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Nigeria

Country Reports on Human Rights Practices - [2005](#)

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Nigeria is a federal republic composed of 36 states and a capital territory, with a population of 140 to 150 million. In April 2003, President Olusegun Obasanjo of the People's Democratic Party (PDP) was reelected to a four-year term after being declared the winner in elections that were marred by what international and domestic observers termed to be serious irregularities and fraud, including political violence. The elections also resulted in the ruling PDP claiming 70 percent of the seats in the national legislature and 75 percent of the state governorships. An extended legal challenge to the 2003 election verdict ended in July when the Supreme Court upheld the election result. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law.

The government's human rights record remained poor, and government officials at all levels continued to commit serious abuses. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Much of the country's wealth remained concentrated in the hands of a small elite. More than 70 percent of citizens live on less than one dollar per day. The following human rights problems were reported:

- abridgement of citizens' right to change their government
- politically motivated and extrajudicial killings by security forces and use of excessive force
- vigilante violence
- beatings of prisoners, detainees, and suspected criminals
- harsh punishments by Shari'a courts
- impunity
- harsh and life-threatening prison conditions
- arbitrary arrest and prolonged pretrial detention
- executive interference in the judiciary and judicial corruption
- infringement of privacy rights
- restrictions on freedom of speech, press, and assembly
- limited freedom of religion and movement
- domestic violence and discrimination against women
- female genital mutilation (FGM)
- child abuse and child prostitution
- communal violence and ethnic, regional, and religious discrimination
- trafficking in persons for purposes of prostitution and forced labor
- restrictions on workers' rights
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were politically motivated killings by the government or its agents. National police, army, and other security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during the year, when crowds were perceived by police as possibly likely to become violent.

Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta region. Multinational oil companies and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region. Freelance and former security forces accounted for a portion of the violent crime committed during the year.

In January following the firing of Inspector-General of Police Tafa Balogun for corruption, Acting Inspector-General Sunday Ehindero disbanded the Federal anticrime taskforce known as "Operation Fire for Fire," which was responsible for numerous human rights abuses in previous years. Unlike in the previous year, the organization did not announce its killing statistics; however, observers noted no difference in

the number of extrajudicial killings committed by police and anticrime taskforce personnel during the year. In most cases police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see section 1.d.).

Abuses by poorly-trained, poorly-equipped, and poorly-managed police against civilians were common human rights violation, and the police were rarely held accountable. During the year police, military, and anticrime personnel continued to use lethal force against suspected criminals. For example on June 5, police officers killed 2 youths in Port Harcourt, Rivers State, and detained the driver of the youths' vehicle incommunicado for 17 days. Authorities initially claimed the two youths were known armed robbers; however, when investigation revealed that it was a case of mistaken identity, police attempted to cover the mistake by framing the youths for an actual armed robbery. The youths' father lodged an appeal with the inspector general's office.

On occasion police were reprimanded for the use of excessive force. For example on February 20, police in Makurdi, Benue State, shot and killed 19-year-old Suleiyol Hiikyaa, a passenger in an automobile driven by her boyfriend. The couple was allegedly having sex in the vehicle when police became suspicious that the two were armed robbers and opened fire. All four policemen involved were dismissed from the force, and the policeman who fired the shot that killed Hiikyaa was charged with manslaughter.

On March 2, a policeman in Makurdi, Benue State, shot and killed a commercial bus driver when the driver could not pay a \$0.15 (20 naira) bribe. Angered by this killing and the February 20 killing of Suleiyol Hiikyaa, members of the community burned a police station, blocked roads, burned cars, severely beat an assistant inspector-general of police, and reportedly killed at least three policemen. The policeman who shot the bus driver confessed to the killing, claiming he was drunk at the time. He was dismissed from the force and charged with murder. His trial had not begun by year's end.

There were no developments in the 2004 cases of killings of suspected criminals by police in Bauchi or Zamfara states.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment (see section 1.c.). For example on May 1, in Kubwa, police beat bus driver Gabriel Agbane while arresting him. When Agbane's family went to the police station the next day, they found him unconscious. Police released him to the family, who took him to a hospital, where he died four days later. Police announced to journalists that Agbane had been drunk during the arrest, had not been healthy, and had fainted on his own.

In its July report "*Rest in Pieces - Police Torture and Deaths in Custody in Nigeria*," Human Rights Watch described how in May six young men being held in police custody in connection with a bank robbery in Enugu were led before journalists at the state criminal investigation department, even though they had not been convicted of the crime. Their families were denied access to them despite repeated efforts. On May 9, the families were told the suspects had been transferred to state police headquarters in Enugu, but officers in Enugu denied they were there. Days later the bodies of the six young men were found at the University of Nigeria Teaching Hospital mortuary in Enugu. Officials did not respond to the families' inquiries for additional information.

In March an investigative panel released its report on the October 2004 incident in which police had secretly buried 12 bodies in a mass grave in Kaduna. The panel found that the victims had attempted a jailbreak, but that the police had acted improperly in killing them and attempting to hide the bodies. The panel forwarded its recommendations to the federal government, which had taken no action by year's end.

Violence and lethal force at police and military roadblocks and checkpoints continued during the year, despite the January announcement by the acting inspector-general of police that police roadblocks would be eliminated. Police generally ignored the order, and roadblocks continued nationwide. Security forces frequently killed persons while trying to extort money from them. For example on January 12, police in Uromi, Edo State, stopped a taxi to demand a \$0.30 (40 naira) bribe. When the driver gave \$0.15 (20 naira) and started to leave the scene, a police officer fired at the vehicle, striking and killing a student riding in the taxi. Youths in the town rioted in response, burning a police station, two police cars, and the divisional police officer's residence. There was no information on disciplinary action taken against the police officer.

On October 17, in Obiaruku, Delta State, a policeman on the Special Anti-Robber Squad shot and killed a commercial bus driver when the driver was unable to pay a bribe. The policeman was dismissed from the force two days later and charged with murder. The trial had not begun by year's end.

On June 7, police in Apo stopped six traders at a vehicle checkpoint. An argument ensued, and the police shot and killed two of the six, then detained the other four, who were subsequently killed in custody. The police attempted to bury the six bodies secretly, but Apo residents found and unearthed the bodies, then marched with the corpses to the police station. Police fled the resulting riot. The police claimed the six had been "armed robbers." Six police officers, including a deputy commissioner of police, were charged with murder. The trial continued at year's end.

On May 18, on a Zamfara state highway, taxi driver Malam Danjariri was shot and killed during a scuffle with three police officers who had demanded a \$0.15 (20 naira) bribe from him. Following the incident, riots erupted in which three persons were killed. One policeman was charged with culpable homicide and dismissed from the police force, while the other two officers were demoted.

There were no developments in the 2004 case of the police shootings of Ramadan gift-seekers in Zamfara State.

There were no developments in the 2004 cases of bribe-related killings in Ekiti and Kwara states.

Security forces committed other unlawful killings during the year.

On July 25, in Lagos, a naval officer shot and killed a motorcycle taxi driver after what observers termed a "minor accident." Other motorcycle taxi drivers in the area reacted violently to the shooting, burning the naval officer's car and threatening his life. The disturbance was finally quelled by police intervention. The officer was still in naval custody and the investigation continued at year's end.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence (see section 5). There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta.

The federal government sometimes deployed the army in troubled areas during the year. On February 19, soldiers raided the town of Odioma in Brass Local Council of Bayelsa State following the killing of 12 persons, including four local council chairmen, on February 13. Soldiers killed at least 15 civilians, and burnt many houses. An independent investigation into the incident found that the military acted appropriately in responding to a perceived threat.

