

# **NIGERIA 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). In 2015 citizens elected President Muhammadu Buhari of the All Progressives Congress party to a four-year term in the first successful democratic transfer of power from a sitting president in the country's history.

Civilian authorities did not always maintain effective control over the security services.

The insurgency in the Northeast by the militant terrorist groups Boko Haram and the Islamic State in West Africa (ISIS-WA) continued. The groups conducted numerous attacks on government and civilian targets that resulted in thousands of deaths and injuries, widespread destruction, the internal displacement of approximately 1.8 million persons, and external displacement of an estimated 225,000 Nigerian refugees to neighboring countries, principally Cameroon, Chad, and Niger. Widespread violence across rural Nigeria, including conflict over land and other resources between farmers and herders, resulted in an estimated 1,300 deaths and 300,000 persons internally displaced between January and July, according to the International Crisis Group (ICG).

Human rights issues included unlawful and arbitrary killings by both government and nonstate actors; forced disappearances by both government and nonstate actors; torture by both government and nonstate actors and prolonged arbitrary detention in life-threatening conditions particularly in government detention facilities; harsh and life threatening prison conditions including civilian detentions in military facilities, often based on flimsy or no evidence; infringement on citizens' privacy rights; criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, in particular for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; refoulement of refugees; corruption; progress to formally separate child soldiers previously associated with the Civilian Joint Task Force (CJTF); lack of accountability concerning violence against women, including female genital mutilation/cutting, in part due to government inaction/negligence; trafficking in persons, including sexual exploitation and abuse by security officials; crimes involving violence targeting LGBTI persons and the criminalization of status and same-sex sexual conduct based on sexual orientation and gender identity; and forced and bonded labor.

The government took steps to investigate alleged abuses but fewer steps to prosecute officials who committed violations, whether in the security forces or elsewhere in the government. Impunity remained widespread at all levels of government. The government did not adequately investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power.

The Borno State government provided financial and in-kind resources to the CJTF, a nongovernmental self-defense militia that coordinated and at times aligned with the military to prevent attacks against civilian populations by Boko Haram and ISIS-WA. Human rights organizations and press reporting charged the CJTF with committing human rights abuses. The government took few steps to investigate or punish CJTF members who committed human rights abuses.

Boko Haram and ISIS-WA conducted numerous attacks targeting civilians. Boko Haram recruited and forcefully conscripted child soldiers and carried out scores of suicide bombings, many by young women and girls forced into doing so -- and other attacks on population centers in the Northeast and in Cameroon, Chad, and Niger. Abductions by Boko Haram and ISIS-WA continued. Both groups subjected many women and girls to sexual and gender-based violence, including forced marriages, sexual slavery, and rape. The government investigated attacks by Boko Haram and ISIS-WA and took steps to prosecute their members, although the majority of suspected insurgent group supporters were held in military custody without charge.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were several reports the government or its agents committed arbitrary and unlawful killings. The national police, army, and other security services used lethal and excessive force to disperse protesters and apprehend criminals and suspects and committed other extrajudicial killings. Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths generally did not make their findings public. In August 2017 the acting president convened a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement, and the panel submitted its

findings in February. As of November no portions of the report had been made public.

As of September there were no reports of the federal government further investigating or holding individuals accountable for the 2015 killing and subsequent mass burial of members of the Shia group Islamic Movement of Nigeria (IMN) and other civilians by Nigerian Army (NA) forces in Zaria, Kaduna State. In 2016 the government of Kaduna made public the Kaduna State judicial commission's nonbinding report, which found the NA used "excessive and disproportionate" force during the 2015 altercations in which 348 IMN members and one soldier died. The commission recommended the federal government conduct an independent investigation and prosecute anyone found to have acted unlawfully. It also called for the proscription of the IMN and the monitoring of its members and their activities. In 2016 the government of Kaduna State published a white paper that included acceptance of the commission's recommendation to investigate and prosecute allegations of excessive and disproportionate use of force by the NA. As of September, however, there was no indication that authorities had held any members of the NA accountable for the events in Zaria. It also accepted the recommendation to hold IMN leader Sheikh Ibrahim Zakzaky responsible for all illegal acts committed by IMN members during the altercations and in the preceding 30 years. In 2016 a federal court declared the continued detention without charge of Zakzaky and his wife illegal and unconstitutional. The court ordered their release by January 2017. The federal government did not comply with this order, and Zakzaky, his spouse, and other IMN members remained in detention. In April the Kaduna State government charged Zakzaky in state court with multiple felonies stemming from the death of the soldier at Zaria. The charges include culpable homicide, which can carry the death penalty. As of December the case was pending. In July a Kaduna High Court dismissed charges of aiding and abetting culpable homicide against more than 80 IMN members. As of September the Kaduna State government had appealed the ruling. Approximately 100 additional IMN members remained in detention.

In October security forces killed 45 IMN members that were participating in processions and protests, according to Amnesty International (AI) (see section 2.b.).

In January AI reported that the Nigerian Air Force used excessive force in responding to intercommunal violence in December 2017 in Numan local government area (LGA) in Adamawa State. According to the report, hundreds of herdsmen attacked eight villages in Adamawa in response to a massacre by

farming communities of up to 51 herders, mostly children, in Kikan village the previous month. The Nigerian Air Force said it responded at the request of relevant security agencies for show of force flights to disperse the “hoodlums” engaged in ransacking and burning villages, and subsequently aimed to shoot in front of crowds to deter them from attacking Numan. AI reported that the Air Force response resulted in a fire and destruction in the town, and that Air Force rockets and bullets hit civilian buildings directly and resulted in multiple civilian deaths. The report also stated it was not possible to establish conclusively how much of the death and destruction was attributable to the Air Force’s actions and how much to the concurrent attack by herders. The Air Force denied the claims in a statement but reportedly ordered an investigation. As of September it was unclear if the investigation had been concluded.

In January 2017 the air force mistakenly bombed an informal internally displaced persons (IDP) settlement in Rann, Borno State, which resulted in the killing and injuring of more than 100 civilians and humanitarian workers. Army personnel also were injured. The government and military leaders publicly assumed responsibility for the strike and launched an investigation. The air force conducted its own internal investigation, but as of December the government had not made public its findings. No air force or army personnel were known to have been held accountable for their roles in the event.

There were reports of arbitrary and unlawful killings related to internal conflicts in the Northeast and other areas (see section 1.g.).

## **b. Disappearance**

After more than two years of incommunicado detention by the State Security Service (SSS) without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail in August. The Committee to Protect Journalists (CPJ) reported Abiri was accused of being a member of a Niger Delta militant group but was not formally charged, and said Abiri’s detention was in response to critical coverage from the July 2016 edition of the *Weekly Source*. Following an open letter from the CPJ and significant public outcry, Abiri was arraigned and eventually released on bail. Abiri told reporters that he was blindfolded, held in an underground cell for most of the two years, and did not have access to medication in detention (see section 2.a.).

In August AI issued a statement on the International Day of the Disappeared, calling on the government to end unlawful arrests and incommunicado detentions, including the reported disappearances of more than 600 members of the IMN, and an unknown number of individuals in the Northeast where Boko Haram had been active. In August the National Human Rights Commission (NHRC) signed the mandate documents and a standard operating procedure to establish a database of missing persons in the country, with technical advice from the International Committee of the Red Cross (ICRC). As of September the database was not operational.

Criminal groups abducted civilians in the Niger Delta and the Southeast, often to collect ransom payments. Maritime kidnappings remained common as militants turned to piracy and related crimes to support themselves. On March 26, for example, Nigerian pirates boarded a fishing vessel off the coast of Ghana, kidnapping three Korean sailors and taking them by speedboat back to the Niger Delta. The pirates reportedly released the sailors after the Ghanaian parent company paid a ransom.

Other parts of the country experienced a significant number of abductions. Prominent and wealthy figures were often targets of abduction. For example, in January a member of the Taraba State House of Assembly, Hosea Ibi, was abducted and killed by unknown assailants.

Boko Haram and ISIS-WA conducted large-scale abductions in Borno and Yobe States (see section 1.g.).

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. In December 2017, the president signed the Anti-Torture Act, which defines and specifically criminalizes torture. The Act prescribes offences and penalties for any person, including law enforcement officers, who commits torture or aids, abets, or by act or omission is an accessory to torture. It also provides a basis for victims of torture to seek civil damages. The Administration of Criminal Justice Act (ACJA), passed in 2015, prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of November the states of Akwa

Ibom, Anambra, Cross Rivers, Delta, Ekiti, Enugu, Kaduna, Lagos, Ogun, Ondo, Oyo, and Rivers had adopted ACJA-compliant legislation.

The Ministry of Justice previously established a National Committee Against Torture (NCAT). Lack of legal and operational independence and lack of funding, however, prevented NCAT from carrying out its work effectively.

The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and, according to credible international organizations, the Special Antirobbery Squad (SARS) often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.

