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U.S. Department of State

Nigeria Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

NIGERIA

General Sani Abacha, who seized power in a palace coup in November 1993, remained Head of State throughout 1996. Under Abacha, the main decisionmaking organ is the exclusively military Provisional Ruling Council (PRC), which rules by decree. The PRC oversees the 32-member Federal Executive Council composed of military officers and civilians. Pending the promulgation of the Constitution written by the Constitutional Conference in 1995 and subsequently approved by the Head of State, the Government observes some provisions of the 1979 and 1989 Constitutions. The decree suspending the 1979 Constitution was not repealed and the 1989 Constitutions has not been implemented. In 1995 Abacha announced a transition timetable which purports to return the country to democratically elected civilian government by October 1, 1998.

The Government continued to enforce its arbitrary authority through the Federal Security System (the military, the state security service, and the national police) and through decrees blocking action by the opposition in the courts. All branches of the security forces committed serious human rights abuses.

Most of the 100 million population is rural, engaging in small-scale agriculture. Nigeria depends on oil exports for over 90 percent of its foreign exchange earnings. The economy was estimated to have grown at a higher rate than the 2.2 percent of 1995 and the 1.0 percent of 1994, but at little or no margin above the population growth rate so that gross domestic product per capita did not change appreciably. Even that growth is deceptive, however, since much of it came from the petroleum sector with limited effect on the rest of the economy. The general level of economic activity continues to be depressed with factory capacity utilization remaining in the 30 percent range and many major companies reporting

lower profits and expanding inventories. Endemic corruption further hindered the functioning of the economy. The Government has instituted liberalizing economic reforms through its "guided deregulation" program, e.g., investment and foreign exchange rules; but its controls over the economy remain extensive, including government-mandated, below-market fuel prices. There is a continued lack of transparency in government transactions.

The human rights record remained dismal. Throughout the year, General Abacha's Government relied regularly on arbitrary detention and harassment to silence its many critics. The winner of the annulled 1993 presidential election, Chief Moshood K.O. Abiola, remained in detention on charges of treason, and in June unidentified persons murdered Abiola's senior wife under mysterious circumstances. The Government's investigation to date has been perfunctory. Security forces committed extrajudicial killings and used excessive force to quell antigovernment protests as well as to combat a growing wave of violent crime, killing and wounding a number of persons, including innocent civilians. Police tortured and beat suspects and detainees, and prison conditions remained life threatening; many prisoners died in custody. Security services continued routine harassment of human rights and prodemocracy groups, including labor leaders, journalists, and student activists. The Government also infringed on citizens' right to privacy.

Citizens do not have the right to change their government by peaceful means. Despite the announced timetable for transitions from military to multiparty rule, there was little meaningful progress toward democracy. In the March 16 nonparty local elections, the Government disqualified many candidates and promulgated a decree allowing replacement without cause of elected officials by government-selected administrators, effectively nullifying the results. Local government elections on a party basis, originally scheduled for the fourth quarter of 1996, were postponed until 1997. The Government's reliance on tribunals, which operate outside the constitutional court system, and harsh decrees prohibiting judicial review seriously undermine the integrity of the judicial process and often result in legal proceedings that deny defendants due process, as in the 1995 cases of Ken Saro-Wiwa and eight others (who were executed) and former Head of State Olusegun Obasanjo (who was convicted by a secret military tribunal). Obasanjo, his erstwhile deputy and outspoken National Constitutional Conference delegate Shehu Musa Yar'Adua, and more than 20 others, remained in prison for their roles in an alleged March 1995 coup plot. The Government's frequent refusal to respect court rulings also undercuts the independence and integrity of the judicial process.

Other human rights problems included infringements on freedom of speech, press, assembly, association, travel, and workers rights, and violence and discrimination against women. There were many reports of sexual abuse of female prisoners. The regime established a National Human Rights Commission (NHRC) in June, but it was never taken seriously by nongovernmental human rights groups and by year's end had no discernible effect on the human rights climate.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

As in previous years, police and security services commonly committed extrajudicial killings and used excessive force to quell antigovernment and prodemocracy protests. Credible, though unconfirmed, reports by Nigerian human rights groups indicate numerous deaths of suspects in police custody. These reports are consistent with other credible reports of police abuse, including the use of torture to extract criminal confessions. The Government seldom holds police and security forces accountable for their use

of excessive, deadly force or for the death of individuals in custody. The Government's actions have fostered a climate of impunity in which these abuses flourish. Increasing and widespread violent crime prompted police to employ roadblocks and checkpoints where extortion, violence, and lethal force are common.

In one widely reported incident, Lukman Ololade, an independent bus driver, was shot by police in early February as he and other drivers attempted to push his disabled minibus to the side of the road. According to transport workers present at the time, police officers stopped by the bus and an argument ensued between the officers and transport workers. In the course of the argument, a policeman opened fire, fatally wounding Ololade. The Committee for the Defense of Human Rights, a Nigerian nongovernmental organization (NGO), highlighted in its September newsletter the deaths of a bus driver and passenger shot by a security officer as the bus passed a roadside checkpoint. Accounts of security officers shooting at transport workers and individual drivers who refuse to pay bribes at checkpoints or appear "suspicious" were common.

There were several reports that the Lagos State Environmental Task Force (see Section I.c.) members also killed citizens who failed to stop at checkpoints or comply with task force orders.

Credible reports of mobile anticrime police shooting people suspected of armed robbery continued throughout the year. On October 24, four armed suspects in a carjacking near a foreign embassy in Lagos were shot and killed by police officers. Two of the suspects were fatally wounded while attempting to flee; eyewitnesses reported that the other two suspects were injured and disabled by police during the chase and subsequently shot dead 50 feet from the gate of an embassy. Reliable sources reported that police officers involved acted under standing instructions to shoot to kill.

In September 39 people were reported dead in the northern cities of Kaduna and Zaria after police attempted to break up demonstrations protesting the detention of Muslim cleric and religious leader Sheikh Ibrahim Al-Zakzaky. The Civil Liberties Organization (CLO) reported that the protesters were unarmed and the demonstrations peaceful until police fired tear gas into the crowd, creating confusion. During the resulting melee, police opened fire, killing and wounding both protestors and police officers.

The harsh interrogation methods reportedly practiced by some security officers resulted in the deaths while in custody of several people. Joseph Kporok, a 30-year-old Movement for the Survival of the Ogoni People (MOSOP) activist, was arrested after a dispute with his mother-in-law over land. Once in custody at the Rivers state internal security task force headquarters, Kporok was interrogated about his Mosop affiliation and beaten. He was then transferred to state police headquarters in Port Harcourt where he died on October 22. In July, 26-year-old Kenneth Nwokoye was beaten to death by uniformed officers who arrested him after raiding and searching his house. The officers did not present a search or arrest warrant.

Paralleling the year's noticeable increase in violent crime was the mysterious and brutal murder in June of Kudirat Abiola, the senior wife of M.K.O. Abiola, who was shot in her car multiple times by unknown persons. The Government conducted a perfunctory investigation of the murder that included the detention of leading National Democratic Coalition (NADECO) activists and Abiola family members. All have been released. There have been no further arrests.