In 2003 the government began "Operation Restore Hope," a joint task force consisted of approximately five thousand army, navy, air force, and mobile police personnel under the command of Army General Zamani, in response to violence in the Niger Delta region (see section 5). During the year task force personnel and militant youths had numerous skirmishes and encounters. Human rights organizations accused the military and police of harassment, extortion, and excessive use of force in the region.

There were several killings by unknown persons that may have been politically motivated. On July 16, unknown gunmen killed PDP politician Alhaji Lateef Olani-yan in Ibadan, Oyo State. Olani-yan was killed after a meeting with prominent Ibadan politician and PDP powerbroker Alhaji Lamidi Adedibu. On September 23, Chief Bola Alphonso, special adviser to Oyo State Governor on Security and Protocol, and four others were charged with Olani-yan's killing. The trial had not begun by year's end.

In February at a church crusade in Kogi State, a man confessed to the March 2004 killing of Bassa Local Government Area (LGA) chairman Luke Shigaba. The man was arrested and charged with murder.

There were no known developments in the other reported 2003-2004 cases of politically motivated killings by unknown assailants.

There were no developments in the 2004 cases of electoral violence in Niger, Taraba, or Delta states.

Killings carried out by organized gangs of armed robbers remained common during the year. On May 2, soldiers and street toughs, popularly known as "area boys," clashed in Lagos. The incident followed the killing of a soldier, allegedly by the area boys, near a military command in the Ikeja suburb of Lagos. Soldiers arrested 62 suspected area boys and remanded them to police for prosecution.

In most southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes killed suspected criminals rather than turn them over to police. For example on August 6, 32 persons died while being held by the Bakassi Boys. The captors subsequently fled, abandoning 62 other detainees. The detainees had been incarcerated as "armed robbers" and kept in a windowless, poorly ventilated shop for days. Riots erupted when police discovered the dead bodies.

Other organized vigilante groups continued to detain and kill suspected criminals.

Police generally did not have a significant impact upon vigilante groups, and they infrequently detained members of these groups during the year.

There were numerous reports of street mobs apprehending and killing suspected criminals during the year. There were no arrests reported from these mob actions, and there were no developments in cases from previous years. The practice of "necklacing" suspected criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it to burn the victim to death) by street mobs continued.

Lethal communal (including interethnic, intraethnic, and interreligious) violence occurred at decreased levels from the previous year (see section 2.c.). Sporadic communal violence continued between Tivs, Jukuns, and other tribes in Sokoto, Benue, Taraba, Kogi, Jigawa, Adamawa, Bauchi, Edo, Delta, Plateau, and other states during the year, killing hundreds of persons.

Tensions between members of ethnic groups in the oil-producing areas and employees and contractors of oil companies remained high; however, unlike in the previous year, there were no reported killings.

During the year, fighting between and among rival student affinity groups, commonly known as cults, in institutions of higher learning resulted in killings, rape, personal injury, and destruction of property. In April, rival student cults clashed at the Federal University of Technology in Minna, Niger State, reportedly resulted in the deaths of two students. School authorities closed the university to quell the violence. Authorities reopened the university later in the year.

There was no resolution in the 2004 cases involving deaths in cult clashes.

b. Disappearance

There were reports of politically motivated disappearances during the year. For example the government still had not responded to a court

order to release a Kaduna central mosque imam detained since May 2003. It was not known whether the imam was still alive, and there were no updates on his case during the year.

Hostage situations occurred during the year. On February 17, an Ijaw group captured and held a South Korean employee of Daewoo in Bayelsa State. South Korean embassy and Bayelsa State officials assisted Daewoo in securing the employee's release the next day.

On September 28, a gang of armed youths kidnapped two Pan Ocean Oil Corporation workers from a bar in the Delta State. Shortly afterwards, the bus transporting the hostages was spotted, and police quickly freed the hostages after a brief gun battle in which the bus driver was killed.

As in previous years, some kidnappings, particularly in the Delta, appear to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region.

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

Although the law prohibits such practices and provides for punishment of such abuses, police, military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police physically mistreated civilians regularly in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture. In some cases, persons died from torture in custody (see section 1.a.).

Different formulations of Shari'a (Islamic law) were in place in 12 northern states (see section 2.c.). Shari'a courts delivered "*hudud*" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery, but no death sentence were carried out. Because no applicable case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution (see section 1.e.). Stoning and amputation sentences had been overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of the law. In some cases, convicted persons are allowed to choose to pay a fine or go to jail in place of receiving strokes of the cane. These sentences were usually carried out immediately, while all sentences involving mutilation or death allow 30 days for appeal.

On May 26, a Shari'a appeals court in Kaduna overturned amputation sentences that had been passed in 2003 against six Zaria men who had been accused of stealing a cow and a motorcycle. The appeals court ruled that the lower court had erred in convicting the men solely on the basis of police testimony, without allowing the men to defend themselves. The men also had not had access to legal representation, as required by the Kaduna State Shari'a code.

On May 27, 25-year-old Awwalu Ibrahim received 80 lashes with a horsewhip after confessing to consumption of alcoholic beverages and smoking marijuana.

Several other stoning or amputation sentences were pending appeal or sentence implementation, but no such sentences were carried out during the year.

Security forces tortured persons and used excessive force during the year. For example on March 28 in Ilorin, Kwara State, a policeman attempting to extort a bribe from a truck driver opened fire, wounding an 18-year-old girl who was selling bread nearby.

On November 12, following a minor traffic accident in the parking lot of Abuja International Airport, members of the Kebbi State governor's entourage, which included bodyguards for the governor, beat and robbed a diplomatic driver when he attempted to mediate an argument between the entourage and a diplomat. Although complaints were filed with the Kebbi State government and the federal government, no action was taken against the perpetrators by year's end.

On November 29, police in Abuja attacked, beat, and arrested a diplomatic driver in front of a diplomatic residence, allegedly for driving his vehicle too soon after the vice president's motorcade had passed through the area. Police ordered the driver to appear at a police station the next day, where he was told no charges would be filed against him. No action was taken against the police who attacked him by year's end.

Security forces beat journalists during the year (see sections 2.a. and 2.b.).

There were no developments in the 2004 reported cases of abuses by police.

There were numerous ethnic or communal clashes during the year (see section 5). Police generally lacked the resources to control communal violence.

Vigilante groups such as the Bakassi Boys held detainees in informal detention centers, and detainees died during the year (see section 1.a.).

Prison and Detention Center Conditions

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked basic facilities.

Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding (see section 1.d.).

A working group assigned by the attorney general to investigate prison conditions in the country released its report in March. The group found that 64 percent of inmates were detainees awaiting trial, and only 25 percent of those detainees had legal representation. Nearly two-thirds of the country's prisons were over 50 years old. All of the prisons were built of mud brick, and their sewers, food, health care, education, and recreational facilities were well below standard.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them.

Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the National Governmental Organizations (NGO) Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates were promptly buried on the prison compounds, usually without notifications to their families. A nationwide estimate of the number of inmates who died in the country's prisons was difficult to obtain because of poor record keeping by prison officials.

In practice women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned, juvenile offenders were routinely incarcerated along with adult criminals. The Prison Service officially required separation of detainees and convicted prisoners, but in practice the method of confinement depended solely on the capacity of the facility. As a result, detainees often were housed with convicted prisoners.

The government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police and security forces continued to employ these practices.