In 2016 AI reported police officers in the SARS regularly tortured detainees in custody as a means of extracting confessions and bribes. In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force. Allegations of widespread abuse by SARS officers, however, continued throughout the year. In late 2017 citizens began a social media campaign (#EndSARS) to document physical abuse and extortion by SARS officers and demand SARS units be disbanded. In December 2017 the inspector general of police announced plans to reorganize SARS units, but complaints of abuse continued. Several SARS officers were dismissed from the force and, in some instances, prosecuted, and the National Police Force (NPF) sought technical assistance for investigations of SARS officers. The vast majority of misconduct cases, however, went uninvestigated and unpunished. In August then-acting President Yemi Osinbajo ordered the inspector general of police to overhaul the management and activities of SARS, and ordered the NHRC to set up a "Special Panel" with public hearings on SARS abuses. The panel's work was ongoing at the end of the year and it had not yet issued a report.

Local nongovernmental organizations (NGOs) and international human rights groups accused the security services of illegal detention, inhuman treatment, and torture of criminal suspects, militants, detainees, and prisoners. Military and police reportedly used a range of torture methods including beatings while bound, rape and other forms of sexual violence. According to reports, security services committed rape and other forms of violence against women and girls, often with impunity. As of December the government had not held any responsible officials to account for reported incidents of torture in detention facilities in the Northeast, including Giwa Barracks.

Police used a technique commonly referred to as “parading” of arrestees, which involved walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees.

The sharia courts in 12 northern states may prescribe punishments such as caning, amputation, and death by stoning. The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death to a higher sharia court. Statutory law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a nonsharia court. Authorities, however, often did not carry out caning, amputation, and stoning sentences passed by sharia courts because defendants frequently appealed, a process that could be lengthy. Federal appellate courts had not ruled on whether such punishments violate the constitution because no relevant cases reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there were no challenges on constitutional grounds.

There were no reports of canings during the year. Defendants generally did not challenge caning sentences in court as a violation of statutory law. In the past sharia courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison in lieu of caning.

The United Nations reported that it had received four allegations of sexual exploitation and abuse against peacekeepers from Nigeria deployed to the United Nations Mission in Liberia. The cases involve both sexual exploitation (three allegations) and abuse (one allegation). Investigations both by the United Nations and Nigeria were pending. Three allegations were reported in 2017.

### **Prison and Detention Center Conditions**

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees reportedly were subjected to torture, gross overcrowding, inadequate medical care, food and water shortages, and other abuses; some of these conditions resulted in deaths. The government often detained suspected militants outside the formal prison system (see section 1.g.).

Physical Conditions: Overcrowding was a significant problem. Although the total designed capacity of the country’s prisons was 50,153 inmates, as of July they held

73,631 prisoners. Approximately 68 percent of inmates were in pretrial detention or remanded. As of July there were 1,475 female inmates. Authorities sometimes held female and male prisoners together, especially in rural areas. Prison authorities often held juvenile suspects with adults.

Prisoners and detainees were reportedly subjected to torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape.

Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. For example, according to press reports from December 2017, Agodi Minimum Security Prison, in Oyo State, had 1,104 inmates despite a maximum capacity of 390. Port Harcourt Prison, designed to hold 800 inmates, held approximately 5,000, while Kirikiri Maximum Security Prison in Lagos, with a capacity of 956 inmates, held approximately 2,600.

Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from treatable illnesses, such as HIV/AIDS, malaria, and tuberculosis. In April 2017 the Lagos State Controller of Prisons stated that 32 inmates died in 2016 in a single Lagos prison due to lack of access to medical care. The House of Representatives confirmed more than 900 inmates died in prisons across the country in 2016 due to severe lack of drugs and health care. Although authorities attempted to isolate persons with communicable diseases, facilities often lacked adequate space, and inmates with these illnesses lived with the general prison population. There were no reliable statistics on the total number of prison deaths during the year.

Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners' food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money.

In general prisons had no facilities to care for pregnant women or nursing mothers. Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons. The NGO Citizens United for the Rehabilitation of Errants (CURE)-Nigeria reported children in some cases remained with their inmate mothers up to at least age six. While the total number of children living in prison with their mothers was unknown, CURE-Nigeria's April 2017 survey of 198 of the country's women inmates found more than 30 women with children in just three prisons. Approximately 10 percent of survey respondents reported they were pregnant. Results of surveys of women and children in prisons conducted by CURE-Nigeria revealed many children in custody did not receive routine immunizations, and authorities made few provisions to accommodate their physical needs, to include hygiene items, proper bedding, proper food, and recreation areas. According to its 2016 report, female inmates largely relied on charitable organizations to obtain hygiene items.

Generally prisons made few efforts to provide mental health services or other accommodations to prisoners with mental disabilities (see section 6).

Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution.

After multiple releases during the year (see Improvements sub-subsection), it was unclear how many children or adults remained in detention at Giwa Barracks or other unofficial detention facilities. According to press and NGO reporting, the military continued to arrest and remand to military detention facilities, including

Giwa Barracks, additional persons suspected of association with Boko Haram or ISIS-WA.

The government continued to arrest and, in some cases, inappropriately detain for prolonged periods, women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. A credible international organization, however, reported the typical length of time spent in detention shortened during the year. Separately, an AI report from May documented severe restrictions on freedom of movement for IDPs held in satellite camps in many parts of Borno State. According to the report, restrictions on entry and exit confined IDPs, in some instances, to conditions constituting de facto detention for prolonged periods.

Administration: While prison authorities allowed visitors within a scheduled timeframe, few visits occurred, largely due to lack of family resources and travel distances.

The ACJA provides that the chief judge of each state, or any magistrate designated by the chief judge, shall conduct monthly inspections of police stations and other places of detention within the magistrate's jurisdiction, other than prisons, and may inspect records of arrests, direct the arraignment of suspects, and grant bail if previously refused but appropriate.

The NHRC conducts prison audits. Despite an expressed willingness and ability to investigate credible allegations of inhuman conditions, however, the NHRC has not publicly released an audit report since 2012. In June the NHRC announced it was beginning a nationwide audit of all detention facilities. As of October the audit was not complete. Through its Legal Aid Council, the Ministry of Justice reportedly provided some monitoring of prisons through the Federal Government Prison Decongestion Program.

Independent Monitoring: There was limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross had access to police detention, Nigerian Prisons Services (NPS), and some military detention facilities.

Improvements: An international organization reported that at least 2,486 persons were released from Giwa Barracks during the year. The majority were transferred

to a rehabilitation center run by the Borno State government in Maiduguri. Another 159 were transferred to a deradicalization program in Gombe State, under the auspices of Operation Safe Corridor (OPSC). For the first time OPSC graduated 91 former low-level Boko Haram affiliate members and former Giwa Barracks detainees from its deradicalization program. Some OPSC graduates faced difficulty in reintegrating into communities due to stigmatization from being associated with Boko Haram, and 46 graduates originally from Gwoza LGA were initially “rejected” by their communities. The Gwoza LGA subcommittee on reintegration was actively working with the community to reintegrate them.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. According to numerous reports, since 2013 the military arbitrarily arrested and detained--often in unmonitored military detention facilities--thousands of persons in the context of the fight against Boko Haram in the Northeast (see section 1.g.). According to AI, freedom of movement restrictions in IDP camps in Borno State, in some instances, constituted de facto detention (see section 1.c.). In their prosecution of corruption cases, law enforcement and intelligence agencies often failed to follow due process and arrested suspects without appropriate arrest and search warrants.

#### **Role of the Police and Security Apparatus**

The NPF is the country’s largest law enforcement agency. An inspector general of police, appointed by and reporting directly to the president, commands the NPF. In addition to traditional police responsibilities of maintaining law and order in communities in each of the states and the FCT, the inspector general oversees law enforcement operations throughout the country involving border security, marine (navigation) matters, and counterterrorism. A state commissioner of police, nominated by the inspector general and approved by the state governor, commands NPF forces in each of the states and the FCT. Although administratively controlled by the inspector general, operationally the state commissioner reports to the governor. In the event of societal violence or emergencies, such as endemic terrorist activity or national disasters requiring deployment of law enforcement resources, the governor may also assume operational control of these forces.

The Department of State Services (DSS) is responsible for internal security and reports to the president through the national security adviser. Several other federal organizations have law enforcement components, such as the Economic &

Financial Crimes Commission (EFCC), Attorney General's Office, Ministry of Interior, and federal courts.

Due to the inability of law enforcement agencies to control societal violence, the government continued to turn to the armed forces to address internal security concerns. The constitution authorizes the use of the military to “[s]uppress insurrection and act in aid of civil authorities to restore order.” Armed forces were part of continuing joint security operations in the Niger Delta, Middle Belt, and Northwest.

Police, DSS, and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. In September the NPF Public Complaint and Rapid Response Unit reported it had recovered approximately 1.1 million naira (\$3,038) in bribery payments and dismissed 10 officers in the past two years. Dismissals of low-level officers, however, did not deter continuing widespread extortion and abuse of civilians. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier's commanding officer determined disciplinary action, and the decision was subject to review by the chain of command according to the Armed Forces Act. In 2016 the army announced the creation of a human rights desk to investigate complaints of human rights violations brought by civilians, and set up a standing general court martial in Maiduguri. The human rights desk in Maiduguri coordinated with the NHRC and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside of major population centers remained limited. As of September the court martial in Maiduguri had reached verdicts in 39 cases since inception, some of which resulted in convictions for rape, murder, and abduction of civilians. Many credible accusations of abuses, however, remained uninvestigated and unpunished.

### **Arrest Procedures and Treatment of Detainees**

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of

emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment.

