Home Office
UK Border Agency

NIGERIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

6 January 2012

SECURING OUR BORDER CONTROLLING MIGRATION

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The main text of this COI Report contains the most up to date publicly available information as at 15 December 2011. Further brief information on recent events and reports has been provided in the Latest News section to 3 January 2012.

Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 15 December 2011. The 'Latest News' section contains further brief information on events and reports accessed from 16 December 2011 to 3 January 2012. The report was issued on 6 January 2012.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the UK Border Agency website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service
UK Border Agency
Lunar House
40 Wellesley Road
Croydon, CR9 2BY
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Website: http://icinspector.independent.gov.uk/country-information-reviews/

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Latest news

EVENTS IN NIGERIA FROM 16 DECEMBER TO 3 JANUARY 2012

The Latest News provides a non-exhaustive selection of significant events since 30 November 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

3 January "Protests broke out in different parts of the country on Monday, as labour unions threatened to paralyse the country over the removal of fuel subsidy by the Federal Government. In Lagos, Ilorin, Kano, Abuja and other cities, there were protests by hundreds of people over the removal, which had affected virtually everything. Many passengers were stranded in various bus stations in Delta State, on Monday, following increase in transport fares. Worst hit were those travelling back to Lagos and the northern states after the Yuletide. Investigation by the Nigerian Tribune showed that fares had doubled, with commuters travelling to Lagos from Asaba paying as much as N5,000; from Asaba to Benin N1,000 while those returning to Abuja or Kano paid N8,000 and N10,000 respectively, depending on comfort of the vehicle."

Nigerian Tribune
Fuel subsidy protests across Nigeria, 3 January 2012
http://www.tribune.com.ng/index.php/front-page-news/33696-fuel-subsidy-protests-across-nigeriatransport-fares-commodity-prices-jacked-up-acn-reacts-lagos-lawyer-drags-fg-to-court-over-fuel-subsidy-removal
Date accessed 3 January 2012.

2 January "A purported spokesman for Nigerian militant group Boko Haram has warned southerners to leave the country's north, while promising clashes with government soldiers. Abul Qaqa, who has spoken on behalf of the Islamist group in the past, told journalists in a phone conference late Sunday that the group's fighters will 'confront' soldiers sent to parts of four states under a state of emergency declared by President Goodluck Jonathan. Qaqa said Boko Haram is giving southerners living in northern Nigeria three days to move away, and also called on Muslims living in southern Nigeria to return, saying the group has evidence they will be attacked."

Voice of America News
Militants Warn Southerners to Leave Northern Nigeria, 2 January 2012
http://blogs.voanews.com/breaking-news/2012/01/02/militants-warn-southerners-to-leave-northern-nigeria/
Date accessed 3 January 2012

2 January "At least 52 people, including women and children, have been killed in clashes between two rival ethnic communities in southeastern Ebonyi state of Nigeria, as President Goodluck Jonathan declared a state of emergency in parts of the country hit by a violent Islamist insurgency. A spokesman for Ebonyi state government said the clashes erupted between the Ezza and Ezillo people of Ishielu district, the two groups that are often in conflict, on Saturday. Local

media said that 52 people, including women and children, were killed in the resurgence of the Ezza/Ezillo inter-communal strife in Ebonyi that had reared its head in 2008 and was contained in 2010."

The Economic Times
Nigeria enters 2012 under state of emergency, 2 January 2012
http://articles.economictimes.indiatimes.com/2012-01-02/news/30581684_1_ebonyi-boko-haram-radical-muslim-sect
Date accessed 3 January 2012

1 January "The Nigerian authorities have announced the start of a controversial plan to scrap fuel subsidies - which is expected to push up petrol prices. The government has spent more than $8bn (£5.2bn) on the subsidies in the past year and says it will use some of the money to improve infrastructure. Labour unions have called for 'mass protests'. Many Nigerians regard cheap fuel as the only benefit they get from the nation's oil wealth…Nigerians are heavy users of fuel, not just for cars but to power generators that many households and businesses use to cope with the country's erratic electricity supply."

BBC News
Nigeria fuel subsidy end raises protest fears, 1 January 2012
http://www.bbc.co.uk/news/world-africa-16379231
Date accessed 3 January 2012.

31 December "President Goodluck Jonathan declared a state of emergency on Saturday in parts of northern Nigeria plagued by a violent Islamist insurgency, and said he would shut any borders with other nations in those areas covered by the decree…The decree means parts of Nigeria's border with Niger, Chad and Cameroon will be sealed until further notice…The local government areas listed included parts of Niger State, Borno and Yobe, all of which have become infiltrated with Boko Haram militants."

Reuters
Nigeria president declares emergency in some of north, 31 December 2011
http://af.reuters.com/article/cameroonNews/idAFL6E7NV07T20111231?rpc=401&feedType=RSS&feedName=cameroonNews&rpc=401
Date accessed 3 January 2012

30 December "A blast has rocked an area near a mosque in the restive north-eastern Nigerian city of Maiduguri. Witnesses said four people were killed but a military spokesman said there were two deaths, in a shootout between robbers and security forces. Another army spokesman told the BBC the Islamist group Boko Haram was behind a 'major incident' in the city."