Role of the Police and Security Apparatus

The National Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the State Security Service (SSS), which reports to the president through the national security advisor. Police were unable to control societal violence on numerous occasions during the year, and the government continued its reliance on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The law prohibits local and state police forces. The NPF was responsible for human rights abuses and did not noticeably decrease the incidence of violent crime nationwide (see section 1.a.). Corruption was rampant, most often taking the form of bribes at highway checkpoints. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.

Arrest and Detention

Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods. Provision of bail often was arbitrary or subject to extrajudicial influence. In many areas, there was no functioning bail system, so suspects were held in investigative detention for sustained periods. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded additional payment.

Persons who happened to be in the vicinity of a crime when it was committed were sometimes held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to repeatedly return for further questioning.

There were several politically motivated arrests during the year. For example on October 6, Mujaheed Asari Dokubo, leader of the Niger Delta People's Volunteer Force, was arraigned on charges of treason.

In the southeast over 600 people were arrested and detained during the year on suspicion of being members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo states as its prime tenets. Those arrested tended to be youths whose links to MASSOB were unproven, and by mid-year over 70 had been released without charge. Demonstrations in September, following Biafra Day on August 26, claimed a reported 6 lives, although other local reports

indicated as many as 200 may have been killed by the police. Ralph Uwazurike, the leader of the group, was arrested in October along with six of his deputies on treason charges. This arrest incited a series of protests, during which the home of Nnamdi Azikiwe, the first post-independence president, was razed and three people died. Protests continued until year-end and caused business and road closures along with up to 20 deaths and an unknown number of other casualties. Human rights activists believed that the crackdown on MASSOB merely gave impoverished non-MASSOB-affiliated, Igbo youths reason to take to the streets and loot shops and homes.

Members of the Oodua People's Congress (OPC), a militant Yoruba group operating in the southwest that claims its objective is to protect the collective rights of the Yoruba within the federation, continued to be arrested. Following several fatal October altercations between OPC factions, rival OPC leaders Dr. Fredrick Fasheun and Chief Gani Adams were detained and charged with managing an illegal organization and abetting mayhem. On December 1, Fasheun, Adams, and four others were charged with treason, illegal weapons possession, and membership in an illegal organization. An Abuja high court denied them bail on December 21, and all six remained in custody at year's end.

The Economic and Financial Crimes Commission (EFCC) embarked on a strong anticorruption campaign during the year, arresting a number of federal, state, and local officials and seizing millions of dollars in assets. Some observers lauded the commission's actions as a centerpiece of the Obasanjo administration's war on corruption, but critics claimed that some EFCC investigations were politically motivated, singling out political opponents of the administration, and that the EFCC did not always follow proper criminal procedure.

The persons charged in the 1996 attempted murder of Alex Ibru had not been tried by year's end (see section 2.d.). Hamza Al Mustapha, one of the defendants and security chief for former military dictator Sani Abacha, was charged in October 2004 with treason, along with two other people, but this case was not brought to trial during the year. Al Mustapha was not permitted to attend hearings on his attempted murder trial, and he and his co-defendants remained in a military prison in Lagos at year's end.

Security forces detained journalists during the year (see section 2.a.).

During the year police arrested demonstrators (see section 2.b.).

There were no updates in the reported 2004 cases of arbitrary arrest and detention.

Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see section 1.e.). In March a working group assigned by the attorney general to investigate prison conditions in the country found that 64 percent of inmates were detainees awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to transport detainees to trial securely on their trial dates as one reason why so many were denied a trial. The National Human Rights Commission (NHRC) reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for significant periods of time without trial.

Amnesty

On March 22, the Ikeja high court ordered the unconditional release of 100 inmates from the Ikoyi Prison in Lagos. The inmates had been awaiting trial for 6 to 15 years. The Constitutional Rights Project (CRP) filed the motion for release of the prisoners and argued that the periods spent awaiting trial violated constitutional rights to be charged within 48 hours of arrest. CRP representatives confirmed the prisoners were released.

Early in the year the remainder of the 280 Kirikiri Prison inmates, who were ordered released by an Ikorodu high court decision in September 2004, were released.

In early November the Kwara State Chief Justice freed 12 Ilorin prison inmates due to lapses in their trials. In his statement he noted that although the Ilorin prison had a capacity of 121 inmates, the prison held 340 prisoners, 261 of whom were detainees awaiting trial.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.

The Ministry of Justice implemented strict requirements for levels of education and length of service for judges at the federal and state level; however, there were no requirements or monitoring body for judges at the local level, leading to corruption and miscarriages of justice.

The regular court system is composed of federal and state trial courts, state appeals courts, the federal court of appeal, and the Federal Supreme Court. There are Shari'a and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The law also provides that the government establish a Federal Shari'a Court of Appeal and Final Court of Appeal, but these courts had not been established by year's end.

The nature of the case usually determined which court had jurisdiction. In principle, customary or Shari'a courts had jurisdiction only if both plaintiff and defendant agreed on this; however, fear of legal costs, delays, distance to alternative venues, community pressure, and individual preference caused many litigants to choose the customary and Shari'a courts over other venues. In some states, cases involving

only Muslims must be heard by a Shari'a court.

Other states with Shari'a law permitted Muslims to choose common law courts for criminal cases, but societal pressure forced most Muslims to use the Shari'a court system.

Trial Procedures

According to the constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for trial within three months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see section 1.d.). Juries were not used in trials. Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and in many cases used bribes to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting or progressing.

Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. While an accused person is entitled to counsel of his choice, there is no law that prevents a trial from going forward without counsel, except for certain offenses such as homicide or other offenses for which the penalty is death. The legal aid act provides for the appointment of counsel in such cases, and trial will not go forward without counsel. However, there was a widespread perception that judges were easily bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other source of income, and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, primarily due to inadequate compensation.

In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced, although all accused persons have the right to appeal. The government instituted a panel of legal scholars in 2003 to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by various northern states; however, the panel did not produce its report during the year, and states continued to apply their individual codes.

There were no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some *Kadis* (Muslim judges) subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed (see section 1.c.).

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, but authorities at times continued to infringe on these rights. Police raided homes without warrants during the year.

Throughout the year the Federal Capital Development Authority (FCDA) continued to demolish homes and businesses in the Federal Capital Territory (FCT). Thousands of homes in the suburbs of Karmo, Kado, and Lugbe were deemed illegal squatter settlements and bulldozed. In April the FCDA bulldozed some 400 houses, small hotels, and other businesses in the middle-class suburb of Kubwa. On April 27, the House of Representatives passed a resolution ordering an end to the demolitions, claiming that many houses had been approved by the FCDA or previous FCT ministers. The Abuja high court also issued an injunction on the FCT minister to stop further demolition, which he rejected on grounds that the high court only had jurisdiction if there had been a lower court decision. In September businesses in two high rent districts of Abuja were demolished, as was a police station in Lugbe. On November 28, the government announced that about 1,500 houses in Chika had been bulldozed, leaving an estimated 10 thousand people homeless; however, observers estimated that 2 square miles of dense one-story housing had been bulldozed, leaving some 95 percent of the estimated 500 thousand residents homeless. Although the FCT minister announced in November that the demolitions would finish by December, the demolitions continued at year's end.

On February 3, the FCDA demolished "illegal structures" at the large Wuse Market in Abuja. Hundreds of police officers used tear gas to clear crowds from the market before some 7,500 shops and stands were bulldozed. Vendors were not allowed to remove their inventories before the shops were demolished. No compensation was paid to vendors whose shops and inventories were destroyed.

In March and April the Rivers State government demolished a shanty town in Port Harcourt, leveling hundreds of dwellings and displacing thousands of persons.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest.

Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

a.