In November Suliat Adedeji, an outspoken politician and successful businesswoman, was beaten and shot by armed men who invaded her home in Ibadan. Despite brutal demands for "ransom," nothing was taken from the Adedeji home. Alex Ibru, publisher of The Guardian, one of the country's leading independent daily newspapers, was shot and permanently injured in February by gunmen.

b. Disappearance

There were no confirmed reports of politically motivated disappearances. However, government detention practices have the effect of causing many persons to be "missing" for extended periods (see Section I.d.).

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

The 1979 Constitution (suspended) and the 1989 Constitution (never implemented) prohibit torture and mistreatment of prisoners and provide criminal sanctions for such excesses. The Evidence Act of 1960 prohibits the introduction of evidence obtained through torture. Nevertheless, detainees frequently die while in custody (see Section I.a.), and there were credible reports that police seeking to extract confessions regularly tortured and beat suspects and that interrogators beat and nearly tortured to death convicted "coup plotters". The authorities reportedly tortured convicted coup plotter and TSM magazine editor in chief Chris Anyanwu while in detention, and they beat Bunmi Aborishade, editor of the defunct June 12 weekly, when he was arrested in April. Detainees are regularly kept incommunicado for long periods of time (see Section I.d.).

There were numerous credible reports of torture in Ogoniland perpetrated by the Rivers State Internal Security Task Force. The abuses reportedly increased just before the April visit of the United Nations fact-finding team dispatched to examine human rights and the transition process. Abuses continued at the higher level throughout the remainder of the year. In March there were credible reports that task force members beat and detained Ogonis who refused to leave their homes as instructed or otherwise attempted to foil alleged government plans to replace residents with government agents in preparation for the U.N. team's visit. The most egregious example was the case of Nsaa Korsi, an elderly widow, who refused the soldiers' demands to leave her house. They dragged her out, flogged her, and walked on her back while wearing boots. She reportedly suffered brain and spinal damage to the extent that she can no longer walk or speak coherently.

Early in the Abacha regime, Lagos state administrator, Colonel Olagunsoye Oyinlola, formed the Lagos State Environmental Task Force as part of its "war on indiscipline and corruption." Under Colonel Oyinlola's direct supervision, the task force used brutal force on individuals in its attempts to rid Lagos of illegal street traders and copious accumulated garbage. Task force soldiers routinely beat and arrested anyone they perceived as "undisciplined," usually unarmed market women and traders, but also including jaywalkers, errant drivers, children, and young street hawkers. For the most part, the Government neither acknowledged nor denied that these abuses occurred and left their perpetrators unpunished. However, new Lagos state administrator Colonel M.B. Marwa has acknowledged that there have been abuses and said he would try to curb them.

There also were reliable reports of caning used as a form of punishment for minor infractions or public disturbances.

Prison conditions remain life threatening. Lack of potable water, inadequate sewage facilities, and shortage of medical supplies result in deplorable sanitary conditions. Disease runs rampant in the cramped, poorly ventilated facilities. Prison inmates are seldom allowed outside their cells for recreation, and many inmates must provide their own food. In such cases, only those with money or whose relatives bring food regularly have something to eat. Poor inmates rely on handouts from others to survive. Prison officials and police often deny inmates food and medical treatment as a form of punishment or to extort money from them. Many prisoners are routinely denied adequate medication and medical care. Severe overcrowding worsens the problem. For example, Ikoyi Prison in Lagos, built to

house about 800 inmates, holds over 2,000. The convicted "coup plotters" and other detainees have been dispersed to various prisons around the country since October 1995, hindering access to their families and food.

Reports of sexual abuse of female prisoners are common. The Government derives considerable savings from the practice of leaving children born in prison with their jailed mothers rather than placing them in foster homes.

d. Arbitrary Arrest, Detention, or Exile

The regime repeatedly engaged in arbitrary arrest and detention. Police are empowered to make arrests without warrants if they believe that there is a reasonable suspicion that a person committed an offense; they often abuse this power. The law requires that the arresting officer inform the accused of charges at the time of arrest and take that person to a station for processing within a reasonable time. By law, police must provide suspects with the opportunity to engage counsel and to post bail. However, police generally do not adhere to these safeguards and often hold suspects incommunicado under harsh conditions for extended periods without charge. Over 100 supporters of Shi'ite religious leader Sheikh Ibrahim Al-Zakzaky (see Section 1.a.) were arrested during and after public protests over his detention in the northern part of the country. The detained supporters were scheduled to appear in court in late December, but officials said "security concerns" precluded their appearance in public. By year's end no action had been taken to prosecute or release the detainees. Accurate numbers of detainees were unavailable, but official sources put the number at "over 100 but probably less than 200."

Police also commonly place relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest (see Section 1.f.). Police detained a 13-year-old boy with British citizenship in April and held him for a month when Directorate of Military Intelligence officials were seeking to arrest the boy's Nigerian relative. He was eventually released following intervention by a foreign government.

The State Security (Detention of Persons) Decree of 1984 (Decree Two) allows the Government to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. When invoked, the decree suspends the detainee's civil liberties and precludes judicial review. Many citizens consider Decree Two the main threat to their basic freedoms because the judicial ouster clause encourages arbitrary detention and fails to define what constitutes acts under the decree's purview. Decree 11 of 1994 authorizes the PRC Vice Chairman or the Commissioner of Police to detain persons for up to 3 months.

In June the Government announced the repeal of Decree 14 of 1994, which had effectively suspended the right of habeas corpus by forbidding courts to hear cases demanding the Government produce in court those detained under Decree Two of 1984. The Government also announced a decree amending the Civil Disturbances (Special Tribunal) Decree of 1987 to remove members of the armed forces from the membership of the tribunal and allow for a right of appeal by a convicted person to the Special Appeal Tribunal (see Section 1.e.). At year's end, the full details of the new decrees were not known as the texts had not yet been released. However, despite the new decrees, the Government still retains full authority under Decree Two and Decree 12 of 1994 to detain citizens and dispense with habeas corpus challenges.

The Government routinely arrested and detained without charge leading human rights and prodemocracy activists, including prominent attorney Gani Fawehinmi in January, and in February human rights activist lawyer Femi Falana and prodemocracy activist and organizational secretary of Fawehinmi's

National Conscience Party Femi Aborisade. Immediately prior to a November visit by representatives of the Commonwealth Ministerial Action Group to review the human rights situation, the Government released Fawehinmi, Falana, and Aborisade.

In June following the murder of Kudirat Abiola (see Section 1.a.), senior wife of M.K.O. Abiola, the authorities detained seven Abiola family members and four prominent members of the opposition group NADECO in connection with Mrs. Abiola's murder. All seven family members were released in July. One of the NADECO members, octogenarian Solanke Onasanya, was released after 3 weeks to seek medical attention. The three remaining NADECO members, Abraham Adesanya, age 74, Ayo Adebayo, age 68, and Ganiu Dawodu, age 63, remained in detention without charge for several months.

