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Guidance on particular profiles

GUIDANCE NOTE
Last update: October 2021
*See relevant common analysis sections for information concerning the last update of specific profiles

This section refers to some of the profiles of Nigerian applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Please note that some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.

When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past or family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.
- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to Article 10 QD. The common analysis sections provide further guidance whether a nexus to a reason for persecution is highly likely or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under Article 10 QD (Article 9(3) QD).

2.1 Individuals targeted by Boko Haram

This profile focuses on:

a. persons perceived as government supporters

b. Christians

c. persons considered as ‘infidels’, including those rejecting the insurgents’ strict interpretation of Sharia

d. journalists

e. teachers and others working in education

f. health workers and humanitarian workers

g. IDPs

Risk analysis: Well-founded fear of persecution would in general be substantiated in the areas where the group has operational capacity.

Potential nexus: (imputed) political opinion and/or religion.

>>> Read more in the common analysis on 2.1. Individuals targeted by Boko Haram

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2.2 (Perceived) Boko Haram members or supporters

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.2. (Perrceived) Boko Haram members or supporters

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2.3 Members of separatist movements and individuals perceived as supporting them

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level and nature of involvement
- visibility of the applicant (e.g. high profile, prior arrest, media appearance)
- participation in gatherings or manifestations
- etc.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.3. Members of separatist movements and individuals perceived as supporting them

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2.4 Members of militant groups in the Niger Delta and individuals perceived as supporting them

Risk analysis: Criminal prosecution in itself does not amount to persecution. Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level of involvement with the militant organisation
- activities of the applicant
- etc.

Former members of the militant groups participating in the DDR programme generally do not have a well-founded fear of persecution related to their past involvement.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.4. Members of militant groups in the Niger Delta and individuals perceived as supporting them

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2.5 Members and (perceived) supporters of political parties

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level of political activity
- participating as a candidate in elections
- etc.

Potential nexus: (imputed) political opinion.

>>> Read more in the common analysis on 2.5. Members and perceived supporters of political parties

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2.6 Individuals involved in and affected by conflicts between herders and farmers

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin of the applicant
- level of involvement with armed groups
- ownership of land or cattle
- etc.

Potential nexus: race (ethnicity, descent) and/or religion.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.6. Individuals involved in and affected by conflicts between herders and farmers

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2.7 Human rights activists, protesters, bloggers, journalists and other media workers

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- place of work
- nature of activities (e.g. those working with LGBTIQ communities may be at a particular risk)
- visibility of activities and public profile
- gender
- etc.

Potential nexus: (imputed) political opinion. In case of targeting by Boko Haram, persecution may also be for reasons of religion.

>>> Read more in the common analysis on 2.7. Human rights activists, bloggers, journalists and other media workers

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2.8 Christian and Muslim minorities in specific areas

Risk analysis: Not all individuals under these profiles would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- gender
- in the case of the Shia minority – engagement with IMN
- etc.

Potential nexus: religion. In the case of the Shia minority, persecution may also be for reasons of (imputed) political opinion.

>>> Read more in the common analysis on 2.8. Christian and Muslim minorities in specific areas

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2.9 Individuals accused of witchcraft

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- gender
- age (children and elderly women are generally at a higher risk)
- relevant events in the local community (e.g. death of a child, miscarriage of a pregnant woman)
- visible disabilities
- ‘unusual’ behaviour or attributes (e.g. being intersex)
- family status (e.g. widow, orphan)
- infertility
- etc.

Potential nexus: religion and/or membership of a particular social group

>>> Read more in the common analysis on 2.9. Individuals accused of witchcraft

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2.10 Individuals with albinism

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- perception of the local community
- perception of the family
- etc.

Potential nexus: membership of a particular social group. In case of individuals with albinism being accused of witchcraft, see Individuals accused of witchcraft.

>>> Read more in the common analysis on 2.10. Individuals with albinism

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2.11 Persons fearing ritual killing

Risk analysis: The risk for the individual applicant would normally not reach a reasonable degree of likelihood.

Potential nexus: in general, no nexus.

>>> Read more in the common analysis on 2.11. Individuals fearing ritual killings

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2.12 Persons refusing chieftaincy titles

Risk analysis: There is no information of acts which would amount to persecution.

Potential nexus: in the exceptional case where well-founded fear of persecution would be substantiated, (imputed) political opinion.

>>> Read more in the common analysis on 2.12. Individuals refusing chieftancy titles

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2.13 Individuals targeted by student cults

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- past membership to a cult
- (perceived) intention of the applicant to reveal the secrets of the cult
- etc.

Potential nexus: in general, no nexus. In relation to the use of cults to commit violence against political rivals, see Members and perceived supporters of political parties.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.13. Individuals targeted by student cults

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2.14 LGBTIQ persons

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group.