The law provides for freedom of speech and of the press; however, the government at times restricted these rights in practice. While there were numerous private presses that published freely, there were also numerous attacks carried out by security forces during the year. Some journalists practiced self-censorship.

At times persons critical of the government faced reprisals; for example in early May seven university students were arrested and charged with sedition for distributing leaflets critical of Jigawa State Governor Saminu Turaki. The students, members of a group called the New Salvation Movement, accused the governor of "frivolous" foreign travel and failure to develop the state's educational sector. The students pled not guilty and were detained awaiting trial at year's end.

There was a large and vibrant private domestic press that was frequently critical of the government. Only one national, government-owned daily newspaper was published, the *New Nigerian*. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. By year's end there were more than 14 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. The government owned and controlled most of the electronic media. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; and 51 state radio stations, which broadcast in English and local languages. The National Broadcasting Commission (NBC) was the body responsible for the deregulation and monitoring of the broadcast media. There were nearly a dozen private radio stations operating during the year. The government also operated the Voice of Nigeria that broadcasted internally, to neighboring West African countries, and to South Africa.

The National Television Station, NTA, was federally owned. Thirty states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were seven private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the government did not restrict access to, or reception of, international cable or satellite television.

International broadcasters, principally Voice of America and BBC, as well as Deutsche Welle and others, broadcast in English and Hausa and were an important source of news in the country.

In April 2004 the NBC banned live broadcast of foreign news and programs. The ban continued throughout the year, and the minister of information announced that the government had no intention of lifting the ban.

Security forces beat journalists on several occasions during the year. For example on January 4, at an emergency meeting of the National Executive Council of the ruling PDP, police beat 11 journalists and broke cameras while an assistant inspector general of police watched; a *Nigerian Tribune* journalist was hospitalized. Police claimed they were acting on orders of PDP officials not to allow journalists to cover the closed meeting.

On March 4, members of the Kick Against Indiscipline (KAI) paramilitary group detained and beat a reporter/photographer for *The Punch* newspaper in Lagos. The reporter was photographing KAI members stopping jaywalkers on a Lagos highway. A KAI spokesman acknowledged the incident but claimed the reporter was beaten by an individual who was not a KAI member. The Lagos State government had launched the KAI program in 2003 with the goal of cleaning up Lagos by punishing wrongdoers.

On December 1 in Lagos, police accompanying the Lagos State governor beat a reporter for the *New Age* newspaper and smashed her digital camera as she was taking photographs of police forcefully breaking up a demonstration at the Lagos State Secretariat. A deputy superintendent of police apologized for the beating, but suggested that the demonstrators, not the police, should buy the reporter a new camera.

Security forces also detained journalists during the year. In June following the publication of an article that reported a Kogi State police commissioner's humiliation by armed bandits, Kogi State police occupied the headquarters of the Nigerian Union of Journalists (NUJ) in the state capital, Lokoja, and harassed, intimidated, and arrested journalists. The police left the NUJ headquarters after three days, following negotiations with the NUJ National Secretariat, and released all arrested journalists without charges.

On January 19, Rivers State police arrested the publisher of the Port Harcourt weekly magazine *National Network* for publishing negative reports regarding the Rivers State police commissioner. Police released the publisher a few days later without charges.

On January 20, SSS agents arrested the Enugu State chairman of the Newspapers Vendors' Association of Nigeria, along with two newspaper vendors, for selling copies of the tabloid newspaper *Eastern Pilot*, which carried reports of "the emergence of a new Biafra nation." The three were interrogated at SSS headquarters, then released the same day. An SSS spokesman defended the arrests, claiming that *Eastern Pilot* was a "subversive" publication.

In March police arrested two Australian journalists when they asked permission to film the demolition of a shanty town. After several hours of being held without charge, police released them.

On April 8, military authorities detained the chief correspondent of the *Associated Press* in the country for questioning. Authorities told the correspondent he was detained for entering a military zone without a permit. The authorities released the correspondent after several hours.

There were no further known developments in the reported 2004 cases.

The government suspended radio stations or confiscated newspapers during the year. For example on February 10, SSS agents in Onitsha, Anambra State, confiscated numerous copies of magazines and newspapers with articles regarding MASSOB. Members of the Newspapers Distributors and Agents Association held a rally in Onitsha to protest against SSS intimidation of the newspaper vendors.

The NBC suspended for one day the broadcast license of DAAR Communications, which operates African Independent Television and Ray Power Radio, for alleged "unauthorized and unprofessional" reporting following the crash of Bellview flight 210 on October 22. Most observers felt DAAR was being penalized for finding the crash site when authorities could not. After criticism from President Obasanjo and from the minister of information, the action was quickly rescinded.

Editors reported that government security officers sometimes visited or called to demand information regarding a story or source. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

Libel is criminalized in the country and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limits the circumstances in which media defendants rely on the defense of "fair comment on matters of public interest", and restricts the right to freedom of expression. Criminal Code penalties ranged from one to seven years' imprisonment (seven years, if the libelous material was published to blackmail). The Criminal Code and other federal Laws critical provides the provisions of libel laws.

In October SSS agents in Port Harcourt detained Chief Owei Sikpi, publisher of the *Weekly Star* newspaper, for alleged libel against the federal government and the Rivers State government. The Rivers State prosecutor pleaded with a Port Harcourt high court to deny bail to Sikpi because of "the weight of the offense." Sikpi remained in custody at year's end.

On December 19, SSS agents arrested an editor and a presenter at privately-owned radio station Rhythm FM for falsely reporting that a bridge outside Port Harcourt had collapsed. They were charged with intent to cause public panic and fear, and remained in custody at year's end.

There were no government restrictions on the Internet. State governments continued to restrict academic freedom by controlling curriculum at all levels including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the south, continued to hamper educational progress.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

In June an Abuja high court struck down the 1990 Public Order Act that required a police permit to be issued for all public rallies and processions. Security forces had regularly suppressed opposition rallies, citing the failure to obtain police permits, although rallies in support of the ruling party were normally allowed. Although the acting inspector general of police immediately announced that the police would appeal the ruling, he also stated the police would respect the court's injunction prohibiting police from interfering with peaceful rallies. After the ruling, police generally did not interfere with rallies, but in December in Lagos police fired tear gas at a rally of women protesting December 11 plane crash that killed many children.

The government occasionally banned gatherings whose 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 fears that they might heighten inter-religious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

On May 14, a rally in Jos, Plateau State, to announce the presidential campaign of Zamfara State Governor Ahmed Sani was cancelled by police for "security reasons."

Security forces forcibly dispersed demonstrations during the year. In February soldiers from the joint task force used excessive force against protesters at the Escravos oil terminal in Delta State. According to witnesses, security personnel fired tear gas, then live ammunition to disperse a crowd of approximately 300 protesters. At least 30 persons were injured, and at least one demonstrator was killed. There was no government investigation or prosecution of those responsible by year's end.

On May 2, in Yauri town, Kebbi State, police fired into a crowd of protesters, killing four persons. Demonstrators had gathered at the local emir's palace to protest police involvement in armed robberies; residents had apprehended several armed robbers and turned them over to

the police, only to find out that the robbers were themselves police officers. No action was taken against the police who fired into the crowd.

No action was taken against security forces who killed or injured persons while forcibly dispersing protesters in 2004 or 2003.

Freedom of Association

The law provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations and the government generally respected this right in practice. The law allows the free formation of political parties. There were 30 parties registered with the Independent National Electoral Commission during the year.

c. Freedom of Religion

The law provides for freedom of religion, and while the federal government generally respected religious freedom; there were instances in which limits were placed on religious activity to address security and public safety concerns.