The Government released several prominent detainees in June just before the Commonwealth Ministerial Action Group was set to meet in London to consider issues including additional sanctions. The authorities held Tunji Abayomi, chairman of the Founder's Council of Human Rights Africa and Obasanjo's lawyer, originally detained in July 1995, until June; Fred Eno, an aide to M.K.O. Abiola, from August 1994 to June; and Abdul Oroh, executive director of the CLO from July 1995 to June. Ayo Opadokun, General Secretary of NADECO, who had been detained since October 1994, was released June 25, only to be rearrested the following day and held in detention without charge until November 2. Expectations that the releases might presage real human rights improvements were not fulfilled, as the Government continued its policies of arbitrary arrest and detention, including the December arrest and detention of prodemocracy activist Dr. Fred Fasehun and former presidential candidate and NADECO supporter Olabiyi Durojaiye. Both remained in detention at year's end.

Several leading labor and prodemocracy activists who were arrested in 1993 remained in detention, including M.K.O. Abiola and Frank Kokori, General Secretary of the National Union of Petroleum and Natural Gas Workers (NUPENG). In January security forces arrested Milton Dabibi, who was General Secretary of the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) before the Government dissolved the executive structure of the union and installed a sole administrator. At year's end, Dabibi remained in detention (see Section 6.a.).

The Government routinely detained human rights monitors, journalists, and political opponents for making or publishing critical statements (see Sections 2.a., 2.b., and 4). Government security forces also frequently harassed, arrested, and detained journalists for a variety of reasons, including the alleged spreading of false information and stories that exposed the actions of government officials.

Often the authorities did not charge detainees but held them for brief periods and questioned them about their activities and statements. In September security agents briefly detained and beat a Nigerian employee of the information service of a foreign embassy in Abuja after she refused to answer questions concerning the nature of her work.

The total prison population is estimated at 70,000. A precise figure for the number of persons detained without charge is unavailable. However, the Constitutional Rights Project, which recently completed a study on the failure of prosecution of criminal suspects, estimates that 40,000 prisoners, nearly 60 percent of the total prison population, are still awaiting trial. Official government figures put the number of prisoners awaiting trial at almost the same level, 35,575. Some have been detained as long as 12 years without trial.

There are no reliable figures for the number of political detainees, but local human rights groups' estimates range between 100 and 200 (see also Section 1.e.). At year's end, M.K.O. Abiola remained in prison despite a November 1994 ruling by the Kaduna Federal High Court of Appeals granting him bail

on the condition that he "not disturb the peace." In May 1995, eight Supreme Court justices, including Chief Justice Mohammed Bello, withdrew from hearing the case because of a libel suit they had pending against Abiola's Concord Press, effectively suspending hearings on Abiola's appeal until new justices were named to the Court. Abiola's trial on treason charges remained suspended indefinitely on orders from the regime.

There were no known instances of forced exile as a means of political control, although several NADECO members, including former Senator Bola Tinabu, retired Air Commodore Dan Suleiman, Nobel laureate Wole Soyinka, and elder statesman and senior NADECO figure Anthony Enahoro live in self-imposed exile. Other activists such as Owens Wiwa, brother of executed minority rights activist Ken Saro-Wiwa, and his wife Diana joined them. An unknown number of Ogoni reportedly fled to neighboring countries, North America, or Europe in search of asylum.

e. Denial of Fair Public Trial

The Government has taken several steps to undercut the independence and integrity of the judiciary. To suppress opposition to its rule, the regime first bypassed the regular courts in favor of "tribunals" and then declared itself above the law by prohibiting court review of any government action. Tribunal sentences are generally severe. The Government's reliance on tribunals, which operate outside the constitutional court system, seriously undermine the integrity of the judicial process and often result in legal proceedings that deny defendants due process, as the case of Ken Saro-Wiwa and his eight codefendants. The Government's frequent refusal to respect court rulings also undermines the integrity of the judicial process.

The regular court system is composed of both federal and state trial courts, state appeals courts, the federal Court of Appeal, and the federal Supreme Court. Under the 1979 Constitution, courts of the first instance include magistrate or district courts, customary or area courts, Shari'a (Islamic) courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. In practice, however, fear of legal cost, delay, and distance to alternative courts encourage many litigants to choose these courts.

Decree One of 1984, the basic Constitution (modification and suspension) decree, the first decree promulgated by the military officers who overthrew the civilian regime of President Shehu Usman Aliyu Shagari in 1983, left the institutional framework of the judiciary relatively intact. However, it established a parallel system of military tribunals with sole jurisdiction over certain offenses, such as coup plotting, corruption, armed robbery, and illegal sale of petroleum. A 1991 decree amended Decree One by providing that only sitting or retired civilian judges may preside over tribunals hearing nonmilitary cases. Decree 12 states that "no act of the federal military Government may henceforth be questioned in a court of law" and "divests all courts of jurisdiction in all matters concerning the authority of the federal Government."

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continue to result in considerable delays, often stretching to several years in bringing suspects to trial.

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges

are easily bribed or "settled," and that litigants cannot rely on the courts to render impartial judgment.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight. The testimony of women is, however, accorded less weight in Shari'a courts.

In most cases before the tribunals, the accused have the right to legal counsel, bail, and appeal, although some tribunals substitute a presumption of guilt for the presumption of innocence, and conviction rates in the tribunals reportedly exceed conviction rates in the regular courts.

In practice tribunal proceedings often deny defendants due process as in the trial before the Ogoni Civil Disturbances Special Tribunal of Ken Saro-Wiwa and others for their alleged roles in the killings of four prominent Ogoni politicians in May 1994. On October 31, 1995, the Tribunal announced guilty verdicts and death sentences for Saro-Wiwa and eight other activists. The PRC "confirmed" this decision on November 8, 1995, and quickly executed all nine on November 10, 1995. In that case, the Government refused to comply with a tribunal order to produce a videotape recorded on May 22, 1994, with Rivers' state administrator Lt. Colonel Dauda Komo who proclaimed in advance that Saro-Wiwa was "guilty of murder." This led the 18-member defense team, led by Gani Fawehinmi, to withdraw in protest.

In June in response to the report of the U.N. fact-finding team sent to investigate human rights and the transition process, the Government announced two decrees, one repealing Decree 14 of 1994 which had effectively suspended the right of habeas corpus (see Section 1.d.) and the other amending the Civil Disturbances (Special Tribunal) Decree of 1987 to remove members of the armed forces from the membership of the tribunal and allow for a right of appeal to the Special Appeal Tribunal. While the texts had not yet been released by year's end, the Government quickly clarified that appeals to the Special Appeals Tribunal would not be allowed for military personnel convicted of coup plotting. It remained silent regarding appeals for civilians convicted of coup plotting, but all indications are that the new decree was never meant to apply to them.