BBC News
Nigeria's Boko Haram blamed for Maiduguri attack, 30 December 2011
http://www.bbc.co.uk/news/world-16366477
Date accessed 3 January 2012

28 December "The Supreme Court of Nigeria on Wednesday, December 28, upheld the decision of Court of Appeal that President Goodluck Jonathan as winner of April

16 presidential election. The Supreme Court in its judgement delivered by Chief Justice of Nigeria (CJN), Justice Dahiru Musdapher, held that Jonathan was validly elected by Nigerians following the failure of the opposition [to] prove its case beyond doubts. In throwing out the opposition's challenge to President Jonathan's election victory, the Supreme Court rejected calls for a recount in several parts of the country."

The Moment
Jonathan wins at Supreme Court, 28 December 2011
http://www.momentng.com/en/news/5683/jonathan-wins-at-supreme-court-.html
Date accessed 3 January 2012

25 December "There has been widespread condemnation in the international community of a series of Christmas Day bomb attacks in Nigeria that killed almost 40 people… Militant Islamist group Boko Haram said it carried out the attacks. A blast outside a church near the capital Abuja claimed 35 lives, while a policeman died in the city of Jos and four people were killed in Damaturu. Nigerian President Goodluck Jonathan said the attacks were 'an unwarranted affront on our collective safety and freedom', adding: 'Nigerians must stand as one to condemn them.'"

BBC News
Deadly Nigeria bomb attacks condemned by world leaders, 25 December 2011
http://www.bbc.co.uk/news/world-africa-16330093
Date accessed 3 January 2012

24 December "Nearly 70 people have died in days of fighting between Nigerian forces and suspected Islamist gunmen in the country's north-east, officials say. More than 50 Boko Haram militants were killed in a lengthy gun-battle in the town of Damaturu, said army chief of staff Lt Gen Azubuike Ihejirika. Separately, at least 11 people died in a clash in the city of Maiduguri."

BBC News
Nigeria conflict: Boko Haram sect battle kills scores, 24 December 2011
http://www.bbc.co.uk/news/world-africa-16326276
Date accessed 3 January 2012

20 December "Association of Radiographers of Nigeria, ARN, Lagos State Chapter, has expressed displeasure over what it described as 'quack radiography practice' in General Hospitals in Lagos State, amid allegations of attempts by the State Ministry of Health to commercialise the radiography practice in the state. Decrying acute shortage of radiographers in Lagos State hospitals, the body observed that there are only five radiographers serving the 18 million people in the Lagos State-owned hospitals though there are about 400 qualified and registered radiographers, who the state government has refused to employ. This development, it was alleged, is contrary to the World Health Organization, WHO recommendation of one radiographer to 10,000 patients."

Vanguard
Only 5 registered radiographers are in Lagos hospitals – ARN, 20 December 2011

http://www.vanguardngr.com/2011/12/only-5-registered-radiographers-are-in-lagos-hospitals-arn/
Date accessed 3 January 2012

19 December "Police in Nigeria have arrested 14 suspected Islamist militants, after a shoot-out in which seven people were killed in the northern city of Kano. Three police officers and four militants were killed, said Kano state police chief Ibrahim Idris. Some security sources have suggested that one of those arrested was one of Boko Haram's leaders but the group has denied this."

BBC News
Nigeria arrests Boko Haram 'militants' in Kano, 19 December 2011
http://www.bbc.co.uk/news/world-africa-16241987
Date accessed 3 January 2012

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex E – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
All Africa http://allafrica.com/nigeria/
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Inter Press News Service Agency - West Africa http://ipsnews.net/africa/w_africa.asp
NewsNow http://www.newsnow.co.uk/h/World+News/Africa/Nigeria
The Moment http://www.momentng.com/en/index.html
Vanguard http://www.vanguardngr.com/
Voice of America News http://www.voanews.com/english/news/africa/west/
International Crisis Group, Crisis Watch Database
http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?EndDate=99991231&StartDate=00010101&CountryIDs=%7b3103A533-A2BE-4809-A42C-DED2660987E0%7d

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REPORTS ON NIGERIA PUBLISHED AFTER 15 DECEMBER 2011

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The Geneva Centre for the Democratic Control of Armed Forces (DCAF)
The Security and Gender in West Africa: A survey of police, defence, justice and penal services in ECOWAS states, 16 December 2011
http://www.reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_3166.pdf
Date accessed 23 December 2012

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Background Information

1. GEOGRAPHY

1.01 The Foreign and Commonwealth Office (FCO) Country Profile, dated 25 June 2010, noted that Nigeria is in West Africa and is bordered by Benin to the west, Niger to the north, Cameroon to the east and the Atlantic Ocean. **[2b]**