Arbitrary Arrest: Security personnel arbitrarily arrested numerous persons during the year, although the number remained unknown. In the Northeast the military and members of vigilante groups, such as the CJTF, rounded up individuals during mass arrests, often without evidence.

Security services detained journalists and demonstrators during the year (see sections 2.a. and 2.b.).

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NPS figures released in March, approximately 70 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF and the NPS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. Prison officials did not have effective prison case file management processes, to include a databases or cataloguing systems. In general, the courts were plagued with inadequate, antiquated systems and procedures.

### Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees may challenge the lawfulness of their detention before a court and have the right to submit complaints to the NHRC.

Nevertheless, most detainees found this approach ineffective because, even with legal representation, they often waited years to gain access to court.

### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption prevented the judiciary from functioning adequately. Judges frequently failed to appear for trials. In addition the salaries of court officials were low, and they often lacked proper equipment and training.

There was a widespread public perception that judges were easily bribed and litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and received requests from judicial officials for bribes to expedite cases or obtain favorable rulings.

Although the Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state levels, no requirements or monitoring bodies existed for judges at the local level. This contributed to corruption and the miscarriage of justice in local courts.

The constitution provides that, in addition to common law courts, states may establish courts based on sharia or customary (traditional) law. Sharia courts functioned in 12 northern states and the FCT. Customary courts functioned in most of the 36 states. The nature of a case and the consent of the parties usually determined what type of court had jurisdiction. In the case of sharia courts in the North, the impetus to establish them stemmed at least in part from perceptions of inefficiency, cost, and corruption in the common law system.

The constitution specifically recognizes sharia courts for "civil proceedings," but they do not have the authority to compel participation, whether by non-Muslims or Muslims. Non-Muslims have the option to have their cases tried in the sharia courts if they wish.

The constitution is silent on the use of sharia courts for criminal cases. In addition to civil matters, sharia courts also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the sharia penal code, including for “hudud” offenses (serious criminal offenses with punishments prescribed in the Quran) that provide for punishments such as caning, amputation, and death by stoning. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in sharia criminal courts, a Zamfara State law requires that a sharia court hear all criminal cases involving Muslims.

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common law appellate courts. As of November no challenges with adequate legal standing had reached the common law appellate system. The highest appellate court for sharia-based decisions is the Supreme Court, staffed by common-law judges who are not required to have any formal training in the sharia penal code. Sharia experts often advise them.

### **Trial Procedures**

Pursuant to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges (with free interpretation as necessary from the moment charged through all appeals); receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal.

Authorities did not always respect these rights, most frequently due to a lack of capacity and resources. Insufficient numbers of judges and courtrooms, together with growing caseloads, often resulted in pretrial, trial, and appellate delays that could extend a trial for as many as 10 years. Although accused persons are entitled to counsel of their choice, there were reportedly some cases where defense counsel absented himself or herself from required court appearances so regularly that a court might proceed with a routine hearing in the absence of counsel, except for certain offenses for which conviction carries the death penalty. Authorities held defendants in prison awaiting trial for periods well beyond the terms allowed by law (see section 1.c.).

Human rights groups stated the government denied terror suspects detained by the military their rights to legal representation, due process, and to be heard by a judicial authority. In October 2017 the government announced it had begun hearings in front of civilian judges at the Kainji military facility for 1,669 detained persons and intended to do so for 651 held at Giwa Barracks in Maiduguri. Human rights groups generally welcomed the initiative as a step towards delivering justice for victims of Boko Haram, but raised serious concerns regarding potential due process violations of the accused. Subsequent rounds of hearings took place in February and July, with increasing access for national and international monitoring organizations and somewhat improved process. Rights groups including Human Rights Watch (HRW); however, expressed concerns regarding inadequate access to defense counsel, a lack of interpreters, and inadequate evidence leading to an overreliance on confessions. It was unclear if confessions were completely voluntary. According to a credible international organization, the three rounds of hearings resulted in 366 convictions for terrorism-related offenses, primarily based on confessions and guilty pleas; 421 cases at or awaiting trial, primarily involving individuals who pled not-guilty; and 882 individuals whose cases were dismissed because the state had insufficient evidence to bring charges. Those whose cases were dismissed, however, reportedly remained in detention without clear legal authority.

By common law women and non-Muslims may testify in civil or criminal proceedings and give testimony that carries the same weight as testimony of other witnesses. Sharia courts usually accorded the testimony of women and non-Muslims less weight than that of Muslim men. Some sharia court judges allowed different evidentiary requirements for male and female defendants to prove adultery or fornication. Pregnancy, for example, was admissible evidence of a woman's adultery or fornication in some sharia courts. In contrast, sharia courts could convict men only if they confessed or there was eyewitness testimony. Sharia courts, however, provided women some benefits, including increased access to divorce, child custody, and alimony.

Military courts tried only military personnel, but their judgments could be appealed to civilian courts. Members of the military are subject to the Armed Forces Act regarding civil and criminal matters. The operational commanding officer of a member of the armed forces must approve charges against that member. The commanding officer decides whether the accusation merits initiation of court-martial proceedings or lower-level disciplinary action. Such determinations are nominally subject to higher review, although the commanding officer makes the final decision. If the case proceeds, the accused is subject to trial by court-martial.

The law provides for internal appeals before military councils as well as final appeal to the civilian Court of Appeals.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The constitution and law provide for an independent judiciary in civil matters, but the executive and legislative branches, as well as business interests, exerted influence and pressure in civil cases. Official corruption and lack of will to implement court decisions also interfered with due process. The law provides for access to the courts for redress of grievances, and courts may award damages and issue injunctions to stop or prevent a human rights violation, but the decisions of civil courts were difficult to enforce.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits arbitrary interference, but authorities infringed on this right during the year, and police entered homes without judicial or other appropriate authorization. There were reports of warrantless arrests of young men in the Niger Delta region on suspicion of having links with militant groups. In their pursuit of corruption cases, law enforcement agencies reportedly carried out searches and arrests without warrants.

State and local governments forcibly evicted some residents and demolished their homes, often without sufficient notice or alternative compensation, and sometimes in violation of court orders. Justice & Empowerment Initiatives noted that the practice was an ongoing concern. For example, in September 2017 the Lagos State government, at the request of the University of Lagos, demolished 220 houses in Iwaya, a small, informal settlement abutting the University of Lagos campus. The demolitions occurred despite a 2017 Lagos State High Court injunction banning further demolition. According to Justice & Empowerment Initiatives, members of these 220 households were rendered homeless after the demolitions and have since settled in nearby slum communities.

Press reporting indicated that the army was responsible for burning villages in areas where Boko Haram was suspected to have been operational and possibly

supported by the local population. These actions reportedly contributed to the high number of internally displaced persons in the Northeast.

### **g. Abuses in Internal Conflict**

Killings: Units of the NA's Third, Seventh, and Eighth Divisions, the NPF, and the DSS carried out operations against the terrorist groups Boko Haram and ISIS-WA in the Northeast. Some military forces allegedly killed suspected members of the groups and engaged in retaliatory tactics against civilians believed to have harbored or be associated with the groups. Security forces also committed mass arrests, primarily of men and boys perceived to be of fighting age, for suspected collaboration with or tacit support of the insurgents.

In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. While the full report was not publicly available, the board briefed the press on some of the report's conclusions and recommendations. The board documented conditions at military detention facilities, including the center at Giwa Barracks, and found instances of overcrowded cells and unsanitary conditions. The BOI concluded that these detention conditions, and delays in trials of alleged Boko Haram members, sometimes resulted in deaths in custody. The BOI also found that the denial of access to legal representation was a violation of human rights. The board, however, reportedly found no evidence of arbitrary arrests or extrajudicial executions of detainees. The board also stated it was "unable to substantiate" any of the allegations against senior officers, claiming a lack of documents or other forensic evidence. The BOI reportedly did not find any individual member of the NA at fault for any human rights violation in military detention facilities, nor did it recommend prosecutions or other accountability measures for any member of the Armed Forces of Nigeria or other government entity. Notably, however, the BOI did not meet internationally accepted best practices for investigations. In particular, the board lacked full independence, did not have forensic or other evidentiary expertise, and did not consult testimonies from victims of human rights violations in compiling its evidence, thus calling into question some of its conclusions.

In August 2017 acting President Osinbajo announced a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement. The panel conducted hearings across the

country and submitted its findings to the presidency in February. As of December the report had not been made public.

Boko Haram and ISIS-WA attacked population centers and security personnel in Borno State. Boko Haram also conducted limited attacks in Adamawa, while ISIS-WA attacked targets in Yobe. These groups targeted anyone perceived as disagreeing with the groups' political or religious beliefs or interfering with their access to resources. While Boko Haram no longer controls as much territory as it once did, the two insurgencies nevertheless maintain the ability to stage forces in rural areas and launch attacks against civilian and military targets across the Northeast. Both groups carried out attacks through large numbers of roadside improved explosive devices. ISIS-WA maintained the ability to carry out effective complex attacks on military positions.

Boko Haram continued to employ indiscriminate suicide bombings targeting the local civilian populations. Women and children carried out many of the attacks. According to a 2017 study by UNICEF, nearly one in five suicide attacks by Boko Haram used a child, and more than two-thirds of these children were girls. For example, on February 16, three female suicide bombers simultaneously detonated themselves at a market in Konduga, southeast of Maiduguri, in Borno State, reportedly killing 22 persons and injuring 28. Boko Haram continued to kill scores of civilians suspected of cooperating with the government.