Additional Ogoni defendants were arrested in 1994, one of whom died while in custody. Known as the Ogoni 19, these individuals were arraigned in July in connection with the murder of the 4 Ogoni politicians. The new decree amending the Civil Disturbances (Special Tribunal) Decree of 1987 would seem to preclude the possibility of the Ogoni 19 being tried by a Special Tribunal. At year's end, no significant progress had been made in the case.

A motion demanding the immediate release of the detainees filed by the law offices led by Azibaola Robert was thrown out by the High Court on a technicality. Moreover, government agents subjected the Ogonis' lawyers to harassment and intimidation. In addition to surveillance, government agents arrested the lawyers following a court appearance in July when the agents tried to force a photographer, who had been brought to court to take pictures of the accused, to surrender his camera. The ensuing scuffle caused the magistrate, who had granted permission for the photographs with no objection from the prosecution, to seize the camera pending a decision on the matter. The agents reported back to their superiors, who immediately dispatched agents to arrest the lawyers and the photographer. The photographer escaped detention because he was not in the room at the time, but the agents seized his camera from the magistrate. The Government is pursuing prosecution of the lawyers on charges of obstructing the arrest of the photographer, an employee of The Vanguard newspaper. At year's end, the lawyers were no longer in custody, but subjected to continued harassment.

The number of political prisoners (as distinct from political detainees) held by the Government is also unknown (see Section 1.d.). Thirty-five individuals convicted in 1995 by a secret military tribunal of coup plotting and related charges remained in prison. These included former Head of State Olusegun

Obasanjo; his erstwhile deputy and National Constitutional Conference delegate Shehu Musa Yar'Adua; editor in chief of The Sunday Magazine Chris Anyanwu; Tell magazine assistant editor George Mbah; The News magazine editor Kunle Ajibade; Weekend Classique editor Ben Charles Obi; and chairman of the prominent human rights organization Campaign for Democracy (CD) Beko Ransome-Kuti. They continued to serve reduced sentences which still ran as long as 25 years.

The only exceptions were six individuals convicted in the alleged coup plot who were released in March at the completion of their commuted sentences, although their families had to file petitions in court to obtain their release. Queenette Allogoa, also sentenced to 6 months, remained in prison despite having finished her sentence. The Government offered no explanation for her continued detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Provisions of the 1979 and 1989 Constitutions provide for the rights to privacy in the home, in correspondence, and in oral electronic communications. However, the military Government regularly interfered in the lives of citizens, and if the authorities desired to use a warrant in a particular search case, they often secured it from a military tribunal rather than a regular court. Human rights and prodemocracy leaders reported that security agents regularly followed them and cut off or monitored their organizations' telephones. Police routinely detain relatives and friends of suspects without charge to induce suspects to surrender (see Section 1.d.). Credible sources report an increase in harassment and intimidation of citizens by police and military units in Ogoniland following the late March to early April visit of the United Nations fact-finding team sent to investigate human rights and the transition program. Abuses perpetrated in Ogoniland included arbitrary detention without charge and random search of houses and cars without warrants or probable cause.

The November 10 first anniversary of the hanging of the Ogoni 9 passed largely without incident. As has been done in the past, the Government prevented the holding of even peaceful public demonstrations of mourning, including the wearing of black clothing. Fear of government reprisals kept most people indoors and a strict curfew enforced by security officials stopped many planned memorial services and all public displays of mourning.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions providing for freedom of speech and the press are not enforceable because of continued suspension of constitutional rights. The Abacha regime often publicly declared its support for these freedoms, but it nevertheless sought to limit or confine public political dialog. The regime also increased its systematic intimidation of the press through legal and extralegal means throughout the year.

Although there is a large and vibrant indigenous independent press which is frequently critical of the Government, the Government also owns or controls many newspapers. All newspapers and magazines are required to register with the Government under the Newspaper Registration Board Decree 43 of 1993, and the Minister of Culture and Information declared in December that beginning in 1997 any publication not registered with the board will be prosecuted. The fee for registration is high. The Abacha regime has, at various times, shut down independent newspapers for various offenses. Journalists continue to be subject to close scrutiny and routine harassment by security forces.

The Government granted broadcasting rights to private radio stations in 1994, but it keeps a careful

watch over radio broadcasts, the most important means of reaching the public. In May the National Broadcasting Commission banned Ray Power, a private Lagos radio station, from transmitting British Broadcasting Corporation (BBC) programs, ostensibly under Decree 38, which states that transmissions must have equity and reciprocity. Since BBC does not broadcast Nigerian programs, Ray Power could not broadcast BBC programs. Television, both Nigerian and otherwise, is widely available. Access is limited more by substandard cable installation, electrical power surges and outages, and technical broadcasting difficulties than by government intervention. However, government-controlled broadcast media still dominate the country, and even private broadcasters do not transmit stories that criticize the Government.

Throughout the year, government security agents frequently harassed, arrested, and detained journalists. Four journalists convicted of involvement in an alleged 1995 coup plot remained in prison (see Section 1.e.). The Government detained without charge Nosa Igiebor, editor in chief of Tell magazine, from December 1995 to June. In March the Government briefly detained Emeka Omeihe, editor of the newspaper Daily Champion, and three top editorial staff of The Guardian newspaper over reports in their newspapers that the Directorate of Military Intelligence (DMI) had ruled out sabotage in the presidential plane crash in January that killed Ibrahim Abacha, the Head of State's son. Others detained for shorter or longer periods, usually without charge, included in April Bunmi Aborishade, editor of the defunct weekly June 12; in May George Onah, defense correspondent of The Vanguard newspaper, who remained in custody at year's end; in May Tunji Adegboyega, editor of The Punch newspaper, for a front-page story relating to the arson attack on the home of one of the prominent NADECO members in self-exile; also in May, Kate Odigie-Oyegun, the general manager of the newspaper company that publishes The Observer over a story that speculated about changes in the military following large-scale military promotions to the rank of general; in August Alphonsus Agborh, The Punch newspaper's Port Harcourt correspondent, for a story concerning imported arms; and in September Ola Awoniyi, Abuja bureau chief for The Nigerian Tribune after reporting allegations of espionage and corruption in the Air Force.

Virtually all senior editors of the weeklies Tell, Dateline, The News, and Tempo, and the daily A.M. News are subject to surveillance and harassment by security agents. They have been driven underground by constant fear of arrest and now operate clandestinely from numerous scattered locations throughout Lagos. Security forces routinely seized entire runs of Tell magazine when cover stories offended the Government. Agents harassed and intimidated vendors and printers to the point that in some parts of the country Tell is no longer available. The seizures and intimidation caused great financial distress for Tell and were partially responsible for the weekly's decision to discontinue publication of its sister magazine Dateline.

The Government also denied entry to and threatened to deport foreign journalists. Christian Science Monitor and Financial Times correspondent Paul Adams was arrested in January and detained incommunicado for several days. He was released on bail in mid-January, but his trial on trumped-up charges of possession of "seditious" materials dragged on until he was finally acquitted in April. In February a U.S. citizen working as a BBC correspondent was detained and held incommunicado for a day. The Government gave no reason for her arrest and never charged her with any crime. However, it was clear that the Government was not pleased by her aggressive research into reports of a possible coup attempt. Numerous other journalists had to cancel trips because they were unable to obtain visas. In addition to harassing individual journalists, the Government attacked the foreign press by blocking the distribution of international editions of foreign publications such as Newsweek that carried stories unfavorable to the regime.