The law prohibits state and local governments from adopting an official religion. Some Christians alleged that Islam has been adopted as a de facto state religion in several northern states, citing criminal law aspects of Shari'a and the continued use of state resources to fund the construction of mosques, the teaching of Kadis, and pilgrimages to Mecca (*hajj*). However, several states, including northern states, used government revenues to fund Christian pilgrimages to Jerusalem. In general states, whether dominated by Christians or Muslims, favored the faith practiced by the majority of residents.

The law provides that states may elect to use Islamic (Shari'a) laws and courts. There were 12 northern states that have adopted at least parts of Shari'a--Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe. Adherence to Shari'a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required in any state to submit to Shari'a jurisdiction, although in some states they have the option, which may work to a defendant's advantage when the penalty under Shari'a is less severe than under civil law.

Although several northern state governments continued to ban public proselytizing to avoid ethno-religious violence, some proselytizing groups remained active despite these formal bans, which generally were enforced on a case-by-case basis.

The law does not require students to receive instruction in a religion other than their own; however, the Ministry of Education requires public school students throughout the country to undergo either Islamic or Christian religious instruction. State authorities claimed that students were permitted not to attend classes taught in a religion other than their own, and that students may request a teacher of their own religion to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools or of Muslim Religious Knowledge" in some southern schools.

No further action was taken in the 2003 incident in which members of the Moslem Students of Nigeria organization were charged with public disturbance after they invaded primary and secondary schools in Oyo State.

Although distribution of religious publications was generally unrestricted, the government sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.

Although the expanded Shari'a technically does not apply to non-Muslims, the non-Muslim minority has been affected by certain social provisions of Shari'a, such as the separation of the sexes in public schools, and health and transportation services. Many social provisions associated with Shari'a have roots in the country's pre-Islamic societies and were in practice before the states adopted Shari'a. Although most states have not criminalized alcohol consumption by non-Muslims, in May 2004 Kano State announced that non-Muslims would be fined approximately \$380 (50,000 naira) or sentenced up to a year in prison for drinking or selling alcohol in certain public places. There were no reports of non-Muslims in Kano State being penalized under this restriction during the year. Some states continued to offer only gender-segregated transportation (see section 5).

A number of states with expanded Shari'a have long sanctioned private vigilante Shari'a enforcement groups (*hisbah*); in some cases these groups had authority to make arrests. The *hisbah* groups were not very active during the year, although they often served as traffic wardens, especially in Kano.

The Nigeria Legal Aid Council agreed to appeal 30 Shari'a convictions and death sentences in Bauchi State. In one case, an 18-year-old man, Saleh Dabo, alleged that police told him he could plead guilty to rape, and he would be released; instead, a court sentenced him to death by stoning for adultery, even though he is not married. The appeal had not yet been heard.

There are numerous Shari'a cases pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. Many of these cases have been delayed continuously for various reasons.

The government continued to hold an imam from the Kaduna central Mosque detained in 2003, despite an order from the Kaduna State court ordering his release.

In December 2004 at a major university in Bauchi State, a group of Muslim students abducted and killed the head of a Christian campus organization in retaliation for what they considered to be insults to Islam by Christian students. As tensions grew and some property was

vandalized, authorities responded by closing the university and a nearby polytechnic school and by establishing an interfaith dialogue. Both the university and the polytechnic school reopened during the year, and while tension remained between the campus Christian and Muslim communities, there was no further violence during the year. There were no arrests for the killing.

Societal Abuses and Discrimination

The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between "indigenous" and "settlers" led to some societal discrimination against minority ethnic and religious groups.

Religious differences often mirrored regional and ethnic differences. For example persons in the North and in parts of the Middle Belt were overwhelmingly Muslim and from the large Hausa and Fulani ethnic groups that tended to dominate these areas. Many southern ethnic groups were predominantly Christian. In many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tended to be farmers or to work in urban areas. Consequently ethnic, regional, economic, and land use competition and confrontations often coincided with religious differences between the competing groups (see section 5). It was not unusual for two ethnic groups with a long history of conflict to have adopted different religions, with the effect of exacerbating existing tensions.

In early February in Numan, Adamawa State, the site of numerous previous violent clashes, police killed at least 2 persons and arrested at least 30 others who were protesting the appointment of the new Bachama ethnic group traditional leader. The previous traditional leader had been removed by the state governor for his role in inciting violence in June 2004. When the governor appointed a new Bachama traditional leader, many Bachamas protested that the new ruler had no mandate to lead them.

There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

The law provides for these rights, and while the government generally respected them police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethno-religious violence.

Law enforcement agencies used roadblocks and checkpoints to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see section 1.a.).

The law prohibits the expulsion of citizens, and the government did not use forced exile. Ismaila Gwarzo, national security advisor to former president Abacha, remained restricted to his hometown in Kano State at year's end.

Internally Displaced Persons (IDPs)

During periods of societal violence, numerous persons were displaced from their places of residence (see section 5). According to Amnesty International (AI), tens of thousands of persons remained displaced in the Niger Delta region during the year due to continued ethnic and communal conflict.

Protection of Refugees

The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Although the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum, the government expelled three citizens of Equatorial Guinea, where they were then imprisoned. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCR), its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications. Of the 1,476 asylum cases during the year, 803 cases were approved and granted refugee status, 512 cases were pending, and 161 were denied.

There were an estimated 8,737 recognized refugees living in the country. During the year, 239 refugees were voluntarily repatriated. Remaining refugees included persons from Sierra Leone, Liberia, Chad, Rwanda, Sudan, Cameroon, Cote d'Ivoire, and the Democratic Republic of the Congo. Refugee camps were generally overcrowded, and refugees' requests for police and judicial assistance generally little less attention. The NCR managed the camps and had 10 staff members based in the camps.

Although the government agreed in 2003 to provide resettlement opportunities, no formal programs had been initiated.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 24 persons during the year.

The UNHCR estimated that 6 thousand refugees, mostly ethnic Fulani herders, remained in Cameroon at year's end. Following the April 14 signing of the Tripartite Agreement between the governments of Nigeria, Cameroon, and the UNHCR, 6,979 refugees returned to the country through June 2, bringing the total number of returnees to 7,290.

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

The law provides citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during the most recent national elections in 2003. The political system remained in transition. The three branches of the government acted somewhat independently, although the executive branch dominated the other two branches.

Elections and Political Participation

The 2003 legislative elections were marred by widespread fraud. The turnout was significantly low for the 2003 presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the April 2003 national assembly elections, and 19 parties had candidates in the presidential election. The European Union observer mission categorized the quality of the presidential election as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, issued negative statements about the fairness of elections and cited problems throughout the country. Problems included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those other parties.

In December 2004 an election tribunal voided part of the 2003 presidential election results, including the entire result of Ogun State, President Obasanjo's home state, and found that there was significant rigging, but by a 3 to 1 vote declined to overturn the election. The opposition appealed the verdict to the Supreme Court, and in July that court not only upheld the election results, finding that the 2003 election had been "substantially" in compliance with the election law, but the court also reinstated the results that had been voided by the tribunal. The justice delivering the dissenting opinion in the appeals court was dismissed from the judiciary and was living without retirement benefits in the east. On August 12, following a two-year court battle, the Anambra State Elections Tribunal overturned the 2003 gubernatorial election results and declared the All People's Grand Alliance candidate Peter Obi the winner. The previously-recognized winner, Chris Ngige, who had run as a member of the ruling PDP but was later expelled from the party, appealed the ruling and refused to leave office pending his appeal.