ISIS-WA targeted civilians with attacks or kidnappings less frequently than Boko Haram, but employed targeted acts of violence and intimidation against civilians in order to expand its area of influence and gain control over critical economic resources. As part of a violent and deliberate campaign, ISIS-WA also targeted government figures, traditional leaders, and contractors. In multiple instances, ISIS-WA issued "night letters" or otherwise warned civilians to leave specific areas, and subsequently targeted civilians who failed to depart.

Abductions: As of September NGO and activist allegations of thousands of enforced civilian disappearances by security forces in the Northeast remained uninvestigated by the government.

Boko Haram abducted men, women, and children, often in conjunction with attacks on communities. The group forced men, women, and children to fight on its behalf. Women and girls abducted by Boko Haram were subjected to physical and psychological abuse, forced labor, forced marriage, forced religious conversions, and sexual abuse, including rape and sexual slavery. Boko Haram

also forced women and girls to participate in military operations. Most female suicide bombers were coerced in some form and were often drugged. Boko Haram also used women and girls to lure security forces into ambushes, force payment of ransoms, and leverage prisoner exchanges.

While some NGO reports estimated the number of Boko Haram abductees at more than 2,000, the total count of the missing was unknown since abductions continued, towns repeatedly changed hands, and many families were still on the run or dispersed in IDP camps. Many abductees managed to escape Boko Haram captivity, but precise numbers remained unknown.

On February 19, ISIS-WA abducted 110 girls from the town of Dapchi, Yobe State. According to press reports, five of the girls died in the course of being abducted, while 106 were released March 22 for unknown reasons. One girl remained with the insurgents, reportedly because she refused to convert from Christianity. All other abductees were Muslims.

Physical Abuse, Punishment, and Torture: Security services used excessive force in the pursuit of Boko Haram and ISIS-WA suspects, often resulting in arbitrary arrest, detention, or torture (see section 1.c.).

Arbitrary mass arrests continued in the Northeast, and authorities held many individuals in poor and life-threatening conditions. There were reports some of the arrested and detained included children believed to be associated with Boko Haram, some of whom may have been forcibly recruited. Conditions in Giwa Barracks reportedly marginally improved during the year, as the military periodically released groups of women and children, and less frequently men, from the facility to state-run rehabilitation centers; however, some deaths in detention continued. According to army statements to the press, the 2017 BOI report made numerous recommendations for improving detention conditions and judicial processes for suspected Boko Haram and ISIS-WA members. As of August, however, no one had been held accountable for abuses in Giwa Barracks or other military detention facilities.

Boko Haram engaged in widespread sexual violence against women and girls. Those who escaped or that security services or vigilante groups rescued faced ostracism by their communities and had difficulty obtaining appropriate medical and psychosocial treatment and care.

Reports indicated soldiers, police, CJTF and others committed sexual exploitation and abuse of women and girls and such exploitation and abuse was a major concern in state-run IDP camps, informal camps, and local communities in and around Maiduguri, the Borno State capital, and across the Northeast. In a report issued in May, AI documented cases where soldiers and CJTF members used force or coercion to take advantage of desperate living circumstances to have sex with women in so called “satellite” IDP camps. In Bama Hospital IDP camp, for example, the report said that at least nine women were raped in late 2015 and early 2016 when they refused to have sex in exchange for food or other assistance, or while walking outside the camp to collect water. During the same period, the report documented 10 women who complied with demands to become “wives” or “girlfriends” of soldiers or CJTF members in order to obtain enough food or other necessary items for their families to survive. According to the report, despite a relative improvement in the humanitarian situation, women and girls continued to be exploited in sex trafficking. There were no reports that government officials, security force members, or other alleged perpetrators were held criminally accountable for these offenses.

Child Soldiers: Children under age 18 participated in Boko Haram attacks. The group paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant improvised explosive devices, serve as spies, and carry out suicide bombings, often under the influence of drugs. For example, on January 31, Boko Haram used two girls as human bombs in an attack on Dalori, near Maiduguri. Both girls were killed when their improvised explosive devices detonated, killing two men and injuring 44 persons, including 22 children. The group also used abducted girls as sex slaves and forced them to work for the group.

Reports indicated that the military coordinated closely on the ground with the CJTF, a nongovernmental self-defense militia that received limited state government funding. The CJTF and United Nations worked to implement an action plan to end and prevent the recruitment and use of children, which was signed by both parties and witnessed by the Borno State government in September 2017. According to a credible international organization, since the signing of the action plan the CJTF had ceased the recruitment and use of child soldiers. At a public ceremony in October, UNICEF, the CJTF, and the Borno State government marked the formal separation of 833 children formerly associated with the group. A credible international organization reported that the verification, demobilization, and reintegration of child soldiers previously associated with the CJTF was progressing but, due to security concerns, full verification of demobilization in a

number of LGAs was pending at the end of the year. The majority of the demobilized former child soldiers were awaiting formal reintegration into communities.

Unlike previous years, there were no reports that the military used children in support roles.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

Although the constitution and law provide for freedom of speech and press, the government frequently restricted these rights. In an August press release, HRW expressed concern over threats to press freedom, saying recent arrests and detentions of journalists and activists in the country suggested a disturbing trend toward repressing freedom of expression.

Freedom of Expression: The constitution entitles every individual to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Although federal and state governments usually respected this right, there were reported cases in which the government abridged the right to speech and other expression.

Press and Media Freedom: Freedom House's annual survey of media independence, *Freedom of the Press 2018*, described the press as “partly free.” A large and vibrant private domestic press frequently criticized the government, but critics reported being subjected to threats, intimidation, and sometimes violence.

Violence and Harassment: Security services increasingly detained and harassed journalists, sometimes for reporting on sensitive problems such as political corruption and security. Security services including the SSS and police occasionally arrested and detained journalists who criticized the government. Moreover, army personnel in some cases threatened civilians who provided, or were perceived to have provided, information to journalists or NGOs on misconduct by the military.

On August 14, police arrested and detained *Premium Times* journalist Samuel Ogundice. The *Premium Times* had published a confidential report submitted by Inspector General of Police Ibrahim Idris to Vice-President Yemi Osinbajo over SSS conduct in barricading the entrance to the National Assembly complex, reportedly in an attempt to arrest Senate President Bukola Saraki. Police insisted Ogundice reveal the source of the article, which he refused to do. He was released on bail August 17. In a public statement, the *Premium Times* reported Ogundice was secretly arraigned before a magistrate court without legal representation and charged with criminal trespass and theft from police.

In August, after more than two years of incommunicado detention by the SSS without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail (see section 1.b).

Censorship or Content Restrictions: The government controlled much of the electronic media through the National Broadcasting Commission (NBC), which is responsible for monitoring and regulating broadcast media. The law prohibits local television stations from transmitting programming from other countries except for special religious programs, sports programs, or events of national interest. Cable and satellite transmission was less restricted. For example, the NBC permitted live transmission of foreign news and programs on cable and satellite networks, but they were required to dedicate 20 percent of their programming time to local content.

Journalists practiced self-censorship. Local NGOs claimed security services intimidated newspaper editors and owners into censoring reports of killings and other human rights abuses.

Libel/Slander Laws: Libel and slander are civil offenses and require defendants to prove truthfulness or value judgment in news reports or editorials or pay penalties. The requirement limited the circumstances in which media defendants could rely on the common law legal defense of “fair comment on matters of public interest,” and it restricted the right to freedom of expression. Defamation is a criminal offense carrying a penalty for conviction of up to two years’ imprisonment and possible fines.

Allegations of libel were also used as a form of harassment by government officials in retaliation for negative reporting.

## **Internet Freedom**

There were few government restrictions on access to the internet, but challenges with infrastructure and affordability persisted.

Civil society organizations expressed concern regarding the broad powers provided by the Cybercrimes Act of 2015. The act has been used by some local and state governments to arrest opponents and critics for alleged hate speech. Those arrested were typically detained only briefly because the Cybercrimes Act had yet to be fully tested in the courts. There was increasing legislative interest and calls for regulating social media due to concerns it plays a role in accelerating rural and electoral violence.

The National Assembly passed the Digital Rights and Online Freedom bill in December 2017. The legislation seeks to provide fundamental digital freedoms and protections to citizens, but was not expected to clarify what constitutes hate speech. As of August President Buhari had not assented to the bill becoming law.

According to the International Telecommunication Union, 27.7 percent of individuals in the country used the internet in 2017, more than half of whom were between the ages of 15 and 24.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful Assembly**

Although the constitution and law provide for freedom of assembly, the government occasionally banned and targeted gatherings when it concluded their political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states, due to fear they might heighten interreligious tensions. From October 27-30, members of the IMN carried out a series of religious processions across northern Nigeria, while also protesting the continued detention of their leader, Sheikh Ibrahim El-Zakzaky. Police and military officials set up roadblocks and used other means to confront protestors in and around the capital city of Abuja. In the ensuing altercations, security forces shot and killed a number of IMN members. According

to HRW, on October 28, soldiers shot into a procession in Zuba, a bus terminal northwest of Abuja, killing six persons. The army acknowledged in a statement that three persons were killed at Zuba, but said the soldiers were responding to an attack. According to international press reports and various human rights groups, on October 29, soldiers at a military checkpoint shot at an IMN procession at Karu, northeast of Abuja, as the group sought to continue their march into the capital. The *New York Times* and multiple rights groups reported that video evidence showed, and witness statements confirmed, that soldiers shot indiscriminately into the crowd of protestors, including in some cases while protestors attempted to flee. In a statement, the army said protestors attacked the soldiers. In total, the government said six IMN members were killed; AI said 45 were killed; and the IMN said 49 of its members were killed. According to a *New York Times* report, the soldiers involved were primarily from the Seventh Battalion of the Guards Brigade.