The military Government used a number of other means to intimidate the press. These included a decree banning government offices from advertising in nongovernment media, periodic directives to

government offices forbidding the purchase of certain publications, personal attacks by government-controlled media against journalists and others who challenged government policies, and threats of harassment of potential advertisers and investors in antigovernment publications. The Information Minister has repeatedly made intimidating speeches against the prodemocracy press. There are credible reports that he sent a letter to the advertising practitioners association cautioning members to avoid advertising in such prodemocracy publications as AM News, PM News, TSM, and Tell, or risk losing government patronage. In December he announced that the Ministry would establish "press courts" to try journalists who write "false" reports. Other common means of harassment include the disruption of public performances, conferences, book promotions, and other forums that security forces believe prodemocracy groups use to spread their message.

In February security forces canceled the performance of a play written by self-exiled Nobel prize winner Wole Soyinka. In March they prevented NADECO members from meeting with a United Nations team sent to Nigeria to examine human rights and the transition to democracy; broke up a conference in Jos sponsored by a foreign embassy information service entitled "Dilemmas of Democracy," briefly arresting two of the organizers and dispersing the participants; shut down the CLO-sponsored launch of the book "The Church and Human Rights: A Human Rights Education Manual for Churches;" and canceled the American Studies Association of Nigeria (ASAN) fifth annual conference in Kaduna. In April security forces canceled the introduction of a book at the government-affiliated Nigerian Institute of International Affairs by a former governor with strong ties to NADECO. In May armed policemen forcibly canceled a Nigerian Union of Journalists lecture and meeting with 100 journalists marking the first anniversary of the arrest and detention of four colleagues sentenced to 15 years' imprisonment for coup plotting (see Section 1.e.).

Academic freedom is generally respected, although security forces routinely monitor and on occasion break up conferences they perceive as forums for prodemocracy groups (see Section 2.b.). The Government tape records faculty conversations. The Government in May banned all activities on a national level by the National Association of Nigerian Students (NANS). The Government also banned university staff unions (see Section 6.a.). Nigerian embassies often refuse to issue visas to visiting lecturers and musicians. This policy has precluded discussions between foreign and Nigerian academicians on topics of mutual interest.

Some student groups believe university authorities follow government directives to suspend or expel activist students. On August 26 in Bauchi, the authorities detained for a day four professors belonging to the striking Academic Staff Union of Universities (ASUU) (see Section 6.a.).

b. Freedom of Peaceful Assembly and Association

The two Constitutions provide citizens with the right to assemble freely and associate with other persons in political parties, trade unions, or other special interest associations. However, the Government proscribed all political activity 1 day after coming to power in 1993. The Government arbitrarily canceled or prevented a number of public meetings during the year, including cultural events, academic conferences, book promotions, and human rights meetings (see also Section 2.a.).

While permits are not normally required for public meetings indoors, and permit requirements for outdoor public functions are often ignored by both government authorities and those assembling, the Abacha Government retained legal provisions adopted by the Babangida government, banning gatherings whose political, ethnic, or religious content it believed might lead to unrest. Security forces used permit requirements as one of the justifications for their regular practice of disrupting prodemocracy conferences, book introductions, and seminars. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the

country (see also Section 2.c.).

In August 1994, General Abacha announced that "individuals or groups may henceforth canvass political ideas, but they cannot form political parties for now." In June 1995, Abacha announced a partial lifting of the ban on political activity, but it was not until June that a reconstituted National Electoral Commission of Nigeria (NECON) finally announced cumbersome and impractical requirements for registering political parties. NECON gave the parties an unrealistic 6-week period in which to satisfy such requirements as registering 40,000 members in each of the 30 states and 15,000 in the federal capital territory of Abuja, as well as issuing photo identification cards to each of them. Despite the practical impossibility of satisfying NECON's requirements, 23 parties purchased registration forms from NECON for approximately \$6,000; 18 of them submitted the forms and supporting documentation by the July 25 deadline. In response to widespread protests over the party registration process, NECON announced a new exercise allowing the 18 groups to apply for mergers. The merger requests had to be accompanied by another burdensome set of documentation, including a party resolution agreeing to the merger; the new name, constitution, acronym, symbol, and manifesto of the party; addresses of the national, state, and local government area and council level chapters of the party; and the names of proposed executive staff at all levels of the organization. By September NECON announced the registration of five parties and ordered dissolved all unregistered political parties, effectively preventing the participation of other political parties, which included the majority of established politicians and potential opposition leaders.

Although Abacha announced the lifting of all restrictions on political activities in his October 1, 1995, Independence Day address, he did not issue the enabling decree until February. The Government continued to repress the political activities of opposition groups. In February the Government announced three new decrees lifting the restrictions on political activity, laying out the transition timetable, and empowering the transition bodies. When the texts of the decrees were released in March, however, it became clear that the regime had negated its decree lifting restrictions on political activity by including language that established vague new categories of crimes for impeding the transition to democracy and imposed a penalty of 5 years in prison for those found guilty of such crimes. This action effectively allowed the regime to remove its opponents from the political scene until after the completion of the transition timetable (see Section 3).

Religious, professional, and other organizations need not register with the Government and are generally permitted to associate freely with other national and foreign bodies. The PRC retained its ban on several political organizations that it contended were founded primarily along ethnic, tribal, religious, or other parochial lines for the purpose of sponsoring various political candidates.

c. Freedom of Religion

The Government generally respects freedom of belief, practice, and religious education provided for by the suspended 1979 and 1989 Constitutions. Both Constitutions also prohibit state and local governments from adopting a state religion. The Government instituted a ban in 1987 (which is still in effect) on religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship.

In Kwara state in March, state authorities ordered the closure of Christian schools that refused to include Islamic studies in their curriculum. Reportedly, the Christian community in Kwara state was refusing to teach Islamic studies in Christian schools because Islamic schools are not being required to teach Christian studies. After the transfer of the state military administrator, the situation was resolved and the Christian schools reopened. No further incidents have been reported.

Distribution of religious publications is generally unrestricted. There is a lightly enforced ban on published religious advertisements, and religious programming on television and radio remains closely controlled by the Government. Both Christian and Muslim organizations allege that the Ministry of Foreign Affairs and the Immigration Department continue to restrict the entry into the country of certain religious practitioners, particularly persons suspected of proselytizing. While it has not outlawed the practice, the Government discourages proselytizing in the belief that it stirs up religious tensions, particularly in the predominantly Islamic north. The Government also bans open-air religious services away from places of worship (see Section 2.b.).

In September the authorities arrested Shia activist Ibrahim al-Zakzaky (see Section 1.d.) and charged him with an alleged attempt to set up a clandestine radio station.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The two Constitutions entitle citizens to move freely throughout the country and reside where they wish. However, increasing violent crime in many parts of the country prompted police to set up roadblocks and checkpoints, where officers commonly engaged in extortion, violence, and excessive use of force.