Members of the ruling PDP had limits imposed on their ability to choose their party's leadership. In January PDP Chairman Audu Ogbeh was forced to resign, reportedly at gunpoint, and President Obasanjo appointed a member of his inner circle as Ogbeh's successor. In October the PDP contravened its own constitution and an Abuja high court order by conducting a nonelective nomination process for party office holders starting at the local level. Some PDP members were selectively denied new party membership cards and were excluded from the nominating conventions. The conventions themselves were limited to affirming predetermined slates of individuals to leadership positions, rather than holding an open and elective nomination process.

Although there were more than 500 ministerial and national assembly positions, there were only 3 female ministers, 3 female senators, and 12 female representatives.

The law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. The government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the vice president is a Fulani from the northeast, and the senate president is an Igbo from the southeast. The government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President Obasanjo's ambassadorial appointments and insisted on at least three appointments from each state. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the government (see section 5).

Government Corruption and Transparency

Corruption was massive, widespread, and pervasive, at all levels of the government and society (see section 1.e.).

On February 17, Representative Haruna Yerima of Borno State claimed publicly that many of his national assembly colleagues engaged in corrupt practices. Yerima claimed that some members extorted money from government ministers and heads of parastatals to get their budgets passed, and accused all members of accepting free phone cards each month worth \$56 (7,500 naira) from a prominent mobile phone provider. The House of Representatives suspended Yerima for one month for speaking out against his colleagues. The other representatives continued to receive free phone cards.

In February the Kwara State Assembly suspended two LGA council treasurers and disciplined two council chairmen for failing to account for state funds and for impeding an audit of council expenses. It also asked another LGA chairman to repay half of the \$22,500 (3.08 million naira) spent on a ceremony to mark his first 100 days in office.

On May 31, the Senate approved a code of ethics but expunged a rule from the draft code stating that senators and their staff shall not accept money or any gift meant for inducement in the course of performance of their official duties. Several senators commented that the practice of gift-giving is "enshrined in Nigerian culture."

On May 31, assistant superintendent of police at Force Headquarters in Abuja, Marius Ameh, was arrested and charged with receiving a \$75 (10 thousand naira) bribe to release a detainee on bail. Ameh was also charged with pocketing the \$38 (5 thousand naira) bail money.

During the year the EFCC arrested or detained numerous public servants at the state government level for embezzlement. For example on the weekend of June 4-5, the EFCC arrested 27 Bauchi State government employees for their role in embezzling \$2.1 million (281 million naira) of state government funds. On June 7, seven more persons were arrested.

Also on the weekend of June 4-5, the EFCC arrested five Kebbi State government employees, including the state commissioner for agriculture, for embezzling up to \$22 million (3 billion naira) of state government funds through schemes involving fake vouchers and the private sale of state bonds.

In September Bayelsa State Governor Diepreye Alamieyeseigha was arrested in the United Kingdom (UK) and charged with money laundering. Alamieyeseigha jumped bail and returned to the country on November 21. On November 8, the governor's wife, Margaret Alamieyeseigha, was also arrested in London on money laundering charges and was released on bail pending her court date in the United Kingdom. The Bayelsa State House of Assembly impeached Alamieyeseigha and removed him from office. Alamieyeseigha appeared in a Nigerian court on December 20-22 for pretrial motions. Neither his trial in Nigeria nor his wife's in the UK had begun by year's end.

The 2003 prosecution of the former labor minister and other senior government officials on corruption charges had not been completed by year's end.

There were no laws providing for access to information, and the government provided limited access in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the government's human rights record was abundant in various media. Human rights activists reported that their interactions with the federal government had improved, but should be more frequent. The government selectively included some human rights groups in the National Political Reform Conference. However, the environment for interaction was still tense, and human rights groups were reluctant to form a close relationship with the government.

Numerous domestic and international NGOs were active in the country. Significant NGOs included AI Nigeria, the Campaign for Democracy, the Center for Law Enforcement Education (CLEEN), the Committee for the Defense of Human Rights (CDHR), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women's Consortium of Nigeria (WOCON). The NGOs were generally independent of the government, although some, such as WOTCLEF, which the vice president's wife chaired, had close government ties.

The government met with NGOs, and civil society organizations facilitated government/NGO communications.

CLEEN won its September 2004 lawsuit against the government over the 2002 seizure of its human rights reports and was awarded \$69,230 (9 million naira). However, the Nigerian Customs Service neither paid the award nor returned the seized books. CLEEN announced that it would file an additional suit in 2006 seeking the court's permission to auction customs assets to pay the damages.

International NGOs actively addressed human rights issues in the country during the year. The ICRC in Abuja and Lagos under the direction of a regional delegate, focused on training prison officials on human rights, sanitation, and prisoner health (see section 1.c.). AI released reports on continuing human rights abuses in the Niger Delta and violence against women. Human Rights Watch also reported on Niger Delta violence and abuses, along with religious and communal violence in the north and abuses committed by police.

The NHRC, which the government tasked with monitoring and protecting human rights, strove to improve its credibility with the general public and NGO community as an independent monitoring body. The NHRC had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC's operations have been limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, customary and religious discrimination against women persisted, societal discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between citizens and the security forces and between groups of citizens.

Women

Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more traditional areas of the country, 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 customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of

men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

AI reported that an estimated two-thirds of the women in certain communities in Lagos State experienced physical, sexual, or psychological violence in the family, with husbands, partners, and fathers responsible for most of the violence. Discriminatory laws exacerbated the problem. For example the penalty for indecent assault on a man is more severe than the penalty for the same offense against a woman.

Rape was against the law and convictions carried substantial penalties, but societal pressures reduced both the percentage of rapes reported and the penalties imposed for conviction. Rape and sexual harassment continued to be problems. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common, and rape continued to be epidemic in universities.

The NDHS estimated the FGM rate at approximately 19 percent among the country's female population, and the incidence has declined steadily in the past 15 years. While practiced in all parts of the country, FGM was much more prevalent in the south. Women from northern states were less likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived "benefits" of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.

The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and LGA levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, but they had limited contact with health care workers on the medical effects of FGM.

On March 21, Osun State enacted a law aimed at punishing those who encourage FGM. The law makes it a punishable offense to remove any part of a sexual organ from a woman or a girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender shall be any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; and any person who other than for medical reasons performs an operation removing part of a woman or girl's sexual organs. The law provides a \$385 (50 thousand) fine or one year's imprisonment or both for a first offense, with doubled penalties for a second conviction.

Prostitution was a serious social problem, particularly in urban areas. There are statutes at both the federal and state levels criminalizing prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. The police frequently use the anti-prostitution statutes as tools for harassment, arresting offenders and holding them until they pay a bribe, but rarely prosecuting the cases in court.

Trafficking in women was a problem (see section 5, Trafficking).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (see section 1.f.).

Women also experienced considerable discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination under customary and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

The NDHS survey showed that women had significant control over the income they generate (73.4 percent made sole decisions on how such income is to be used), but that men largely controlled decisions regarding such problems as children's and women's own health care.

While some women made considerable individual progress both in the academic and business world, women overall remained underprivileged. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the east. Confined widows were under restrictions for as long as one year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights, and an NGO reported that many women succeeded in protecting their rights in Shari'a courts.

Polygyny continued to be practiced widely among many ethnic and religious groups.

Women were affected to varying degrees by Shari'a in the 12 northern states. In Zamfara State, local governments enforced laws requiring

the separation of Muslim men and women in transportation and health care. Kano State announced in May that commercial motorcycle taxis could no longer take women as passengers because, it claimed, the transport of women on motorcycles was contrary to Shari'a. The state government did not cite any specific Koranic references in announcing the ban. Both Muslim and non-Muslim women were affected by the ban.