In areas that experienced societal violence, police and other security services permitted public meetings and demonstrations on a case-by-case basis.

Security services used excessive force to disperse demonstrators during the year (see section 1.a.).

### **Freedom of Association**

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or other special interest organizations. While the government generally respected this right, on occasion authorities abrogated it for some groups. The government of Kaduna State continued its proscription of the IMN, alleging the group constituted a danger to public order and peace.

The Same Sex Marriage Prohibition Act (SSMPA), a law prohibiting marriages and civil unions among persons of the same sex, criminalizes the free association of any persons through so-called gay organizations. Citizens suspected of same-sex activities are frequently harassed, intimidated, and arrested. In August six men were arrested in Abia State on suspicion of engaging in same-sex activity. Later in the month, 57 men attending a party in Lagos were also arrested and detained by police on similar allegations. In both cases, the men were subsequently charged for lesser offences rather than under the SSMPA, but rights groups reported that the SSMPA had a significant chilling effect on free association.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but security officials restricted freedom of movement at times by imposing curfews in areas experiencing terrorist attacks and ethnoreligious violence.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, Migrants, and IDPs. The government continued to work through a tripartite agreement with UNHCR and Cameroon signed in March 2017 to ensure that any Nigerian refugees in Cameroon returning to Nigeria were fully informed and gave their consent. According to UNHCR, however, the government participated in the forced return of Nigerian refugees from Cameroon (see "Refoulement").

In-country Movement: The federal, state, or local governments imposed curfews or otherwise restricted movement in the states of Adamawa, Borno, and Yobe in connection with operations against Boko Haram and ISIS-WA. Other states imposed curfews in reaction to specific threats and attacks, and rural violence.

Police conducted "stop and search" operations in cities and on major highways and, on occasion, set up checkpoints. Many checkpoints operated by military and police remained in place.

#### **Internally Displaced Persons (IDPs)**

As of December 2017 the International Organization for Migration (IOM) reported there were approximately 1.7 million persons displaced in the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. Insurgency was the main reason for displacement, followed by communal clashes. IOM estimated 39 percent of IDPs lived in camps and camp-like settings and 61 percent with host families. More than half of the IDP population was female and 56 percent were children, of which half were younger than age five. The true number of IDPs was likely much higher, as IOM's efforts did not include inaccessible areas of the Northeast.

Food was one of the IDPs' greatest immediate needs, with 69 percent of IDPs listing it as their main concern. In November 2017 the Cadre Harmonise--a food security analysis tool unique to West Africa--reaffirmed the humanitarian crisis in the Northeast had significantly disrupted livelihoods and agricultural activities, resulting in poor food security and nutrition conditions. Cadre Harmonise projected that 3.7 million persons--or 27 percent of the population--would face crisis level acute food insecurity in Adamawa, Borno, and Yobe states during the summer 2018 "lean season" from June-August.

Access to farmland remained a challenge for IDPs in the Northeast, particularly for those living with host communities. Many IDPs with access to farmland were told by the military to refrain from planting taller crops for security reasons. Distribution of fertilizers to areas with some farming opportunities was restricted due to the military's suspicion that fertilizers such as urea could be used for military purposes.

IDPs, especially those in the Northeast, faced severe protection problems, including widespread sexual abuse of women and girls, some of which constituted sex trafficking (see section 1.g). Security services continued to arrest and detain suspected Boko Haram and ISIS-WA members at IDP camps and in host communities, often arbitrarily and with insufficient evidence, and restricted family access to detainees. Other protection concerns included attacks or bombings, lack of accountability and diversion of humanitarian aid, drug abuse, hostility and insecurity, harassment of women and girls, and lack of humanitarian assistance for host communities.

NGOs reported having insufficient resources available to IDP victims of sexual and gender-based violence, who had limited access to safe, confidential psychosocial counseling and medical services or safe spaces. Women and girls abducted by Boko Haram, as well as the babies born as a result of rape during their captivity, faced stigmatization and community isolation.

### **Protection of Refugees**

Refoulement: According to UNHCR the government participated in the forced return of Nigerian refugees from Cameroon. For example, in April UNHCR reported that 160 Nigerian refugees and asylum-seekers were forcibly returned to Nigeria's Borno State, having sought refuge in Cameroon's Waza district since 2014. In total UNHCR reported that at least 385 Nigerians were forcibly returned from Cameroon between January and April. Insecurity in Nigeria prevented most

forced returnees from returning to their places of origin. According to UNHCR most remained in camps in Borno, where resources were scarce. Many did not have access to basic facilities such as shelter, drinking water, sanitation, or medical care.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to UNHCR, as of October 2017 there were approximately 1,525 refugees and 2,247 asylum seekers (including an estimated 1,200 Cameroonian asylum seekers). Asylum seekers originated mainly from Cameroon, the Democratic Republic of the Congo, Central African Republic, Mali, Cote d'Ivoire, Togo, Sudan, and Guinea, with a majority living in urban areas in Lagos and Ijebu Ode in Ogun State.

Durable Solutions: The country received a high number of returnees, both voluntary and forced, primarily in the Northeast. Accurate information on the number of returnees was not available. The government was generally unable to take action to reintegrate returning refugees. Many returnees did not find durable solutions, and were forced into secondary displacement.

Temporary Protection: The government provided temporary protection to a few hundred individuals who may not qualify as refugees.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot.

#### **Elections and Political Participation**

Recent Elections: The Independent National Electoral Commission (INEC) is the independent electoral body responsible for overseeing elections by regulating the process and preventing electoral misconduct. From August 2017 to August 20, INEC conducted 10 elections, including end of tenure and by-elections.

Many of the elections, such as the Anambra State gubernatorial election in November 2017, were relatively peaceful. In August, however, INEC suspended a bye-election held in Rivers State, citing widespread violence. Press reports

indicated that armed men dressed in SARS uniforms attacked election officials in an attempt to hijack election materials.

There was evidence of election malpractice, including widespread vote buying and selling and ballot hijacking by party agents despite the presence of INEC and security agents. For example, the Ekiti State elections in July were peaceful, but marked by pervasive vote-buying. Independent observers reported that during the Osun State elections in September, thugs and members of security services engaged in intimidation of voters and harassment of party monitors, journalists, and domestic observers.

Civil society organizations reported no legal restrictions on their ability to comment or observe parts of the electoral process. They reported aspects of the electoral process, however, remained opaque, allegedly because of deliberate attempts to undermine or circumvent the integrity of the process by stakeholders or because of INEC's financial or logistical constraints. According to some civil society organizations, attempts to disenfranchise voters were on the rise through circumvention of permanent voter card procedures and targeted electoral violence. In response to some of these trends, INEC regularly cancelled votes from polling units that failed to use card readers properly.

Political Parties and Political Participation: The constitution and law allow the free formation of political parties. As of January, 91 parties were registered with INEC, an increase from the previous 45. The constitution requires political party sponsorship for all election candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Observers attributed fewer leadership opportunities for women in major parties and government, particularly in the North, to religious and cultural barriers. The number of women candidates was disproportionately low, and the accessibility of polls for people with disabilities was poor. Women occupied approximately 6 percent of National Assembly seats and 5 percent of state assembly seats. Five of the 37 cabinet members were women. Few women ran for elected office at the national level: in the most recent federal elections in 2015, women constituted just 128 of the 746 total candidates (17 percent) for the Senate, and 270 of the 1,772 candidates for the House of Representatives (15 percent).

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government and the security services. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office. There were numerous reports of government corruption during the year.

Corruption: The Independent Corrupt Practices Commission (ICPC) holds broad authorities to prosecute most forms of corruption. The EFCC writ extends only to financial and economic crimes. The ICPC secured 14 convictions during the year. In 2016 the EFCC had 66 corruption cases pending in court, had secured 13 convictions during the year, and had 598 open investigations.

Although ICPC and EFCC anticorruption efforts remained largely focused on low- and mid-level government officials, following the 2015 presidential election both organizations started investigations into and brought indictments against various active and former high-level government officials. Many of these cases were pending in court. According to both ICPC and EFCC, the delays were the result of a lack of judges and the widespread practice of filing for and granting multiple adjournments.

EFCC arrests and indictments of politicians continued throughout the year, implicating a significant number of opposition political figures and leading to allegations of partisan motivations on the part of the EFCC. In October the EFCC arrested and indicted former governor of Ekiti State Ayo Fayose on 11 counts including conspiracy and money laundering amounting to 2.2 billion naira (\$6 million). After a Federal High Court ruling, Fayose was out on 50 million naira (\$137,500) bail.