The Constitutions also prohibit expulsion or the denial of exit or entry to any citizen. In practice, however, women must often obtain permission from a male family member before being granted a passport, and the Government, like its predecessors, occasionally prevented travel for political reasons. Throughout the year, the Government routinely seized the passports of its critics, including those of Movement for the Survival of Ogoni People (MOSOP) Vice President Ledum Mitee, CLO President Ayo Obe, Nigerian Association of University Women President and African-American Institute program representative Clara Osinulu, lawyer Priscilla Kuye, United Nations hunger award recipient Chief Bisi Ogunleye, and human rights activist, lawyer, and CLO cofounder Olisa Agbakoba.

Journalists reported harassment at the nation's airports by security officials throughout the year, including having to fill out a special entry and exit form detailing their movements abroad, reasons for making their trip, and names of friends and associates overseas. Security officials harassed or temporarily confiscated the passports of journalists who refused to complete the form. The Government assigned security personnel to Murtala Mohammed International Airport (MMIA) to screen departing passengers to apprehend prodemocracy supporters. Government security agents questioned extensively citizens who had been issued United States visas. If the agents were not satisfied with the responses, they had orders to seize passports and turn the citizens over to military intelligence and state security service personnel for additional questioning.

The Government cooperates with the Lagos Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and the Federal Commissioner. Regulations governing the granting of refugee status, asylum, and resettlement are outlined in Decree 52 of 1989 which incorporates many aspects of the 1951 U.N. Convention. Refugee and resettlement applications are reviewed by the Eligibility Committee established under Decree 52. A representative from the UNHCR participates in the Eligibility Committee.

There are an estimated 5,000 Liberian, 1,400 Chadian, 1,500 Cameroonian, 140 Ghanaian, and an undetermined number of Togolese, Somalian, Sudanese, and Ethiopian refugees. The issue of the provision of first asylum did not arise in 1996 and has not arisen since the establishment of the National Commission for Refugees under Decree 52. There were no reports that refugees were expelled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens could not exercise this right in 1996, and there was little indication that General Abacha's military regime was willing to permit them to do so on any basis other than a process tightly controlled by the regime. Throughout the year, the regime committed numerous, repeated, and egregious human rights abuses in its effort to prevent citizens from opposing it by peaceful political means.

After coming to power, the Provisional Ruling Council headed by General Abacha promised to return to civilian, democratic rule but did not provide a timetable until Abacha's 1995 Independence

Day address. Then Abacha announced a transition timetable, leading to inauguration of a civilian president on October 1, 1998. The transition process provides for a series of local, state and federal elections over a period of 3 years.

By year's end, there was little meaningful progress towards democracy despite Abacha's 3-year transition program. The first substantial deviation from the transition timetable occurred in June when the Government missed the deadline for creation of new states and local governments. The timetable showed further signs of slippage when the Government extended to mid-September the cumbersome and impractical party registration process scheduled for completion at the end of August (see Section 2.b.). The government body set up to screen political parties seeking registration had the authority to disqualify parties. The process was not subject to public scrutiny or review. In September NECON announced the registration of five parties and ordered dissolved all unregistered political parties, effectively preventing the participation of other political parties, which included the majority of established politicians and potential opposition leaders, in the electoral process. The reviewing body also retains the option to revoke registration at any time, leaving a loophole for later disqualification of any parties that annoy the regime. Individual members of unregistered parties are theoretically permitted to join the officially registered parties, but whether they will be permitted to run for office remains to be seen (see Section 2.b.). Local government elections on a party basis, originally scheduled for December, were postponed until March 1997.

In August Abacha removed all state administrators from their posts, redeploying three of them to new states, and returning the rest to their respective branches of the armed forces. Ten of the former administrators are reportedly being subjected to a government probe of their actions in office. At year's end, none of the administrators had been formally charged or tried.

Politics remained dominated by men. However, there are no legal impediments to political participation or voting by women or members of any minority group. There are three women in the Federal Executive Council and female judges and magistrates at all levels of the judiciary.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted local human rights groups to operate but often interfered with their activities, detaining their members and preventing them from criticizing the Government's human rights record (see Sections 1.d. and 2.a.). High-level government officials regularly denounced the activities of Nigeria's human rights community, often accusing its members and the independent press of participating in foreign-inspired plots to destabilize the country.

Notwithstanding the Government's hostile attitude, national and international human rights groups engaged in a vocal and public campaign for the promotion of human rights. Among the most active

organizations are: The CLO, the Committee for the Defense of Human Rights, the Constitutional Rights Project, the National Association of Democratic Lawyers, Human Rights Africa, and the Legal Research and Resource Development Center. A number of prominent authors, artists, educators, and jurists, in addition to professional and labor organizations spoke out frequently on human rights issues as well. Amnesty International (AI) is active, and the International Committee of the Red Cross has a regional office in Lagos.

The regime established a National Human Rights Commission in June, but the commission lacked credibility as an independent monitoring body. By year's end the commission had only limited funding, no permanent office space, no working telephones and no clear mandate to do anything other than convene meetings. Nongovernmental human rights groups did not view the commission as a serious entity, and members of the commission purported to represent leading NGO's were unknown to the groups they allegedly represented. The commission held two meetings and sponsored a public lecture on World Human Rights Day but had no discernible effect on the overall human rights situation.

The Government impeded foreign human rights monitoring groups and individuals from visiting the country by delaying or refusing visas and attempting to manipulate their schedules. The most notable example was the United Nations fact-finding team dispatched in late March to examine human rights and the transition process. The Government first proposed a program almost entirely lacking in exposure to nongovernment groups or individuals, then attempted to prevent opposition groups from meeting with the team by arresting or intimidating those who sought meetings. There were credible reports that the Government stepped up repression in politically sensitive Ogoniland and surrounding areas of Rivers state just before the U.N. team's visit and kept the new higher levels of abuse in place after its April departure. In November the Government detained three AI officials, including visiting AI development field organizer for west and central Africa, for carrying "seditious literature" which included the text of a speech by AI Secretary General Pierre Sane. The three were held until 10:00 p.m. and then released but told to report in the following day. They were required to report to officials each day for 4 days. Other organizations have also reported similar restrictions.

Section 5 Discrimination Based on Race, Sex, Religion, Language, Social Status, or Disability

Both the 1979 and 1989 Constitutions provide citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persists, while tension between the Government and disaffected minority groups persisted.

Women

Reports of spousal abuse are common, especially wife beating in polygynous families. Police do not normally intervene in domestic disputes, which are seldom discussed publicly. In more traditional areas, it is questionable whether the courts and police intervene to protect women who formally accuse their husbands if the level of alleged abuse does not exceed customary norms in the area. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, is prevalent in parts of the far north. Women also bear the brunt of attacks for social and religious reasons, particularly for "immodest" or "inappropriate" behavior.

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment, but women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. Approximately 35 percent of women are active in the labor force. While the number of women employed in the business

sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households.

