United Kingdom. Home Office. January 2020.

²¹ Ibid., Tab 5.9: RIR NGA106362.E, IRB, November 20, 2019.

²² See also the stamps in her passport.

[45] For the panel, her profile is one of a resourceful woman who has been able to make a life for herself in the cities where she has resided, has solid work experience in her country thanks to her entrepreneurial spirit and comes from a strong socio-economic background. The claimant cannot be considered a woman alone, as she has three brothers, two sisters, the leader of her religious community, a good friend and her husband (since the panel did not believe, on a balance of probabilities, that he had been abducted). The panel considers that male figures are present in the claimant's social network.

[46] Having considered *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*,²³ and having reviewed the documentary evidence, the claimant's testimony and her personal circumstances, the panel is of the view that the claimant's personal profile is not one that could make her vulnerable to a serious possibility of gender-related persecution if she were to return to Nigeria.

XXXX XXXX XXXX

[47] At the hearing on January 13, 2021, the claimant revealed that she XXXX XXXX XXXX XXXX XXXX since 2011. She testified that she did not know how she became infected. She also indicated that she bought her medication herself and that it was expensive. When asked whether she had experienced any problems in Nigeria due to her health issues, she stated that she had not, as only her husband was aware, and she had told no one else, because people would have been afraid to be around her. In her third written account, however, she states that her husband had investigated and discovered that she had been infected at XXXX XXXX XXXX, where other people were also reportedly infected. She also writes that her XXXX XXXX XXXX XXXX "became an issue in the family's and friends the start discriminating and stigmatizing me." She also adds that even the three minor claimants were "still being stigmatized by family and friends which resulted my kids being sad all time."

[48] The panel asked the claimant why she stated that she did not know how she became infected when in her third written account, she writes that her husband apparently discovered that it came from XXXX XXXX XXXX XXXX where she worked. The claimant states that since her children

²³ IRB's *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*.

and husband were not infected, the investigation focused on her workplace, and people who got tested were XXXX XXXX XXXX XXXX XXXX XXXX

[49] The panel considers that the claimant failed to respond to the contradiction raised. It would have been reasonable to expect the claimant's statements regarding such a delicate matter to be consistent. But there is more.

[50] The panel also questioned the claimant as to why she stated that no one knew that XXXX XXXX XXXX XXXX when in her third written account she indicates that her family and friends discriminated against her and stigmatized her and her children. The claimant replied that that was why she had not disclosed XXXX XXXX XXXX XXXX XXXX XXXX to her friends or family, not even to her sister, because everyone was going to distance themselves from her. Counsel for the claimant even took the time to reformulate the question in order for the claimant to fully grasp its significance. She stated again that she had not disclosed her health condition in order to avoid discrimination. She testified that she had told only her husband and that her children also did not know.

[51] The panel finds the claimant's explanation not credible. The wording used in her third written account is clear and cannot be interpreted otherwise. It would have been reasonable to expect the claimant's testimony at the hearing to be consistent with her written account, especially concerning a matter as important as discrimination and stigmatization experienced XXXX XXXX XXXX XXXX XXXX XXXX in her country.

[52] As a result, the panel concludes that these contradictions are significant and undermine the credibility of her allegation of discrimination and stigma in relation to her health condition. The panel does not believe, on a balance of probabilities, that the claimant was stigmatized or discriminated against in Nigeria because XXXX XXXX XXXX XXXX XXXX status.

[53] The fact remains that the claimant established, on a balance of probabilities, that XXXX XXXX XXXX XXXX XXXX by providing confirmation letters from two Canadian physicians.²⁴ As a result, and despite the claimant's lack of credibility, the panel analyzed whether the claimant's health condition would lead her to be subjected to a serious possibility of persecution if she were to return to her country.

²⁴ Document 5 – Exhibit D-3: Confirmation from Dr. XXXX XXXX of McGill University Health Centre; D-4: Confirmation from Dr. XXXX XXXX of St. Micheal's Hospital.

[54] According to the documentary evidence, XXXX XXXX XXXX XXXX encounter discrimination and stigma²⁵ at the community level, their workplaces and places of worship.²⁶ The documentation makes reference to the loss of jobs and denial of health-care services.²⁷ The evidence also states that stigma and discrimination can have consequences limiting access XXXX XXXX XXXX, treatment uptakes and access to XXXX XXXX XXXX.²⁸

[55] The documentary evidence also establishes that the Nigerian government has for years been undertaking efforts to address this situation²⁹ through multiple strategies. It also passed the Anti-Discrimination Act 2014.³⁰ Civil society actors have also been working to support these efforts.³¹ The panel is aware that much remains to be done, since statistics show that discriminatory attitudes persist: “47% of women and 46% of men think that children XXXX XXXX XXXX should not be able to attend school with children who XXXX XXXX XXXX XXXX 53% of women and 50% of men would not buy fresh vegetables from XXXX XXXX XXXX XXXX.”³² These attitudes decrease with increasing wealth and education, among other factors.³³ One source states: “Most stigmatizing attitudes experienced in the home for females and at work for males.”³⁴