1.02 The United States State Department (USSD) *Background Note on Nigeria*, last updated 20 October 2011, stated that:

"… the capital is Abuja. Other [major] cities include Lagos, Kano, Ibadan, Benin City, Port Harcourt, Maiduguri, Zaria … Although less than 25 per cent of Nigerians are urban dwellers, at least 24 cities have a population of more than 100,000 … Principal ports are at Lagos (Apapa and Tin Can Island), Port Harcourt and Calabar … Four of Nigeria's airports-Lagos, Kano, Port Harcourt and Abuja-currently receive international flights. There are several domestic private Nigerian air carriers, and air service among Nigeria's cities is generally dependable. The maintenance culture of Nigeria's domestic airlines is not up to international standards." **[3c]**

1.03 The Central Intelligence Agency (CIA) *World Factbook*, last updated 8 November 2011, reported the total population at 155,215,573, based on an estimate (of July 2011) provided by the US Census Bureau. The country "… is composed of more than 250 ethnic groups; the following being the most populous and politically influential: Hausa and Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%." In terms of religion followed in the country, the percentage split is Muslim 50%, Christian 40% and indigenous beliefs 10%." **[52]**

1.04 Ethnologue, *Languages of Nigeria*, accessed 31 October 2011, stated the national or official languages of the country as: "Edo, Efik, Adamawa Fulfulde, Hausa, Idoma, Igbo, Central Kanuri, Yoruba, English." **[84]**

1.05 The Library of Congress *Country Profile of Nigeria* of July 2008 noted that:

"Nigeria is divided administratively into the Federal Capital Territory (Abuja) and 36 states, which are organized into the following six zones: South-West Zone – Lagos, Ekiti, Ogun, Ondo, Oshun and Oyo; South-South Zone – Akwa, Bayelsa, Cross River, Delta, Edo, Ibom, and Rivers; South-East Zone – Abia, Anambra, Ebonyi, Enugu, and Imo; North-West Zone – Kaduna, Kano, Katsina, Jigawa, Kebbi, Sokoto, and Zamfara; North-Central Zone – Benue, Kogi, Kwara, Nassarawa, Niger, and Plateau; and North-East Zone – Adamawa, Bauchi, Bornue, Gomber, Taraba, and Yobe." **[58]**

1.06 Europa World, accessed 18 November 2011, noted the following public holidays in Nigeria in 2012: "1 January (New Year's Day); 4 February* (Mouloud, Birth of the Prophet); 6–9 April (Easter); 18 August* (Id al-Fitr, end of Ramadan); 1 October (National Day); 26 October* (Id al-Kabir, Feast of the Sacrifice); 25–26 December (Christmas). [* These holidays are dependent on the Islamic lunar calendar, and may vary by one or two days from the dates given.]" **[1]**

See Freedom of religion and Ethnic groups

MAP

1.07 UN Map of Nigeria, dated October 2004. [80]

See links for further maps

http://www.nigeriasite.com/images/nigeriamap2.jpg

http://www.mapsofworld.com/nigeria/nigeria-political-map.html

http://www.lib.utexas.edu/maps/nigeria.html

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2. ECONOMY

2.01 The *African Economic Outlook*, in its overview of Nigeria, last updated 22 June 2011, noted:

"Nigeria is making progress with economic reforms that are delivering strong economic fundamentals. The government has maintained prudent macroeconomic policies, strengthened financial institutions and, albeit slowly and unevenly, is undertaking reforms to transform the economy structurally. The reform effort, aided by revenue from high oil prices, has led to significantly improved macroeconomic outcomes, including weaker inflation and strong GDP growth. Real GDP growth rose from 7.0% in 2009 to an estimated 8.1% in 2010. The robust growth in 2010, in the aftermath of the global financial and economic crisis, underscored the resilience of the Nigerian economy and to some extent, the prudence of its economic policies. Medium-term prospects are also bright, with real GDP growth projected to remain strong and stable at 6.9% in 2011 and 6.7% in 2012.

"Notwithstanding these positive developments, the Nigerian economy remains confronted by many serious challenges. Structural imbalance and lack of diversification – with the economy excessively dependent on oil – is preventing the domestic economy from flourishing. High youth unemployment, poor infrastructure facilities and widespread insecurity are the key challenges the government will have to take on. Deepening the reform process is clearly necessary. Medium- to long-term prospects hinge on Nigeria's addressing key reforms successfully in order to advance infrastructure development and broaden the economic base through enhanced private-sector participation. In addition, containing political, civil and ethnic unrest, especially in the Niger Delta region, remains a challenge for the political stability that is needed to consolidate the achievements of the past few years." **[4]**

2.02 The Center for Global Development October 2011 report, *The Prospects for Cash Transfers in the Niger Delta: A Skeptical View*, noted that:

"…the country's oil wealth offers few benefits to most of its 150 million citizens. Instead, a political culture of corruption, waste, and low accountability has entrenched widespread poverty and stunted the non-oil sector. Nigeria's economy is overwhelmingly oil-dependent – year after year, petroleum accounts for roughly 80% of government revenues and over 95% of export earnings. The gap between rich and poor is also widening, as perhaps 80% of Nigeria's oil wealth goes to 1% of the population." **[24] (page 4)**

2.03 The XE Currency Converter website, accessed on 18 November 2011, noted i that £1 was equivalent to 248.181 Nigerian nairas and US$1 to 158.750 nairas. **[101]**