While some women have made considerable individual progress, both in the academic and business world, most are underprivileged. Although women are not legally barred from owning land, under some customary land tenure systems only men can own land, and women gain access to land through marriage or family. In addition, many customary practices do not recognize a woman's right to inherit her husband's property, and many widows are rendered destitute when their in-laws take virtually all of the deceased husband's property. In other areas, a widow is considered part of the property, and she too may be "inherited" by the husband's eldest male relative. Polygyny is widely practiced among all ethnic groups in both Christian and Islamic communities. Women often must provide permission from a male family member to obtain a passport (see Section 2.d.).

Children

The Government remains only sporadically committed to children's rights and welfare. Public schools continue to deteriorate, and limited facilities precluded access to education for some children. While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children. Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are routinely denied bail and incarcerated along with hardened criminals.

There are a range of problems involving children. The Government only occasionally condemns child abuse and neglect and makes little effort to stop customary practices, such as the sale of children into marriage. There are credible reports that poor families often sell their daughters into marriage as a means of supplementing their incomes. There are also reports that many young girls are forced into marriage as soon as they reach puberty, regardless of age, to prevent "indecent" associated with premarital sex.

The Government publicly opposes female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. However, the Government has taken no action to abolish the procedure, and many ethnic groups subject young females to it. Nigerian experts estimate that as many as 50 percent of women, primarily in the Christian south but less in the north, may have undergone FGM, which varies from simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. A U.N. report states that 60 percent of the population, 32.7 million women, have been subjected to some form of FGM.

The age at which females are subjected to FGM varies from the first week of life to after a woman delivers her first child. The Ministry of Health and NGO's sponsor public awareness and education projects to inform communities of the health hazards of FGM. The press openly condemned the practice on a number of occasions.

People With Disabilities

While the Government called for private businesses to institute policies ensuring fair treatment for the 2 percent of the work force that it claims is disabled, it has not enacted any laws fostering greater accessibility to buildings and public transportation, nor has it formulated any policy that specifically ensures the right of the disabled to work.

Religious Minorities

The law prohibits religious discrimination. Nonetheless, it is commonly reported that government officials often discriminate against persons practicing a religion different from their own. Religious tensions often lead to violence. There were regular clashes in the fall between the Muslim Brothers, a Shiite group, and Sunni Muslims in Zaria in Kaduna state. Shiites reportedly stormed Sunni mosques in an attempt to install their own imams as preachers. More than 20 protestors and security personnel were killed in religion-related violence that began in mid-September when the Government arrested a leader of the Shi'ite Muslim Brotherhood, Sheikh Ibrahim Al-Zakzaky (see Sections 1.d. and 2.c.). Zakzaky remains in detention and has not been charged with an offense.

National/Racial/Ethnic Minorities

The Government has promulgated no official policy concerning discrimination against any of the 250 ethnic groups, and laws do not favor one group over another. However, there is a long history of tension among the diverse ethnic groups. Clashes continued between rival ethnic groups in Delta, Rivers, Cross River, Kaduna, Plateau, and Taraba states, often resulting in casualties. Tradition continues to impose considerable pressure on individual government officials to favor their own ethnic group, and ethnic favoritism persists. During nonpartisan local government elections in March, nonindigenous residents of certain states, notably Kaduna, were barred from exercising their right to vote.

The Ogoni, an ethnic group indigenous to Rivers state in eastern Nigeria (one of the oil-producing regions), maintain that the Government continues to engage in a systematic campaign to deprive them of their land and its wealth. Members of the Ogoni group claim that the Government seizes Ogoni property without fair compensation, ignores the environmental impact of oil production on Ogoni land, and fails to provide adequate public services, such as water and electricity. The confrontation between the Government and the Ogoni remains violent. MOSOP, which campaigns for Ogoni autonomy, often describes government policy towards the Ogoni as genocide. Ogoni concerns about environmental degradation and the quality of social services have merit. The Ogoni 19, accused of murdering 4 Ogoni politicians in July 1994, remained in detention at year's end (see Section 1.e.).

Other ethnic minorities, particularly in Delta, Rivers, and Akwa Ibom states, have echoed Ogoni claims of environmental degradation and government indifference to their development. Groups such as the Ijaw, Itsekiri, and Urhobo have grown increasingly vocal in expressing their unhappiness, while the prevalence of ethnic conflict and confrontation with government forces increased in these areas.

Section 6 Worker Rights

a. The Right of Association

The Government continued its pattern of interference in the affairs of organized labor through the issuance of decrees that restricted unions in the selection of leaders, directed various unions to merge, and proscribed certain unions entirely. The Government also employed a variety of tactics to divide and intimidate labor. Although basic labor legislation dating to 1974 remains in place, decrees enacted in 1994 that dissolved elected national executive councils of the Nigeria Labor Congress (NLC) and two key oil sector unions and placed them under the authority of government-appointed sole administrators have marginalized the labor movement. The Government's exercise of absolute power over the affairs of the NLC, the National Union of Petroleum and Natural Gas Workers (NUPENG), and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) continued, in blatant disregard of International Labor Organization (ILO) conventions that it has signed and ratified.

Workers, except members of the armed forces and employees designated essential by the Government,

may join trade unions. Essential employees include fire fighters, police, employees of the central bank, the security printers (printers of currency, passports, and government forms), and customs and excise staff. In May 1993, the Government promulgated the Teaching Essential Services Decree, declaring education an essential service. The Decree did not, however, proscribe education sector unions.

Approximately 70 percent of the work force is employed in agriculture. Agricultural workers, except for small numbers in the food processing sector, are not unionized. Most of the informal sector and practically all small industries and businesses remain nonunionized. Approximately 11.5 percent of the total work force belong to unions. Nonagricultural enterprises that employ more than 50 employees are obliged by law to recognize trade unions and to pay or deduct a dues checkoff for employees who are members. Organized labor has accused some employers of deliberately organizing their industries into multiple units employing less than 50 workers to avoid unionization. The Government has threatened in the past to withdraw the dues checkoff provision and make the payment of union dues completely voluntary if unions pursue strikes, as in the cases of the 1993 general strike, and the 1994 petroleum strike.

In contravention of the ILO Convention on Freedom of Association, the Government has decreed that the NLC is the single central labor body. Although state executive councils of the NLC continue to function, government interference makes it difficult for the NLC to represent workers effectively. The NLC claims to represent 3 million workers of a total work force of 30 million. This figure is difficult to verify and may have dropped in light of continued depression in the manufacturing sector and significant public sector reductions in force. The Government continued to resist attempts by higher graded workers and middle management to form and register an independent labor central. However, the Senior Staff Consultative Association of Nigeria (SESCAN) continues to serve as an unregistered labor central for the senior staff associations.