Financial Disclosure: The Code of Conduct Bureau and Tribunal Act (CCBTA) requires public officials--including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels)--to declare their assets to the Code of Conduct Bureau (CCB) before assuming and after leaving office. The constitution calls for the CCB to “make declarations available for inspection by any citizen of the country on such terms and conditions as the National Assembly may prescribe.” The law does not address the publication of asset information. Violators risk prosecution, but cases rarely reached conclusion.

In 2015 the CCB brought charges before the Code of Conduct Tribunal--a court created by the CCBTA to try violations of that act--against Senate President Bukola Saraki for false declaration of assets. In June 2017 the tribunal dismissed all 18 charges against Saraki for lack of evidence. The government appealed and, in December 2017 the federal Court of Appeal affirmed the CCT's dismissal with respect to 15 counts, but determined there was sufficient evidence to proceed on three counts. Saraki appealed to the Supreme Court, which affirmed the June 2017 decision of the CCT dismissing all charges.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded to their views, but generally dismissed allegations quickly without investigation. In some cases the military threatened NGOs and humanitarian organizations. In April then-Theater Commander for Operation Lafiya Dole, Major General Rogers Nicholas, publicly said three UNICEF Child Protection staff were "persona non grata in the North East" and suggested they were "enemies of Nigeria and the military" who made "spurious and malicious allegations of human rights violations" as a result of UNICEF's reporting on various human rights issues including sexual and gender based violence and past use of child soldiers in support roles. In May the army issued a statement regarding AI's intention to release a "malicious" and "false report on fictitious rape incidents in IDP camps in the North East region of Nigeria." One day prior, protestors--some of whom were reportedly paid to protest by unknown parties--surrounded AI's Abuja offices. In June the army issued a press release referring to "the Amnesty International (AI) Barnawi faction of B[oko] H[aram] T[errorists]," an apparent reference to the Abu Musab Al-Barnawi group known as ISIS-WA. No retraction was issued and, as of December, the press release remained accessible on the army's Facebook page.

Government Human Rights Bodies: The law establishes the NHRC as an independent nonjudicial mechanism for the promotion and protection of human rights. The NHRC monitors human rights through its zonal affiliates in the country's six political regions. The NHRC is mandated to investigate allegations of human rights abuses and publishes periodic reports detailing its findings, including torture and poor prison conditions. The commission, however, served more of an advisory, training, and advocacy role. During the reporting period, there were no reports its investigations led to accountability. The law provides for

recognition and enforcement of NHRC awards and recommendations as court decisions, but it was unclear if this happened. In April the Senate confirmed Anthony Ojukwu as executive secretary of the NHRC, which had been without an executive secretary since 2016.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The Violence Against Persons Prohibition (VAPP) Act addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic violence. The VAPP cites spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), other harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) as offenses. Victims and survivors of violence are entitled to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies, with their identities protected during court cases. As of March only Anambra, Ebonyi, and Oyo states, in addition to the FCT, had domesticated the VAPP.

The law criminalizes rape, but it remained widespread. In 2013 Positive Action for Treatment Access, an NGO focused on HIV treatment, released a countrywide survey of 1,000 preadolescents and adolescents (ages 10 to 19), which noted three in 10 girls reported their first sexual encounter was rape. For example, in October, 13-year-old Ochanya Ogbanje died from a traumatic fistula caused by multiple rapes allegedly committed over a period of years by her guardian, 51-year-old Andrew Ogbuja, and his son, Victor Ogbuja.

Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. The VAPP provides penalties for conviction ranging from 12 years to life imprisonment for offenders older than 14 and a maximum of 14 years' imprisonment for all others. It also provides for a public register of convicted sexual offenders and appointment of protection officers at the local government level to coordinate with courts and provide for victims to receive various forms of assistance (e.g., medical, psychosocial, legal, rehabilitative, and for reintegration) provided by the VAPP. The act also includes provisions to protect the identity of rape victims and a provision empowering courts to award appropriate compensation to victims of rape. Because the VAPP has only been domesticated

in a handful of states, state criminal codes continued to govern most rape and sexual assault cases, and typically allowed for lesser sentences.

There is no comprehensive law for combatting violence against women that applies across the country. Victims and survivors had little or no recourse to justice. While some, mostly southern, states enacted laws prohibiting some forms of gender violence or sought to safeguard certain rights, a majority of states did not have such legislation.

The VAPP provides for up to three years' imprisonment, a maximum fine of 200,000 naira (\$635), or both for conviction of spousal battery. It also authorizes courts to issue protection orders upon application by a victim and directs the appointment of a coordinator for the prevention of domestic violence to submit an annual report to the federal government. Notwithstanding these federal provisions, only the states of Cross River, Ebonyi, Jigawa, and Lagos had enacted domestic violence laws.

Domestic violence remained widespread, and many considered it socially acceptable. The *National Crime Victimization and Safety Survey for 2013* of the CLEEN Foundation--formerly known as Center for Law Enforcement Education--reported 30 percent of male and female respondents countrywide claimed to have been victims of domestic violence.

Police often refused to intervene in domestic disputes or blamed the victim for provoking the abuse. In rural areas, 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 local customary norms.

Female Genital Mutilation/Cutting (FGM/C): Federal law criminalizes female circumcision or genital mutilation, but the federal government took no legal action to curb the practice. While 12 states banned FGM/C, once a state legislature criminalizes FGM/C, NGOs found they had to convince local authorities that state laws apply in their districts.

The VAPP penalizes a person convicted of performing female circumcision or genital mutilation with a maximum of four years in prison, a fine of 200,000 naira (\$635), or both. It punishes anyone convicted of aiding or abetting such a person with a maximum of two years' imprisonment, a fine of 100,000 naira (\$317), or both.

For more information, see Appendix C.

Other Harmful Traditional Practices: According to the VAPP, any person convicted of subjecting another person to harmful traditional practices may be punished with up to four years' imprisonment, a fine not exceeding 500,000 naira (\$1,590), or both. Anyone convicted of subjecting a widow to harmful traditional practices is subject to two years' imprisonment, a fine not exceeding 500,000 naira (\$1,590), or both. For purposes of the VAPP, a harmful traditional practice means all traditional behavior, attitudes, or practices that negatively affect the fundamental rights of women or girls, to include denial of inheritance or succession rights, FGM/C or circumcision, forced marriage, and forced isolation from family and friends.

Despite the federal law, *purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in parts of the North. "Confinement," which occurred predominantly in the Northeast, remained the most common rite of deprivation for widows. Confined widows were subject to social restrictions for as long as one year and usually shaved their heads and dressed in black as part of a culturally mandated mourning period. In other areas communities viewed a widow as a part of her husband's property to be "inherited" by his family. In some traditional southern communities, widows fell under suspicion when their husbands died. To prove their innocence, they were forced to drink the water used to clean their deceased husbands' bodies.

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but assault statutes provide for prosecution of violent harassment. The VAPP criminalizes stalking, but it does not explicitly criminalize sexual harassment. The act criminalizes emotional, verbal, and psychological abuse and acts of intimidation.

The practice of demanding sexual favors in exchange for employment or university grades remained common. For example, in June, Obafemi Awolowo University, in Osun State, fired management and accounting professor Richard Akindele after a student recorded him soliciting sex in return for a better grade. Women suffered harassment for social and religious reasons in some regions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the constitution provides the same legal status and rights for women as for men, women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, nor does it mandate nondiscrimination based on gender in hiring.

Women generally remained marginalized. No laws prohibit women from owning land, but customary land tenure systems allowed only men to own land, with women gaining access to land only via marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

In the 12 northern states that adopted sharia law, sharia and social norms affected women to varying degrees. For example, in Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. In 2013 the Kano State government issued a statement declaring men and women must remain separate while using public transportation.

The testimony of women carried less weight than that of men in many criminal courts. Women could arrange but not post bail at most police detention facilities.

## **Children**

Birth Registration: Children derive their citizenship from their parents. The government does not require birth registration, and the majority of births were unregistered. The *2013 Nigeria Demographic and Health Survey*, the most recent data available, found that only 30 percent of births of children younger than age five were registered. Lack of documents did not result in denial of education, health care, or other public services. For additional information, see Appendix C.

Education: The law requires provision of tuition-free, compulsory, and universal basic education for every child of primary and junior secondary school age. According to the constitution, women and girls are supposed to receive career and vocational guidance at all levels, as well as access to quality education, education advancement, and lifelong learning. Despite these provisions, extensive discrimination and impediments to female participation in education persisted, particularly in the North.

Public schools remained substandard, and limited facilities precluded access to education for many children.

Most educational funding comes from the federal government, with state governments required to pay a share. Public investment was insufficient to achieve universal basic education. Actual budget execution was consistently much lower than approved funding levels. Increased enrollment rates created challenges in ensuring quality education. According to UNICEF in some instances there were 100 pupils for one teacher.

Of the approximately 30 million primary school-age children, an estimated 10.5 million were not enrolled in formally recognized schools. The lowest attendance rates were in the North, where rates for boys and girls were approximately 45 percent and 35 percent, respectively. According to UNICEF, in the North, for every 10 girls in school, more than 22 boys attended. Approximately 25 percent of young persons between ages 17 and 25 had fewer than two years of education.