2.04 The Federal Republic's 4th Periodic Country Report on the Implementation of the African Charter on Human and People's Rights, published in August 2011, noted that "The New National Minimum Wage (Amendment) Act 2011 which was assented to by the President in March 2011 provides for a new minimum wage of N [nairas]18,000 per month." **[33] (page 52)** Recent media coverage in the country indicated that the minimum wage was not being implemented by all states. (See article of 31 October 2011 in Leadership (Abuja), via AllAfrica.com, *Jonathan Owes Aides Six Months Salaries* (http://allafrica.com/stories/201110311119.html)) **[79d]**

3. HISTORY (1960 – 2011)

This section provides a brief account of Nigeria's modern history starting with independence from the United Kingdom. The focus of the section is on the last 15 years. For more detail about Nigeria's history see the sources cited at the end of this section.

3.01 The Library of Congress – Federal Research Division, *Country Profile: Nigeria*, July 2008, observed:

"Several dominant themes in Nigerian history are essential for understanding contemporary Nigerian politics and society. First, the spread of Islam, predominantly in the north but later in southwestern Nigeria as well, began a millennium ago. The creation of the Sokoto Caliphate in the jihad (holy war) of 1804–8 brought most of the northern region and adjacent parts of Niger and Cameroon under a single Islamic government. The great extension of Islam within the area of present-day Nigeria dates from the nineteenth century and the consolidation of the caliphate. This history helps account for the dichotomy between north and south and the divisions within the north that have been so pronounced during the colonial and postcolonial eras. Second, the slave trade across both the Sahara Desert and the Atlantic Ocean had a profound influence on virtually all parts of Nigeria. The transatlantic trade in particular accounted for the forced migration of perhaps 3.5 million people between the 1650s and the 1860s, while a steady stream of slaves flowed north across the Sahara for a millennium, ending only at the beginning of the twentieth century. Within Nigeria, slavery was widespread and bore social implications that are still evident. Conversion to Islam and the spread of Christianity were intricately associated with issues relating to slavery and with efforts to promote political and cultural autonomy. Third, the colonial era was relatively brief, lasting only six decades or so depending on the part of Nigeria, but it unleashed such rapid change that the full impact is still felt in the contemporary period." **[58] (Historical background)**

INDEPENDENCE (1960) – 2010

3.02 The Foreign and Commonwealth Office (FCO) *Nigeria Country Profile*, updated 25 June 2010, stated that: "Nigeria was a British colonial creation… [and] was granted its independence on 1 October 1960, originally with Dominion status. In 1963, Nigeria broke its direct links with the British Crown, and became a Republic within the Commonwealth." **[2b]**

3.03 Freedom House in its *Freedom in the World Report 2011*, Nigeria, published January 2011, noted:

"The military ruled Nigeria for much of the period after independence from Britain in 1960. Beginning with the first military coup in 1966, military officers claimed that their intervention was necessary to control simmering tensions among the country's 250 ethnic groups, as well as between religious communities. Muslims, who constitute a majority in the north, make up about 50 percent of the overall population, while Christians, who dominate in the south, account for most of the remaining 50 percent. Ethnic and regional tensions led to the attempted secession of Nigeria's oil-rich southeast as the Republic of Biafra in 1967, which touched off a three-year civil war and

a devastating famine that together caused more than one million deaths.

"A military-supervised political transition led to the inauguration of a civilian government in 1979, but the new democratic regime was burdened by factionalism, corruption, and communal polarization. Economic mismanagement and deeply flawed elections triggered another military intervention in 1983, followed by 16 more years of military rule.

"After several years under the leadership of General Ibrahim Babangida, the country held a presidential election in June 1993. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but Babangida annulled the election. A civilian caretaker administration governed briefly until General Sani Abacha, a principal architect of previous coups, took power in November 1993. Abacha's dictatorial regime dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was jailed in 1994 and ultimately died in detention, just weeks after Abacha's unexpected demise in 1998.

"General Abdulsalami Abubakar emerged as the new military leader and presided over a transition to civilian rule. In 1999, Olusegun Obasanjo – a former general who had led a military regime from 1976 to 1979 and spent a number of years in prison under Abacha – won the presidential election on the ticket of the People's Democratic Party (PDP), which also captured the most seats in the National Assembly.

"Nigeria made its first transition from one elected government to another when Obasanjo, a southern Christian, won a second term in 2003. The elections were preceded by violence, and observers documented widespread irregularities and fraud. Obasanjo's runner-up, former general Muhammadu Buhari, a northern Muslim and member of the All Nigeria Peoples Party (ANPP), filed a petition to nullify the election results. However, the Supreme Court in 2005 unanimously rejected the challenge, saying the documented fraud was not enough to have changed the vote's outcome.