The testimony of women was not given the same weight as that of men in many criminal courts (see section 1.e.).

Children

The government seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The law calls for the government, "when practical," to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided. A 2004 UN Children's Fund (UNICEF) survey showed primary school enrollment at 74 percent for males and 60 percent for females, with 97 percent of enrollees completing fifth grade. Secondary school enrollment was considerably lower, at 32 percent for males and 26 percent for females. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. The literacy rate for men was 58 percent but only 41 percent for women.

While most schools in the north traditionally separated children by gender, the law required it in Zamfara, Sokoto, and Kebbi state schools (see section 2.c.).

UNICEF collaborated with the government on a Strategy for Acceleration of Girls Education in the country to produce a smaller gap between boys' and girls' access to education.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see sections 5, Trafficking, and 6.d.). The government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the north, and attributed the increase to a fear of AIDS and a resulting desire for young virgins free of AIDS or other sexually transmitted disease.

Numerous children were homeless and lived on the streets. According to the Consortium for Street Children there were no known statistics on numbers of street children in the country. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community. AIDS also had a tremendous impact on the numbers of orphaned street children.

FGM was commonly performed on girls in all parts of the country (see section 5, Women).

Trafficking in Persons

Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50 thousand naira) to \$1,500 (200 thousand naira).

The National Agency for Prohibition of Trafficking in Persons (NAPTIP) bears primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also have antitrafficking units. In addition, the president had a special assistant for human trafficking and child labor.

Enforcement efforts continued to improve during the year. The government took several steps during the year to correct the issue of inadequate resources and tripled its NAPTIP funding. The number of trafficking cases investigated and prosecuted during the year increased, and record keeping had improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.

Preliminary data indicated that NAPTIP investigated 75 new cases during the year; many of the cases were pending at year's end. NAPTIP made arrests in 25 cases, 15 of which went to court, and 2 additional cases were pending at year's end. Four additional convictions under the antitrafficking law were delivered during the year from cases in Kano and Ogun States, and the verdict was pending in a case in Benin State. In the Ogun case, a Ghanaian and a Togolese were convicted on charges of pandering. The men were sentenced to a minimum of seven years' imprisonment.

In the most prominent case of the year, 40 trafficking victims, involving young girls between the ages of 7 and 19, were recovered. All of the victims were returned to their homes and to school, or were given training in various skills. The trafficker was charged and a trial was pending at year's end.

The NPF Antitrafficking Task Force was established and staffed 22 units in states with the worst trafficking problems.

The government increased collaboration on investigations with concerned law enforcement agencies in France, Spain, Italy, and Benin. In June the government signed a memorandum of understanding with Benin to improve coordination of law enforcement and victim treatment activities.

The country was a source, transit, and destination country for trafficked persons during the year. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The International Labor Organization (ILO) estimated that 40 percent of child street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, the Netherlands, Cote d'Ivoire, and Benin. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.

Women and children were most at risk of being trafficked. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Children in rural areas were trafficked to urban centers to work as domestics, street peddlers, merchant traders, and beggars.

The United Nations Office of Drugs and Crime (UNODC) reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were threatened by juju practitioners. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, and Morocco.

At the institutional level, government authorities did not facilitate or condone trafficking; however, reports continued to surface from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the country's borders. The majority of instances were attributed to ignorance of the trafficking law and difficulties overcoming traditional practices. The law provides punitive measures for officials who aid or abet trafficking; however, during the year NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges. One police inspector was arrested in Abuja for releasing two trafficking suspects after being giving specific orders to hold them. The inspector was not suspected of collaborating with the traffickers and their activities.

The government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found. Seventy-three victims passed through the agency during the year. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. In some cases the government helped victims repatriate to the country and reunited trafficked children with their families.

The Ministry of Labor and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families.

The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration. NAPTIP also operated a second facility at a secure location in Benin City, Edo State, as a victim shelter. At the state level, the government of Akwa Ibom donated a shelter for trafficked children. The government of Kano State, in association with UNICEF, also donated a shelter for trafficked children.

The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP outreach efforts were based on a series of "town hall" meetings with community leaders, traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued strong efforts to protect victims. Victims were no longer charged with crimes or detained with criminals in cells as they were in previous years.

The government increased efforts and substantially increased funding to prevent trafficking in persons during the year. The stakeholder forum established by NAPTIP in 2003 continued. NAPTIP officials met with several major traditional leaders to raise their awareness regarding trafficking and the antitrafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. The government continued implementing the ILO International Program on the Elimination of Child Labor (IPEC) West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in commercial agriculture, especially cocoa production.

NAPTIP led the establishment of state-level antitrafficking committees, consisting of immigration officials, civil society organizations, law

enforcement agents, and federal ministries in 22 states. These groups were charged with coordinating action in trafficking cases among their respective organizations.

The government established economic and education programs that may help to prevent trafficking, such as the National Poverty Eradication Program and the Nigerian Agricultural and Rural Development Bank. Despite these and other programs, poverty, lack of access to education, and lack of economic opportunities remained pervasive problems in the country and fueled the trafficking problem.

Several state governments made significant prevention efforts during the year, including awareness campaigns among at-risk populations.

Nongovernmental and international organizations organized conferences and stakeholder meetings on trafficking and established prevention and awareness programs in schools. Groups also worked through the media. A faith-based foundation in Akwa Ibom State sponsored awareness programs on television and radio. The ILO continued a program in partnership with the News Agency of Nigeria to raise awareness and build media capacity to help eliminate child trafficking and child labor.

International organizations worked closely with the government and the community during the year to prevent child trafficking. UNICEF implemented a children's parliament program that discussed civil rights and the dangers of human trafficking.

The ILO continued to support information coordination and monitoring by providing internet connectivity to the national monitoring center. UNICEF also provided additional funding for NAPTIP zonal offices.

Persons with Disabilities

There were no laws that prohibited discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. There were no laws requiring physical accessibility for person with disabilities. Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame by their own families. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Significant numbers of indigent persons with disabilities beg on the streets. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women. The federal government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Ibos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt. Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see section 2.c.).

Many groups complained of insufficient representation.

The law prohibits ethnic discrimination by the government, but claims of marginalization, particularly by members of southern groups and Igbos, continued. In particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Middle Belt and Christian officers dominated the military hierarchy, and some persons in the North believed that the northern Hausa were underrepresented in the military.

Northern Muslims accused the government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express unhappiness regarding their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area (see sections 1.a. and 1.b.).

Interethnic fighting has long been a problem in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. The ceasefire in Warri, negotiated in 2004, remained largely in effect during the year, and there were fewer incidents of violence.

Interethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. In 2004 militia groups operating in Port Harcourt and other areas around the Delta region carried out violent operations that ended when officials from the presidency negotiated directly with militant leaders and reached a cease-fire agreement. The agreement was implemented by the government of Rivers State and largely held until September, when violence was reignited by the arrests of Bayelsa State Governor Diepreye Alamiyeseigha and militia leader Asari Dokubo (see section 1.d). Following the October arrest of Dokubo, leader of the Niger Delta People's Volunteer Force (see section 1.d.), tensions remained high for several weeks with increased threats and instances of crime, particularly against foreign interests, that could have been politically motivated. However, these threats also may have been the result of groups taking advantage of the heightened tensions for monetary gain.

Competing economic aspirations among ethnic groups each seeking control of state and local governments, led to violent conflicts during the year.