In many regions social and economic factors resulted in discrimination against girls in access to education. In the face of economic hardship, many families favored boys in deciding which children to enroll in elementary and secondary schools. According to the *2015 Nigeria Education Data Survey*, attendance rates in primary schools increased to 68 percent nationwide, with school-age boys continuing to be somewhat more likely than girls to attend primary school. According to the survey, primary enrollment was 91 percent for boys and 78 percent for girls; secondary enrollment was 88 percent for boys and 77 percent for girls. Several states in the North, including Niger and Bauchi, had enacted laws prohibiting the withdrawal of girls from school for marriage, but these laws were generally not enforced.

The Northeast had the lowest primary school attendance rate. The most pronounced reason was the Boko Haram and ISIS-WA insurgencies, which prevented thousands of children from continuing their education in the states of Borno and Yobe (due to destruction of schools, community displacement, and mass movement of families from those crisis states to safer areas). According to HRW, between 2009 and 2015, attacks in the Northeast destroyed more than 910 schools and forced at least 1,500 others to close.

Child Abuse: Child abuse remained common throughout the country, but the government took no significant measures to combat it. Findings from the *Nigeria Violence Against Children Survey* released in 2015 revealed approximately six of

every 10 children younger than age 18 experienced some form of physical, emotional, or sexual violence during childhood. One in two children experienced physical violence, one in four girls and one in 10 boys experienced sexual violence, and one in six girls and one in five boys experienced emotional violence.

In 2010 the Ministerial Committee on Madrasah Education reported 9.5 million children worked as “almajiri,” poor children from rural homes sent to urban areas by their parents ostensibly to study and live with Islamic teachers. Instead of receiving an education, many “almajiri” were forced to work manual jobs or beg for alms that were given to their teacher. The religious leaders often did not provide these children with sufficient shelter or food, and many of the children effectively became homeless.

In some states children accused of witchcraft were killed or suffered abuse, such as kidnapping and torture.

So-called baby factories operated, often disguised as orphanages, religious or rehabilitation centers, hospitals, or maternity homes. They offered for sale the newborns of pregnant women--mostly unmarried girls--often held against their will and raped. The persons running the factories sold the children for various purposes, including adoption, child labor, child trafficking, or sacrificial rituals, with the boys’ fetching higher prices. In April 162 children were rescued after police carried out a raid on a baby factory in Lagos.

Early and Forced Marriage: The law sets a minimum age of 18 for marriage for both boys and girls. The prevalence of child marriage varied widely among regions, with figures ranging from 76 percent in the Northwest to 10 percent in the Southeast. Only 25 state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, emphasizing the health hazards of early marriage. Certain states worked with NGO programs to establish school subsidies or fee waivers for children to help protect against early marriage. The government did not take legal steps to end sales of young girls into marriage.

According to an NGO, education was a key indicator of whether a girl would marry as a child--82 percent of women with no education were married before 18, as opposed to 13 percent of women who had at least finished secondary school. In the North parents complained the quality of education was so poor that schooling could not be considered a viable alternative to marriage for their daughters.

Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent “indecent” associated with premarital sex or for other cultural and religious reasons. Boko Haram subjected abducted girls to forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: The 2003 Child Rights Act prohibits child prostitution and sexual intercourse with a child, providing penalties for conviction from seven years’ to life imprisonment, respectively, for any adults involved. Two-thirds of states had adopted the act.

The VAPP criminalizes incest and provides prison sentences for conviction of up to 10 years. The Cybercrimes Act of 2015 criminalizes the production, procurement, distribution, and possession of child pornography with prison terms if convicted of 10 years, a fine of 20 million naira (\$63,500), or both.

Sexual exploitation of children remained a significant problem. Children were exploited in commercial sex, both within the country and in other countries. Girls were victims of sexual exploitation in IDP camps. There were continued reports that camp officials and members of security forces, including some military personnel, used fraudulent or forced marriages to exploit girls in sex trafficking (see section 1.g.).

Displaced Children: In July the IOM reported there were approximately 1.8 million persons displaced in the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. Children younger than age 18 constituted 56 percent of the IDP population, with 48 percent of them under age five. Many children were homeless and lived on the streets.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

An estimated 700 to 900 members of the Jewish community, who were foreign employees of international firms, resided in Abuja. Although not recognized as Jews by mainstream Jewish communities, between 2,000 and 30,000 ethnic Igbos

claimed Jewish descent and practiced some form of Judaism. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

No federal laws prohibit discrimination against persons with disabilities, but the constitution (as amended) does prohibit discrimination based on the "circumstances of one's birth."

Some national-level policies such as the *National Health Policy of 2016* provide for health-care access for persons with disabilities. Plateau and Lagos states have laws and agencies that protect the rights of persons with disabilities, while Akwa-Ibom, Ekiti, Jigawa, Kwara, Ogun, Osun, and Oyo States took steps to develop such laws. The Ministry of Women's Affairs and Social Development has responsibility for persons with disabilities. Some government agencies, such as the NHRC and the Ministry of Labor and Employment, designated an employee to work on issues related to disabilities.

Mental health-care services were almost nonexistent. Officials at a small number of prisons used private donations to provide separate mental health facilities for prisoners with mental disabilities. All prisoners with disabilities stayed with the general inmate population and received no specialized services or accommodations.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many indigent persons with disabilities begged on the streets. The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to help persons with physical disabilities become self-supporting. The Joint National Association of Persons with Disabilities served as the umbrella organization for a range of disability groups.

### **National/Racial/Ethnic Minorities**

The ethnically diverse population consisted of more than 250 groups speaking 395 different languages. Many were concentrated geographically. Three major groups--the Hausa, Igbo, and Yoruba--together constituted approximately half the population. Members of all ethnic groups practiced ethnic discrimination, particularly in private sector hiring patterns and the segregation of urban neighborhoods. A long history of tension existed among some ethnic groups. The government's efforts to address tensions among ethnic groups typically involved heavily concentrated security actions, incorporating police, military, and other security services, often in the form of a joint task force.

The law prohibits ethnic discrimination by the government, but most ethnic groups claimed marginalization in terms of government revenue allocation, political representation, or both.

The constitution requires the government to have a "federal character," meaning that cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geopolitical regions. President Buhari's cabinet appointments conformed to this policy. Traditional relationships were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and military. For example, in Plateau State the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation contributed to clashes between Fulani herdsmen and farmers throughout the Middle Belt (the central part of the country). "Silent killings," in which individuals disappeared and later were found dead, occurred throughout the year.

Conflicts concerning land rights continued among members of the Tiv, Kwalla, Jukun, Fulani, and Azara ethnic groups living near the convergence of Nassarawa, Benue, and Taraba states.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The 2014 SSMPA effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. According to the SSMPA, anyone convicted of entering into a same-sex marriage or civil union may be sentenced to up to 14 years' imprisonment. During the year the government brought formal charges under the SSMPA for the first time. As of November a hotel owner and two staff were awaiting trial on charges of aiding and abetting homosexual activities in violation of Section 5(2) of the SSMPA. The offense carries a 10-year sentence if convicted.

Following passage of the SSMPA, LGBTI persons reported increased harassment and threats against them based on their perceived sexual orientation or gender identity. News reports and LGBTI advocates reported numerous arrests, but detainees were in all cases released without formal charges after paying a bond, which was oftentimes nothing more than a bribe. In a report published in October, HRW found no evidence of any SSMPA-based prosecutions. According to HRW, however, the law had become a tool used by police and members of the public to legitimize human rights violations against LGBTI persons such as torture, sexual violence, arbitrary detention, extortion, and violations of due process rights.

In the 12 northern states that adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning. Sharia courts did not impose such sentences during the year. In previous years individuals convicted of same-sex sexual activity were sentenced to lashing.

In July 2017 police in Lagos arrested approximately 70 individuals, including 13 minors, at a hotel party where police stated homosexual activities took place. In November 2017 the charges against the 13 minors were dismissed without a plea. In December 2017 the 27 adults agreed entered into a plea deal in which they pled guilty to unlawful assembly and were sentenced to time served and 30 days of community service. The hotel owner and two staff members, however, were charged with aiding and abetting homosexual activities in violation of Section 5(2) of the SSMPA, which carries a 10-year sentence if convicted. This was the first

time the state had brought formal charges under the SSMPA. The three individuals were released on bail in December 2017, and their cases dismissed in August.

Several NGOs provided LGBTI groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness, as well as providing safe havens for LGBTI individuals. The government and its agents did not impede the work of these groups during the year.

### **HIV and AIDS Social Stigma**

The public considered HIV to be a disease and a result of immoral behavior and a punishment for same-sex sexual activity. Persons with HIV/AIDS often lost their jobs or were denied health-care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns.

### **Other Societal Violence or Discrimination**

The ICG reported that at least 1,300 citizens were killed in violence involving herders and farmers. An estimated 300,000 persons were also displaced by the violence. According to ICG, what were once spontaneous attacks have increasingly become premeditated, scorched-earth campaigns driven primarily by competition for land between farmers and herders.

Various reports indicated street mobs killed suspected criminals during the year. In most cases these mob actions resulted in no arrests.

Ritualists who believed certain body parts confer mystical powers kidnapped and killed persons to harvest body parts for rituals and ceremonies. For example, in April police in Ogun State discovered a shrine containing the body of a man allegedly killed for ritual purposes.