[56] However, it is also noted that “the country has enough pool of human resources and infrastructure to meet XXXX XXXX XXXX country’s need.” Additionally, treatment is available in Nigeria, and “free XXXX XXXX may be available in all public facilities as well as in designated private facilities” where people meet eligibility criteria.³⁵ Statistics show that in 2016, 69% of XXXX XXXX XXXX women had access to medical treatment.³⁶

²⁵ Document 3 – NDP on Nigeria, November 30, 2020, Tab 2.1: Nigeria. Country Reports on Human Rights Practices for 2019. United States. Department of State, March 11, 2020; Tab 2.4: National XXXX XXXX Reduction Strategy. Nigeria. National Agency for the XXXX XXXX, 2016; Tab 1.25: Nigeria Demographic and Health Survey 2018. Federal Republic of Nigeria. National Population Commission; ICF. Demographic and Health Surveys Program. October 2019.

²⁶ Ibid. – Tab 2.4.

²⁷ Ibid. – Tab 2.1.

²⁸ Ibid. – tabs 2.4 and 1.25.

²⁹ Ibid. – Tab 2.4.

³⁰ Ibid. – tabs 2.4 and 2.2: XXXX XXXX XXXX in Nigeria. AVERT. August 5, 2020.

³¹ Ibid. – Tab 1.8: DFAT Country Information Report: Nigeria. Australia. Department of Foreign Affairs and Trade. March 9, 2018.

³² Ibid. – Tab 1.25.

³³ *Idem.*

³⁴ Ibid. – Tab 5.29: 2018 Statistical Report on Women and Men in Nigeria. Nigeria. National Bureau of Statistics. May 2019.

³⁵ Ibid. – Tab 1.9: Country Policy and Information Note. Nigeria: Medical and healthcare issues. Version 3.0. United Kingdom. Home Office. January 2020.

³⁶ Ibid., footnote 34.

[57] The panel considers that the objective evidence is insufficient in and of itself to establish that the stigma and discrimination experienced by some XXXX XXXX XXXX XXXX XXXX the threshold of persecution even if considered on an isolated or cumulative basis. The risk of discrimination and stigma is greater in certain circumstances, such as XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX be, homosexual.³⁷ The same applies to “XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX.”³⁸ This can lead to persecution. However, nothing of this nature is alleged in this case.

[58] The panel was unable to find objective evidence that might allow it to conclude that the fact that the claimant is a woman XXXX XXXX XXXX XXXX would lead her to face a serious possibility of persecution if she were to return to Nigeria. Moreover, the panel considers that the claimant’s testimony at the hearing did not correspond to the objective evidence. The claimant has been XXXX XXXX XXXX since 2011 and stated that she was subsequently able to work and obtain her medical treatment until the day she left the country. According to her third written account, she also continued to attend her church, which welcomed her even knowing about her health condition.³⁹ The claimant did not testify at the hearing that XXXX XXXX XXXX XXXX XXXX would prevent her from working. She stated that a person has to have connections. The claimant testified that she had to pay for her medication in Nigeria. This factor is not, in and of itself, evidence of persecution within the meaning of the Convention and does not constitute a risk under paragraph 97(1)(b).

[59] Counsel for the claimants urged the panel to consider the claimant’s ability to testify at the hearing or to submit evidence to support her refugee protection claim. The panel considers that even taking these aspects into account, the fact remains that, overall, multiple credibility issues were identified at the hearing that were not reasonably explained. The panel notes that the claimants have been represented by counsel since at least late April 2018. The panel is of the view that there is insufficient evidence on the record to establish that the claimant experiences, or would experience, stigma or discrimination leading to a serious possibility of persecution by reason of her health condition. The panel also has no evidence that might lead it to conclude that the minor

³⁷ Ibid. – Tab 2.15: Summary of Stakeholders’ submissions on Nigeria. United Nations. Human Rights Council, August 24, 2018. A/HRC/WG.6/31/NGA/3.

³⁸ *Idem*.

³⁹ *Supra*, footnote 5.

claimants, who are not XXXX XXXX XXXX XXXX would face a serious possibility of persecution by reason of the principal claimant's XXXX XXXX XXXX XXXX.

CONCLUSION

[60] After analyzing all the evidence, the panel concludes that the claimants did not discharge their burden of establishing that there is a serious possibility that they would be persecuted on one of the Convention grounds. They also failed to demonstrate, on a balance of probabilities, that if they were to return to Nigeria, they would be subjected personally to a danger of torture or to a risk to their lives or to a risk of cruel and unusual treatment or punishment.

[61] For these reasons, the panel determines that the claimants are neither "Convention refugees" nor "persons in need of protection" and consequently rejects their refugee protection claims.

Peguy Chahine

February 8, 2021

IRB translation
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