>>> Read more in the common analysis on 2.14. LGBTIQ persons

2.15 Victims of human trafficking, including forced prostitution

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- amount of ‘debt’ to traffickers
- whether the applicant has testified against the traffickers
- level of power/capability of the traffickers
- the traffickers’ knowledge about the victims’ family and background
- age
- family status (e.g. orphan, single woman)

- socio-economic background and financial means
- level of education
- availability of support network (family or other) or the family's involvement in the trafficking
- perception of local community
- etc.

Potential nexus: membership of a particular social group.

>>> Read more in the common analysis on 2.15. Victims of human trafficking, including forced prostitution

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2.16 Women and girls

The different forms of violence against women and girls in Nigeria are often significantly interlinked. Therefore, the following subsections should be read in conjunction with each other.

2.16.1 Violence against women and girls: overview

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- age
- being an IDP living in a camp
- family status
- socio-economic status
- level of education
- support network (family or other)
- etc.

Potential nexus: different reasons under Article 10 QD, depending on the specific circumstances of the case, for example, membership of particular social group.

>>> Read more in the common analysis on 2.16.1. Violence against women and girls: overview

2.16.2 Violence against women and girls by Boko Haram and treatment post-violence

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to violence by Boko Haram. Risk-impacting circumstances could include:

- area of origin (mainly where Boko Haram operates)
- age
- family status (e.g. single mother)
- having been subjected to abuse
- family/society perceptions, support network (family or other)
- etc.

Potential nexus: (imputed) political opinion, religion, membership of particular social group.

>>> Read more in the common analysis on 2.16.2. Violence against women and girls by Boko Haram and treatment post-violence

2.16.3 FGM/C

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to FGM/C. Risk-impacting circumstances could include:

- ethnic group
- family traditions
- views of the parents/mother on the practice
- age
- level of education of the parents/mother
- prevalence of the practice in the area of origin (including urban/rural dimension)
- etc.

Potential nexus: membership of particular social group.

>>> Read more in the common analysis on 2.16.3 Female genital mutilation or cutting (FGM/C)

2.16.4 Child marriage and forced marriage

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to forced marriage or child marriage. Risk-impacting circumstances could include:

- prevalence of the practice in the area of origin
- ethnic group
- religion
- age
- level of education of the individual and the family
- socio-economic status of the family
- family traditions
- etc.

Potential nexus: religion and/or membership of particular social group.

>>> Read more in the common analysis on 2.16.4. Child marriage and forced marriage

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2.17 Children

2.17.1 Violence against children: overview

See also the profile Women and girls. Violence also affects boys.

>>> Read more in the common analysis on 2.17. Children

2.17.2 Children involved in student cults

See the profile Individuals targeted by student cults.

>>> Read more in the common analysis on 2.17. Children

2.17.3 Children accused of being witches

See the profile Individuals accused of witchcraft.

>>> Read more in the common analysis on 2.17. Children

2.17.4 Violence against children by Boko Haram

See the profile Individuals targeted by Boko Haram and/or Violence against women and girls by Boko Haram and treatment post violence.

>>> Read more in the common analysis on 2.17. Children

2.17.5 Children perceived as Boko Haram members or supporters

See profile Individuals perceived as Boko Haram members or supporters.

>>> Read more in the common analysis on 2.17. Children

2.17.6 Child recruitment

Risk analysis: Not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment.

Potential nexus: The individual circumstances of the child need to be taken into account.

>>> Read more in the common analysis on 2.17. Children

2.17.7 FGM/C

See the profile Women and girls.

>>> Read more in the common analysis on 2.17. Children

2.17.8 Child marriage

See the profile Women and girls.

>>> Read more in the common analysis on 2.17. Children

2.17.9 Child trafficking

See the profile Victims of human trafficking, including forced prostitution.

>>> Read more in the common analysis on 2.17. Children

2.18 Persons with disabilities or severe medical issues, including mental health issues

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- nature and visibility of the mental or physical disability
- perception by the family and by the surrounding society
- etc.

Potential nexus: membership of a particular social group (in the case of persons living with noticeable mental or physical disabilities).

>>> Read more in the common analysis on 2.18. Persons with disabilities or severe medical issues, including mental health issues

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2.19 Individuals accused of crimes in Nigeria

Risk analysis:

Prosecution for an **ordinary crime** would generally not amount to persecution.

Prosecution for **acts which are not considered criminal according to international standards** (e.g. adultery, 'sodomy') would amount to persecution.

Death penalty, irrespective of the nature of the crime, is considered to amount to persecution.

Violations of the due process of law and/or **disproportionate or discriminatory punishments** could also amount to severe violations of basic human rights.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin of the applicant and the prevalent legal system
- the act of which the applicant is or may be accused
- the envisaged punishment
- etc.

Potential nexus:

In the case of **individuals accused of ordinary crimes**, there is in general no nexus.

In the case of criminalisation of **acts which are not considered criminal according to international standards**, persecution may be for reasons of religion or membership of a particular social group.

With regard to **some crimes punishable by the death penalty under the Criminal and Penal Code** of Nigeria, persecution may be for reasons of political opinion.

* Exclusion considerations could be relevant to this profile.

>>> Read more in the common analysis on 2.19. Individuals accused of crime in Nigeria

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