Persons born with albinism faced discrimination, were considered bad luck, and were sometimes abandoned at birth or killed for witchcraft purposes.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides all workers, except members of the armed forces, the Central Bank of Nigeria, Nigeria Telecommunications, and public employees who are

classified in the broad category of “essential services,” the right to form or belong to any trade union or other association, conduct legal strikes, and bargain collectively; some statutory limitations substantially restrict these rights. Trade unions must meet various registration requirements to be legally established. By law a trade union may only be registered if there is no other union already registered in that trade or profession and if it has a minimum of 50 members, a threshold most businesses could not meet. A three-month notice period, starting from the date of publication of an application for registration in the *Nigeria Official Gazette*, must elapse before a trade union may be registered. If the Ministry of Labor and Employment does not receive objections to registration during the three-month notice period, it must register the union within three months of the expiration of the notice period. If an objection is raised, however, the Ministry has an indefinite period to review and deliberate on the registration. The registrar may refuse registration because a proper objection has been raised or because a purpose of the trade union violates the Trade Union Act or other laws. Each federation must consist of 12 or more affiliated trade unions, and each trade union must be an exclusive member in a single federation.

The law generally does not provide for a union’s ability to conduct its activities without interference from the government. The law narrowly defines what union activities are legal. The minister of labor and employment has broad authority to cancel the registration of worker and employer organizations. The registrar of trade unions has broad powers to review union accounts at any time. In addition, the law requires government permission before a trade union may legally affiliate with an international organization.

The law stipulates that every collective agreement on wages be registered with the National Salaries, Income, and Wages Commission, which decides whether the agreement becomes binding. Workers and employers in export processing zones (EPZs) are subject to the provisions of labor law, the 1992 Nigeria Export Processing Zones Decree, and other laws. Workers in the EPZs may organize and engage in collective bargaining, but there are no explicit provisions providing them the right to organize their administration and activities without interference by the government. The law does not allow worker representatives free access to the EPZs to organize workers, and it prohibits workers from striking for 10 years following the commencement of operations by the employer within a zone. In addition the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, has exclusive authority to handle the resolution of disputes between employers and employees, thereby limiting the autonomy of the bargaining partners.

The law provides legal restrictions that limit the right to strike. The law requires a majority vote of all registered union members to call a strike. The law limits the right to strike to disputes regarding rights, including those arising from the negotiation, application, interpretation, or implementation of an employment contract or collective agreement, or those arising from a collective and fundamental breach of an employment contract or collective agreement, such as one related to wages and conditions of work. The law prohibits strikes in essential services, defined in an overly broad manner, according to the International Labor Organization (ILO). These include the Central Bank of Nigeria; the Nigerian Security Printing and Minting Company, Ltd.; any corporate body licensed to carry out banking under the Banking Act; postal service; sound broadcasting; telecommunications; maintenance of ports, harbors, docks, or airports; transportation of persons, goods, or livestock by road, rail, sea, or river; road cleaning; and refuse collection. Strike actions, including many in nonessential services, may be subject to a compulsory arbitration procedure leading to a final award, which is binding on the parties concerned.

Strikes based on disputed national economic policy are prohibited. Penalties for conviction of participating in an illegal strike include fines and imprisonment for up to six months.

Workers under collective bargaining agreements may not participate in strikes unless their unions comply with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers may submit labor grievances to the judicial system for review. Laws prohibit workers from forcing persons to join strikes, blocking airports, or obstructing public byways, institutions, or premises of any kind. Persons committing violations are subject to fines and possible prison sentences. The law further restricts the right to strike by making “check-off” payment of union dues conditional on the inclusion of a no-strike clause during the lifetime of a collective agreement. No laws prohibit retribution against strikers and strike leaders, but strikers who believe they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel with the approval of the Ministry of Labor and Employment. The panel’s decisions are binding on the parties but may be appealed to the National Industrial Court. The arbitration process was cumbersome, time consuming, and ineffective in deterring retribution against strikers. Individuals also have the right to petition the Labor Ministry and may request arbitration from the National Industrial Court.

The law does not prohibit general antiunion discrimination; it only protects unskilled workers. The law does not provide for the reinstatement of workers fired for union activity. A large number of alleged cases in anti-union discrimination and obstruction to collective bargaining were reported during the year. Specific acts include denial of the right to join trade unions, massive dismissals for trying to join trade unions, mass persecution of union members, and arrests of union members, among others.

In 2013 the ILO ruled that many provisions of the Trade Union Act and the Trade Disputes Act contravened ILO conventions 87 and 98 by limiting freedom of association. While workers exercised some of their rights, the government generally did not effectively enforce the applicable laws. Penalties were not adequate to deter violations. Inflation reduced the deterrence value of many fines established by older laws. For example, some fines could not exceed 100 naira (\$0.28).

In many cases workers' fears of negative repercussions inhibited their reporting of antiunion activities. According to labor representatives, police rarely gave permission for public demonstrations and routinely used force to disperse protesters.

Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in some parts of the private sector, particularly in banking and telecommunications. According to the International Trade Union Confederation, the government and some private-sector employers occasionally failed to honor their collective agreements.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor, including by children, although some laws provide for a sentence that includes compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in forced or compulsory labor, and these penalties would be sufficient to deter violations if appropriately enforced. Enforcement of the law remained ineffective in many parts of the country. The government took steps to identify or eliminate forced labor, but insufficient resources and lack of training on such laws hampered efforts.

Forced labor remained widespread. Women and girls were subjected to forced labor in domestic service, while boys were subjected to forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The government has laws and regulations related to child labor, but the legal framework does not completely prohibit the worst forms of child labor. Penalties were not sufficient to deter violations.

By law age 12 is the general minimum age for employment. Persons younger than age 14 may be employed only on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence. By law these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No person younger than age 16 may work underground, in machine work, or on a public holiday. No "young person," defined as a person under age 18 by the Labor Act, may be employed in any job that is injurious to health, dangerous, or immoral. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15, consistent with the age for completing educational requirements. The law states children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths older than age 12 is allowed in skilled trades or as domestic servants.

The Labor Ministry dealt specifically with child labor problems, but mainly conducted inspections in the formal business sector, where the incidence of child labor reportedly was not significant. The National Agency for the Prohibition of Traffic in Persons has some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims. Victims or their guardians rarely complained due to intimidation and fear of losing their jobs.

The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. In an effort to withdraw children from the worst forms of child labor, it operated vocational training centers with NGOs around the country. Despite the policy and

action plan, children remained inadequately protected due to weak or nonexistent enforcement of the law.

The worst forms of child labor identified in the country included: commercial agriculture and hazardous farm work (cocoa, cassava); street hawking; exploitative cottage industries such as iron and other metal works; hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

Many children worked as beggars, street peddlers, and domestic servants in urban areas. Children also worked in the agricultural sector and in mines. Boys were forced to work as laborers on farms, in restaurants, for small businesses, in granite mines, and as street peddlers and beggars. Girls worked involuntarily as domestic servants and street peddlers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law does not prohibit discrimination in employment and occupation based on race, sex, religion, political opinion, gender, disability, language, sexual orientation, gender identity, age, HIV-positive status, or social status. The government in general did not effectively address discrimination in employment or occupation.

Gender-based discrimination in employment and occupation occurred (see section 6, Women). No laws bar women from particular fields of employment, but women often experienced discrimination due to traditional and religious practices. Police regulations provide for special recruitment requirements and conditions of service applying to women, particularly the criteria and provisions relating to pregnancy and marital status.

NGOs expressed concern about discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equity. According to credible reports, many businesses implemented a

“get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played active and vital roles in the informal economy, particularly in agriculture, processing of foodstuffs, and selling of goods at markets. Women employed in the business sector did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination. Several states had laws mandating equal opportunity for women.

Employers frequently discriminated against people living with HIV/AIDs. According to a 2012 study of people living with HIV in Nigeria, 26 percent of those surveyed had lost a job or source of income in the past year due to HIV-related stigma. The government spoke out in opposition to such discrimination, calling it a violation of the fundamental right to work.

#### **e. Acceptable Conditions of Work**

The legal national monthly minimum wage was 18,000 naira (\$49.54). Employers with fewer than 50 employees are exempt from this minimum, and the large majority of workers were not covered. There was no official estimate for the poverty income level. Implementation of the minimum wage, particularly by state governments, remained sporadic despite workers’ protests and warning strikes. In general, penalties were not sufficient to deter violations.

The law mandates a 40-hour workweek, two to four weeks of annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law does not define premium pay or overtime. The law prohibits excessive compulsory overtime for civilian government employees.

The law establishes general health and safety provisions, some aimed specifically at young or female workers. The law requires employers to compensate injured workers and dependent survivors of workers killed in industrial accidents. The law provides for the protection of factory employees in hazardous situations. The law does not provide other nonfactory workers with similar protections. The law applies to legal foreign workers, but not all companies respected these laws.

By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations.

The Ministry of Labor and Employment is responsible for enforcing these standards. The Labor Ministry employs factory inspectors and labor officers, and 42 inspectors are dedicated to enforcing laws related to child labor, but its Inspectorate Department stated it did not have sufficient staff to properly monitor and enforce health and safety conditions. The department is tasked to inspect factories' compliance with health and safety standards, but it was underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints, of illegal activity. In addition the government did not enforce the law strictly. Authorities did not enforce standards in the informal sector, which included the majority of workers.