On March 5-6, ongoing communal conflict along the border of Jigawa and Bauchi States flared up, injuring dozens and killing up to eight persons. The conflict occurred over the location of a 300-year-old public market that had been controversially relocated in 2004 from a village in Jigawa State to a neighboring village in Bauchi State. Fighting between the two groups was reportedly sparked by a Bauchi legislator's comment that the market would never be returned to Jigawa. In response to the violence the Jigawa State government set up an ad hoc committee, headed by the state commissioner of information, to identify the root causes of the conflict and recommend solutions. Although the committee submitted its report to the governor in March, the report was not made public.

On November 12, hundreds of youths rioted in eastern Plateau State over the formation of a new development area. The rioters claimed to be indigenous Pan, as opposed to Hausa/Fulani settlers (*Namu*). The new area, located around Namu town, was named Namu, while the rioting youths insisted it should be named Pan.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were claimed by their opponents to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the other groups, which consider themselves "indigenous". Tivs are the largest ethnic group in much of Benue and parts of other states.

In April in eastern Benue State, the site of numerous communal clashes in the past, an estimated 10 to 20 persons were killed in fighting between ethnic Tivs and Fulanis, reportedly sparked by the rape of a Tiv girl by a Fulani cattle herder. Many Fulanis fled into neighboring Taraba State. The state police command deployed additional mobile policemen to the area, preventing further violence.

Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states continued over boundary and land disputes. Kogi and Edo state governors declared the disputed land a "buffer zone," and the matter was referred to the National Boundary Commission in 2003. No further action was taken during the year.

Clashes between herdsmen and indigenous farmers were common as they competed for diminishing land resources during the year. Farmers expanded their croplands onto traditional cattle migration routes, while nomadic herdsmen moved herds from overgrazed land onto farm areas. In February at least 10 persons were killed in clashes between farmers and herdsmen in Demsa, Adamawa State. Also, in Ringim LGA of Jigawa State, 4 to 10 persons were killed in clashes between farmers and herdsmen. About 20 persons were arrested but no charges were filed.

There were no developments in previous years' incidents of ethno-religious violence.

Other Societal Abuses and Discrimination

Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a, adults convicted of having engaged in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed.

There was widespread discrimination against persons living with HIV/AIDS, which the public considered a result of immoral behavior. Persons living with HIV/AIDS often lost their jobs or were denied health care services.

Section 6 Worker Rights

a. The Right of Association

The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, several statutory restrictions on the right of association and on trade unions restricted this right.

Workers, except members of the armed forces and employees designated as essential by the government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see section 6.b.). The government's application of the "essential worker" designation was broad compared with the ILO definition.

According to figures provided by the three largest union federations, total union membership was approximately 5.1 million. Less than 10 percent of the total workforce was organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

The new Trade Union (Amendment) Act, passed on March 30, eliminated the previously mandated single-labor-federation structure for workers, organized under the Nigerian Labor Congress (NLC). Trade union federations, now called "central labor organizations," must be registered formally by the government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union. All unions and federations officially recognized prior to the law's passage were allowed to retain their status. The government formally recognized 29 such unions under the NLC, 18 under the Trade Union Congress (TUC) and 8 under the Congress of Free Trade Unions (CFTU).

The TUC was recognized as a central labor organization under the new law, while the CFTU was not because it lacked the requisite number of affiliate unions. While lifting some restrictions on freedom of association by allowing more labor centers, the new law weakened the NLC, the country's largest labor organization. The International Confederation of Free Trade Unions released its annual report in October and named the country as one of several that suffered from increased abuses of workers' rights by of government during the year.

The law prohibits antiunion discrimination.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, the law also closely defines what union activity is legal. The law provides for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The law prohibits national strikes and strikes on many issues.

Workers outside the legally defined category of "essential" had the right to strike, although they were required to provide advance notice of a strike. During the year workers exercised this right sparingly and with very limited scope, encompassing only individual factories or other work places. According to the March labor law, the right to strike is limited to matters pertaining to breach of contract or wages and conditions of work, prohibiting strikes over matters of national economic policy. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the government. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed on law-breakers. While strikes continued to occur in localized areas after the law passed in March, no national strike was called. Instead a new strategy of organizing peaceful protest rallies was implemented.

Employers reported unions used threats against members and their families to force them to stay at home during planned strikes.

In March oil union members initiated a strike against Tidex, a maritime firm, and detained 45 to 50 expatriate workers the vessels, except for brief periods onshore. The dispute continued for five weeks, when government and the NLC negotiated a resolution and the workers were allowed to depart their vessels.

In April crewing agency workers embarked on an indefinite strike to protest a government decision to move them from their union, the National Union of Petroleum and Natural Gas, to another union.

During the year, there were no strike-related casualties reported, only deaths in vehicle accidents on the way to or from strikes. Also no arrests were reported for participating in a strike.

No action was taken against security forces who killed or injured strikers in 2004.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the labor ministry. The Industrial Arbitration Panel (IAP's) decisions were binding on parties but could be appealed to the National Industrial Court (NIC); in practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State operated during the year. Workers and employers in these zones were subject to national labor laws, which provided for a 10-year prohibition on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition the law allows the EPZ Authority to handle the resolution of disputes between employers and employees, instead of workers' organizations or unions.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that it occurred (see sections 5 and 6.d.). Enforcement of the law was not effective.

d. Prohibition of Child Labor and Minimum Age for Employment

In most sectors, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.

Awareness was increasing throughout civil society, and the government showed its commitment to the issue of child labor. Despite these advances, forced child labor and trafficking in children continued during the year (see section 5).

Economic hardship resulted in high numbers of children working to enhance meager family income. Children frequently were employed as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Little data was available to analyze the incidence of child labor. The National Modular Child Labour Survey Nigeria conducted the only survey available between 2000 and 2001. The survey reported

approximately 15 million children working in the country. Of these, more than six million were not attending school and more than two million were working 15 or more hours per day.

The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems, and had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. There were fewer than 50 factory inspectors for the entire country, although the inspectorate employed nearly 400 total inspectors for all business sectors. The ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children (see section 5).

Private and government initiatives to stem the incidence of child employment continued but were ineffective. The government implemented the ILO/IPEC West Africa Cocoa Agriculture Project in the cocoa and other agricultural sub-sectors to combat hazardous child labor and to prevent child trafficking for labor exploitation. Several programs by NGOs and international organizations worked to address child labor in the country.

UNICEF conducted a program to remove young girls from the street peddling trade and relocate them to informal educational settings. ILO programs worked to involve communities and schools in withdrawing children from exploitative situations such as street peddling and prostitution. The programs aimed to reintegrate the children into school or otherwise provide vocational training.

e. Acceptable Conditions of Work

The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. The minimum wage was \$56.70 (7,500 naira) per month for private sector workers and \$41.70 (5,500 naira) per month for public sector workers (with a 13-month year as the law mandates an extra month's pay for the Christmas holiday). The national minimum wage did not provide a decent standard of living for a worker and family. The government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage.

In 2003 the NLC and government agreed to a 25 percent employee wage increase. In 2004 the government increased federal employees' wages 12.5 percent; however, state employees did not receive any increase by year's end.

The law mandates a 40-hour workweek, 2 to 4 weeks' annual leave, and overtime and holiday pay, except for agricultural and domestic workers. There is no law prohibiting excessive compulsory overtime. Labor leaders reported that the law can be interpreted as prohibiting some forms of excessive, compulsory overtime; however, workplace health and safety conditions were not properly patrolled, and enforcement was sporadic at best due to insufficient police and the small number of factory inspectors. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the inspectorate division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight at many enterprises, particularly construction sites and other nonfactory work locations. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The labor ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Labor Law did not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

The labor laws apply to legal foreign workers, but not all companies respected these laws in practice.

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