"The April 2007 elections were marred by bloodshed and reports of massive vote-rigging and fraud. International and local election monitors were highly critical of the vote, and opposition parties refused to accept the results, which gave Umaru Yar'Adua, the PDP candidate, 70 percent of the presidential ballots. In the parliamentary vote, the PDP won 85 out of 109 Senate seats and 262 out of 360 lower house seats, while the ANPP took 16 Senate seats and 62 lower house seats. The PDP also led the state elections, capturing 29 out of 36 governorships. The official results drew a raft of legal challenges that were adjudicated by election officials as well as the court system. In December 2008, the Supreme Court delivered its final ruling on the presidential contest, repudiating the opposition complaints and upholding Yar'Adua's victory.

"In November 2009, the ailing Yar'Adua left the country to seek medical treatment in Saudi Arabia. The National Assembly in February 2010 provisionally handed power to Vice President Goodluck Jonathan. Yar'Adua returned quietly to Nigeria that month, but died on May 5, allowing Jonathan to formally assume the presidency. In September [2010], Jonathan replaced leaders within the security forces and military in an apparent demonstration of his control. He also promised electoral reform and appointed the widely respected Attahiru Jega to head the Independent National Electoral Commission (INEC)." **[30b] (overview)**

BUILD-UP TO 2011 ELECTIONS: LATE 2010 TO FEBRUARY 2011

3.04 Europa World, in its section on *contemporary political history, recent developments: the 2011 presidential and legislative elections*, undated but accessed 21 October 2011, noted:

"In November 2010 the INEC announced that the presidential election, which had been scheduled for January 2011, had been postponed until 9 April to allow more time for preparation; it was confirmed that the legislative elections would be conducted on 2 April, and the gubernatorial and state legislative elections on 16 April. Reports of violent incidents increased during December 2010; these included attacks against churches by members of Boko Haram, and further clashes at the end of the month between Muslims and Christians in Jos, in which some 80 people were killed. On 14 January 2011 Jonathan was elected as the PDP candidate for the forthcoming presidential election, securing 2,736 votes, while his closest contender, Abubakar, received 805 votes. The nomination of Jonathan (a southern Christian) prompted a number of protests against senior PDP officials in northern cities (the PDP having previously agreed to adopt election candidates alternately from the north and the south of the country). In the same month Buhari was selected as the presidential candidate of the Congress for Progressive Change (CPC), which had been established by former members of the ANPP in 2009 and which he had joined in March 2010. In early February 2011 public demonstrations in Plateau State were banned, after some 20 people were killed in further sectarian clashes in Jos. In the same month 11 people were killed in a stampede at an election campaign rally for Jonathan at a sports stadium in Port Harcourt, when a police officer fired a gun to disperse supporters. On 22 February the House of Representatives approved legislation increasing the powers of the authorities with regard to counter-terrorism; notably, judges were henceforth permitted to order the detention of suspects for up to 30 days without charge. In March three people were killed in a bomb attack staged against a PDP election rally in Abuja, while numerous other incidents included an explosion at INEC offices in the town of Suleja, near the capital, in which eight people were killed." **[1]**

3.05 The same Europa World report continued:

"In early April 2011 the INEC rescheduled all the forthcoming elections for several days later, owing to organizational difficulties, including the delivery of ballot papers. The legislative elections were finally conducted on 9 April: partial results indicated a significant loss in the parliamentary strength of the PDP, which obtained 123 of the 234 seats declared in the House of Representatives, while the ACN took 47 seats, the CPC 30 seats and the ANPP 25 seats; the PDP received 45 and the ACN 13 of the 74 seats declared in the elections to the Senate. (The INEC had announced that polls in 15 senatorial districts and 48 federal constituencies were to be postponed further, until 26 April.) The presidential election, which was contested by 19 candidates, took place on 16 April: according to provisional results, Jonathan secured a decisive majority of 58.9% of votes cast, while Buhari of the CPC was second placed, with about 32% of the votes (mainly receiving support in northern regions). Voter turnout of 58.7% was recorded. International election observers, including an EU mission, generally declared that the conduct of the polls demonstrated a significant improvement compared with those of 2007. On 18 April 2011 the INEC announced that Jonathan had won the presidential election; the outcome prompted rioting in the northern regions, particularly in the towns of Kano and Kaduna, where protesters attacked the residences of Jonathan's supporters. Buhari, claiming that widespread electoral irregularities, particularly in the

south of the country, had been observed, declared that the CPC would submit a legal challenge to the results and appealed for an end to the disturbances. However, increasing violence directed against Christians in the north, which had prompted reprisal attacks against Muslims, had by late April resulted in the deaths of more than 500 people and the displacement of some 48,000. On 25 April three people were killed in four bomb attacks in Maiduguri, which were attributed to Boko Haram. Together with the remaining federal legislative polls, the gubernatorial and state assembly elections proceeded in 24 of the 26 contested states on 26 April (owing to previously repeated polls in 10 states, after challenges to the April 2007 election results, the mandate of 10 Governors had not expired); despite the explosion of further bombs in Maiduguri, the elections were considered to have taken place relatively peacefully. On 28 April 2011 the final gubernatorial and state assembly elections took place in Kano and Bauchi States, where voting had been delayed for two days as a result of the unrest. According to preliminary results, PDP candidates were elected Governors in 18 states, the ACN in three and the ANPP in three; consequently the PDP controlled 23 of the 36 states overall, compared with 27 previously. On 8 May the CPC submitted a legal appeal against the election of Jonathan, on the grounds of alleged electoral malpractice in a number of regions." **[1]**

See Recent developments for information about the outcome of the elections.