The Government used threats of arrest and short-term and long-term detention without charge to intimidate labor activists throughout the year. NUPENG President Wariebe Agamene and two other labor leaders were released from detention

over the 1996 New Year holiday, but the Government continued to hold without charge NUPENG General Secretary Frank Kokori, detained since August 1994 and former PENGASSAN General Secretary and current Secretary General of SESKAN, Milton Dabibi, detained since January. In March a special assistant to the Minister of Labor and Productivity quit his employment claiming that the Minister was planning to arrest and probe union leaders for alleged financial wrongdoing. In May protesters who claimed to support government positions on controversial labor issues disrupted a meeting of union activists in Ogun state. The following day, the authorities arrested Adams Oshiomhole, General Secretary of the Textile Workers Union, and held him 26 hours for questioning. A similar meeting held at the University of Lagos in September was disrupted by violence from progovernment supporters.

The Government demonstrated its indifference to the ILO Convention on Freedom of Association when it issued Decree Four, Trade Union (amendment) Decree. Dated January 5, but only released in late February, the decree reduced the number of industrial trade unions from 41 to 29 through directed mergers, barred general secretaries from seeking elective positions in the NLC or in the unions that employed them, directed employers to act as dues collecting agents of the NLC, and included an ouster clause to bar judicial challenges to the decree. While the merger exercise was accomplished without much rancor, the Minister of Labor was publicly accused of attempting to manipulate several elections of new union executive councils, and union activists, led by the general secretaries of key unions, rallied on several occasions to condemn government interference in trade union activities. Eventually, in June a delegation of union activists presented labor views directly to the Head of State, but at year's end the

decree has not been amended or withdrawn.

Despite promises made by government spokesmen at the ILO Conference in June 1995 that elected executive councils would replace sole administrators at the NLC, NUPENG, and PENGASSAN, the Government took no credible steps to hold such elections. The unwillingness of the Government to allow elections to proceed at the two oil workers unions was clear evidence of the Government's overall lack of sincerity on the issue. At the 1996 Conference, the Government disingenuously blamed workers for obstructing elections and promised again that sole administrators would be removed from the three bodies. The promise remained unfulfilled at year's end.

The Government further violated the freedom of association of workers when it proscribed three campus unions on August 21. It dissolved the Academic Staff Union of Universities (ASUU), which had been on a nationwide strike since April, plus two nonstriking unions--the Nonacademic Staff Union (NASU) and the Senior Staff Association of Nigerian Universities (SSANU)--and seized their assets. In the aftermath of the proscription order, the Government ordered all academics who wanted to keep their positions to return to work. After 6 months, the strikers returned to work.

For the third year in succession, the ILO faulted Nigeria for its disregard of worker rights and its violation of Convention 87. In 1995 a "special paragraph" took the Government to task for denying trade unions the right to elect their leaders freely and supplemented a 1994 finding of the ILO Committee on Freedom of Association that the Government's interference in the administration of labor unions and its restriction of worker rights directly contravened ratified conventions. The Committee had recommended that the Government remove appointed administrators from labor bodies, restore suspended union executives, allow them access to the premises of union headquarters, and restore dues checkoff where suspended. By year's end, none of these demands had been met. Once again the Committee on the Application of Conventions and Recommendations adopted a "special paragraph". The Government took advantage of a predetermined rotation among African states to take a seat on the ILO governing body, but withdrew a bid for chairmanship of the Technical Cooperation Committee after repeated criticism of its continued contempt for ILO recommendations.

The right to strike is recognized by law except for those performing essential services. However, workers are required to give 21 days' notice prior to commencing a strike. Strikes in the public sector occurred in many of the 30 states, typically when underfunded state and local governments failed to fulfill previously negotiated contract provisions relating to salaries and allowances. The National Association of Resident Doctors struck several times over wage-related concerns.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they experience unfair retribution may submit their cases to the Industrial Arbitration Panel whose decisions are binding on all parties.

In August 1991, under Decree 32, the Government revoked past policy and permitted international labor affiliation with non-African international labor organizations. Negotiations commenced with the International Confederation of Free Trade Unions (ICFTU) for formal affiliation, but the removal of the NLC executive and the protracted political confrontation precluded further progress on these applications. Following a December 1995 ICFTU resolution critical of the Government's labor policies and actions, the Government refused to permit the ICFTU to send a delegation, although a representative of an ICFTU-affiliated African labor organization was allowed to visit for several days in May.

b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining is, in fact, common in many sectors of the economy. Laws further protect workers against retaliation by employers for labor activity through an independent arm of the judiciary, the Nigerian Industrial Court (NIC), which handles complaints of antiunion discrimination. Before cases can be brought to the NIC, parties are required to seek mediation and conciliation through the Ministry of Labor. Unresolved disputes may subsequently be taken to the Industrial Arbitration Panel and the NIC. Union officials have, however, questioned the independence of the NIC in light of its refusal to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public employees.

There have been no significant reforms in labor practice since January 1991, when the Government abolished the uniform wage structure for all government entities. This move allowed each tier of government--federal, state, local, and state enterprises--freedom to negotiate its own level of wages, benefits, and conditions of employment. As a result, negotiations previously conducted on a nationwide basis under the direct supervision of the Labor Ministry are now conducted on a local, often plant-wide, basis with less government involvement.

One export processing zone remains in development in Calabar, Cross River state. Workers in such zones are subject to national labor laws.

c. Prohibition of Forced or Compulsory Labor

The 1974 Labor Decree and the 1979 and 1989 Constitutions prohibit forced or compulsory labor. There are no reports of forced or compulsory labor. However, the ILO has noted that with no constitution in force, the Government may be unable to enforce the ILO Convention against forced labor.

d. Minimum Age for Employment of Children

The 1974 Labor Decree prohibits employment of children under 18 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than 8 hours per day. The decree allows the apprenticeship of youths at age 13 under specific conditions.

Primary education is compulsory, although this is rarely enforced, and recent studies show declining enrollment due mainly to the continuing deterioration of public schools. This lack of sufficient primary school infrastructure has ended some families' access to education, forcing them to place their children in the labor market. The ILO and the United Nations Children's Fund, in consultation with the NLC, have concluded that child labor, while not yet endemic, is increasing and could become a serious problem.

e. Acceptable Conditions of Work

The 1974 Labor Decree sets a minimum wage, which is reviewed on an ad hoc basis. The last review in 1991 was undertaken by a tripartite group consisting of representatives of the NLC, the Nigeria Employers' Consultative Association, and the Ministry of Labor. With the considerable decline in the naira, the group raised the minimum wage from \$2.90 (250 naira) to \$5.00 (450 naira) per month, a level which does not provide a decent living for a worker and family.

The 1974 Labor Decree also established a 40-hour workweek, prescribed 2 to 4 weeks of annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The decree also

stated that workers who work on Sundays and statutory public holidays must be paid a full day's pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

The Labor Decree contains general health and safety provisions, some aimed specifically at young or female workers. While it requires that the factory inspectorate of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, this agency neglects safety oversight of construction sites and other nonfactory work. The decree also requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment. The Labor Ministry, which is charged with enforcement of these laws, has experienced large staff turnover and has been largely ineffective in identifying violations. The Government has failed to act on various ILO recommendations since 1991 to update its moribund inspection and accident reporting program.

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