For further detailed information on the history of the country please refer to the following sources:
BBC News Nigeria profile
BBC News Nigeria Timeline
Foreign and Commonwealth Office Nigeria Country profile
Library of Congress – Federal Research Division, Country profile: Nigeria
US Department of State Background Note: Nigeria

See Political system

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4. RECENT DEVELOPMENTS (MARCH 2011 TO NOVEMBER 2011)

ELECTIONS: APRIL 2011

4.01 The International Crisis Group (ICG) report of 15 September 2011, *Lessons from Nigeria's 2011 Elections*, noted:

"The National Assembly, presidential and state governorship and House of Assembly elections were, respectively, held on 9, 16 and 26 April 2011. Elections took place in 36 states and the Federal Capital Territory (FCT), 774 local government areas (LGAs) and 8,809 wards. There were 120,000 polling units, with 73,528,040 registered voters, 65 per cent of whom were under 30. There were no gubernatorial elections in the ten states where governors had not yet completed their four-year constitutional term. The inconclusive Imo state gubernatorial election was re-run on 6 May." **[17]**

4.02 The Nigerian Independent National Election Commission website contains full details of the results of all the elections.

4.03 The United States Institute of Peace (USIP) report of 15 August 2011, *Nigeria's 2011 Elections: Best Run, but Most Violent*, observed in general terms:

"Nigeria's 2011 general elections – in particular the presidential election – were seen widely as being well-run. This was especially important given the universally decried elections of 2007. A number of factors contributed to ensuring that Nigeria's 2011 elections were successfully administered. They include the fact that the voters' register was the most accurate, and there was also adequate training and fielding of election observers. The chair of the Independent Nigerian Electoral Commission (INEC), Attahiru Jega, was well regarded and judged independent from the government. And, the parallel vote tabulation used by domestic observers allowed poll monitors to concurrently record the results of the election along with INEC as a means to provide a check on the official results. Additionally, ordinary citizens were encouraged to report, via calls or texts, any incidents of fraud or violence that they witnessed or experienced. INEC declared incumbent Goodluck Jonathan the winner of the presidential poll with 59 percent against Muhammadu Buhari's 32 percent." **[83a]**

4.04 However, the same USIP report noted that "…despite a more transparent election, 800 people – mainly in Kaduna – were killed in three days and 65,000 people were displaced. Muslims burned churches and attacked Christians and southerners in their homes, businesses, schools, and on the streets. Christians soon retaliated. Once violence erupted, only soldiers succeeded in stopping it." **[83a]**

4.05 The ICG report stated:

"Few, however, predicted the violence that erupted in some Northern states following the announcement of the presidential results. With over 1,000 people killed, the protests made the elections one of the bloodiest ever. The polls were also riddled with malpractices, logistical deficiencies and procedural inconsistencies. Reported voter turnout of about 78 per cent in the South-South and the South-East during the presidential elections exceeded the national average by at least 50 per cent, suggesting electoral fraud. Yet, the polls were, on balance, the most credible to date. Across the country, the strength of the electoral process appeared mostly to have trumped its weaknesses. Domestic and international observers commended INEC for improved logistics and a smooth voting process." **[17]**

4.06 An article in the *Guardian* of 19 April 2011, *Nigeria: Zoned out*, observed:

"[Goodluck] Jonathan has also swept away an unwritten power-sharing agreement called 'zoning'. It was decided by a clique in the ruling party, not the electorate, and it ensured that the People's Democratic party (PDP) dominated Nigerian politics whichever candidate won. It was profoundly undemocratic, but it kept the ethnic peace and provided predictability. Under this informal agreement, the presidency alternated for two terms between the Muslim north and the Christian and animist south. A president from the north should have been in power until 2015. That was cut short by Umaru Yar'Adua's death, and Jonathan, a vice-president from the south, should have stepped down after completing his predecessor's term of office. He did not, and went on to defeat a northern Muslim challenger, former vice-president Atiku Abubakar, for the party's presidential nomination. Try as Jonathan did to woo the northern elites, he was unable to hold campaign events in the north. There was an obvious danger. The PDP no longer represented the north, and should the supporters of a northern candidate

decide that the election was rigged – whether the INEC blesses the process or not – violence could erupt." **[63a]**

4.07 Another *Guardian* article of 16 March 2011 written by the Nigerian writer and novelist Chimamanda Ngozi Adichie, *A Nigerian revolution*, noted a gradual political awakening in the youth of the country:

"About 70% of Nigeria's population is under 35, and there has been, for a long time, a political culture of ignoring the youth, who themselves were disconnected from the political process. That is changing. Last year, when Nigerians were not told about the whereabouts of the late president, Umaru Yar'adua, groups of young people marched in protest. More recently, a coalition of groups worked to register young voters, using Facebook, Twitter and texts. At voter registration venues, which were sometimes chaotic, young people brought food and water to make sure the staff did their jobs well. Young women breastfed their babies while waiting in line. Young men spent the night there to make sure they could register. A total of 67 million Nigerians registered, up from 35 million in 2007, and the new ones are, no doubt, mostly young people. A friend asked a woman who had come from school why she wanted to vote. The reply: 'Because it gives me the right to complain.'…Nigerian politics has been, since the military dictatorships, largely non-ideological. Rather than a battle of ideas, it is about who can pump in the most money and buy the most access. Cash is handed out to local leaders, bags of rice are given to women's groups, and promises are made about fixing roads that nobody really believes will be fixed." **[63c]**

See sections on Political system and political affiliation

INTER-COMMUNAL VIOLENCE IN THE MIDDLE BELT OF NIGERIA

4.08 A Reuters article of 5 September 2011, *Ethnic and Religious Unrest in Nigeria's Middle Belt*, noted that "At least 50 people have been killed in spiraling violence between gangs of Christian and Muslim youths and security forces in central Nigeria's volatile Plateau state since last Monday. Jos, the capital of Plateau state, lies in Nigeria's 'Middle Belt' where the mostly Muslim north meets the largely Christian south…The tension is rooted in fierce competition for local political power and control of fertile farmlands, resentment which local government policies have done little to calm." **[34]**

4.09 The same Reuters article set out a timeline of recent ethnic and religious violence in the central area around Jos:

"Nov. 2008 - Clashes between Muslim and Christian gangs triggered by a disputed local government election kill at least 700 people in Jos.

"Jan. 2010 - Hundreds are reported killed after clashes between Muslim and Christian gangs in Jos, most by gunfire. Police estimate the death toll at 326, although some community leaders put the figure at more than 400.

"March 2010 - Hundreds of people are killed in clashes between Islamic pastoralists and Christian villagers in the mostly Christian villages of Dogo Nahawa, Zot and Ratsat just south of Jos. Plateau State Commissioner for Information, Gregory Yenlong said more than 300 people had died.

"Dec. 2010 - At least 80 people are killed in Dec. 24 bombings as well as in clashes two days later between Muslim and Christian youths in Jos. As of Dec. 27, at least 101 people were being treated for injuries.

"Jan. 2011 - Human Rights Watch says that more than 200 people have been killed in the past month. Many are hacked to death or burned alive in attacks on villages and reprisal killings in Plateau state.

"Aug.-Sept. 2011 - Thirteen people are killed in clashes between Christian youths and Muslims celebrating the end of Ramadan in Jos, sparking a wave of tit for tat killings." **[34]**

4.10 A Geneva Declaration Secretariat paper of June 2011, *A Deadly Cycle: Ethno-Religious Conflict in Jos, Plateau State*, noted that "…in Jos, small-scale reprisal and revenge killings have exploded since 2010. The situation is so tense that residents fear any minor incident can set the town ablaze again." **[48]**

4.11 The Africa Center for Strategic Studies (ACSS) Africa Security Brief of July 2011, *Nigeria's Pernicious Drivers of Ethno-Religious Conflict*, observed:

"The conflict in Jos is often characterized as inter-religious or inter-ethnic, mainly between the Christian-dominated ethnic groups of the Anaguta, Afizere, and Berom, and the predominantly Muslim Hausa and Fulani groups. But, as is often the case with identity conflicts in Africa, these are socially constructed stereotypes that are manipulated to trigger and drive violence in Jos. They veil deeper institutional factors within Nigerian law that are abused and exploited to deny citizens access to resources, basic rights, and participation in political processes – factors that, left unaddressed, have the potential to trigger violence across the country." **[37]**

4.12 The same ACSS report addressed the indigene/settler issue:

"In Nigeria, *indigenes* are 'original' inhabitants of a local government area, or members of those ethnic groups that trace their lineage back to the area. All others are considered 'settlers', or migrants. The distinction was initially intended to allay concerns among minority groups who feared that their traditional customs and authority structures would be overwhelmed and eroded by the expansion of larger ethnic and religious groups. However, in practice, the classification has often been used to determine who 'belongs' to a particular locality, which in turn determines whether citizens can participate in politics, own land, obtain a job, or attend school. Accordingly, the indigeneship certificate is now a defining document in the day-to-day lives of many Nigerians…Defining indigeneship is extraordinarily arbitrary. For instance, a Hausa, Igbo, or Yoruba – groups that tend not to be originally from Jos – could legally be deemed a settler and denied a certificate even though his family has lived in Jos for generations. Were this same individual to return to areas where his ethnic group predominates, local officials could similarly deny certificates on account of his birth and connections in Jos. Children of inter-ethnic and inter-religious parents face similar double-standards." **[37]**

4.13 The ACSS report summarised:

"The ethnic or religious dimensions of the conflict have subsequently been misconstrued as the primary driver of violence when, in fact, disenfranchisement, inequality, and other practical fears are the real root causes. Capitalizing on such condi-

tions, many political rivals have instrumentalized the ethnic and religious diversity of Jos to manipulate and mobilize support. Each outbreak of violence worsens suspicions and renders communal reconciliation more difficult, deepening the cycle and further incentivizing polarization." **[37]**

See section on Sectarian violence

BOKO HARAM

4.14 A Stratfor Global Intelligence report of 10 November 2011, *The Rising Threat from Boko Haram's Militant Group*, observed:

"The U.S. Embassy in Abuja, Nigeria, issued a warning Nov. 5 indicating it had received intelligence that the Nigerian militant group Boko Haram may have been planning to bomb several targets in the Nigerian capital during the Muslim holiday of Eid al-Adha, also known as Eid al-Kabir, celebrated Nov. 6-8. The warning specifically mentioned the Hilton, Nicon Luxury and Sheraton hotels as potential targets.

"The warning came in the wake of a string of bombings and armed attacks Nov. 4 in the cities of Maiduguri, Damaturu and Potiskum, all of which are located in Nigeria's northeast. An attack also occurred in the north-central Nigerian city of Kaduna. The sites targeted in the wave of attacks included a military base in Maiduguri and the anti-terrorism court building in Damaturu. Militants reportedly attacked these two sites with suicide vehicle-borne improvised explosive devices (VBIEDs). The Nigerian Red Cross reported that more than 100 people were killed in the attacks, while some media reports claimed the death toll was at least 150.

"According to AFP, a spokesman for Boko Haram claimed responsibility for the attacks Nov. 5 and threatened more attacks targeting the Nigerian government until 'security forces stop persecuting our members and vulnerable civilians.' On Nov. 7, a Boko Haram spokesman claimed that his group employed only two suicide operatives in the attacks and not 12 as reported by some media outlets.

"…Eid al-Kabir passed without attacks on Western hotels in Abuja." **[106]**

4.15 A Voice of America (VOA) news report of 26 August 2011, *Deadly Car Bomb Targets UN in Nigerian Capital*, noted:

"A car bombing in the Nigerian capital, Abuja, has leveled part of a U.N. building and killed at least 18 people. Witnesses say the explosion occurred late Friday morning when a car rammed through two gates and into the U.N. compound… After the attack, a spokesman for Nigeria's radical Islamic sect Boko Haram telephoned a correspondent for VOA's Hausa language service in Nigeria, claiming his group carried out the bombing… Boko Haram claimed responsibility for a car bombing attack at police headquarters in the capital in June and has been blamed for a series of assassinations and bombings in the country's northeast this year." **[98]**

4.16 The British Broadcasting Corporation (BBC) News, in a report of 26 August 2011, *Who are Nigeria's Boko Haram Islamists?* provided background information:

"Nigeria's militant Islamist group Boko Haram...is fighting to overthrow the government and create an Islamic state. Its followers are said to be influenced by the Koranic phrase

which says: 'Anyone who is not governed by what Allah has revealed is among the transgressors.' Boko Haram promotes a version of Islam which makes it 'haram', or forbidden, for Muslims to take part in any political or social activity associated with Western society. This includes voting in elections, wearing shirts and trousers or receiving a secular education. Boko Haram regards the Nigerian state as being run by non-believers, even when the country had a Muslim president." **[8e]**

4.17 The same BBC report continued:

"The group's official name is Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, which in Arabic means 'People Committed to the Propagation of the Prophet's Teachings and Jihad'. But residents in the north-eastern city of Maiduguri, where the group had its headquarters, dubbed it Boko Haram. Loosely translated from the local Hausa language, this means 'Western education is forbidden.' Boko originally means fake but came to signify Western education, while haram means forbidden. Since the Sokoto caliphate, which ruled parts of what is now northern Nigeria, Niger and southern Cameroon, fell under British control in 1903, there has been resistance among the area's Muslims to Western education." **[8e]**

4.18 Integrated Regional Information Networks (IRIN) News published (7 October 2011) a timeline of attacks thought to be carried out by Boko Haram (BH) since the organisation's inception:

"**3 October 2011:** Three killed in BH attacks on Baga market in Maiduguri, Borno State. The victims included a tea-seller, a drug store owner and a passer-by.

"**1 October 2011:** A butcher and his assistant are killed by BH gunmen at Baga market in Maiduguri in a targeted killing. In a separate incident, three people are killed in a shoot-out following BH bomb and shooting attacks on a military patrol vehicle delivering food to soldiers at a checkpoint in Maiduguri. All three victims are civilians.

"**17 September 2011:** Babakura Fugu, brother-in-law to slain BH leader Mohammed Yusuf, is shot dead outside his house in Maiduguri by two members of the sect, two days after attending a peace meeting with Nigeria's ex-President Olusegun Obasanjo in the city.

"**13 September 2011:** Four soldiers shot and wounded in an ambush by BH members in Maiduguri shortly after the arrest of 15 sect members in military raids on BH hideouts in the city.

"**12 September 2011:** Seven men, including four policemen, are killed by BH gunmen in bomb and shooting attacks on a police station and a bank in Misau, Bauchi State. The attackers rob the bank.

"**4 September 2011:** Muslim cleric Malam Dala shot dead by two BH members outside his home in the Zinnari area of Maiduguri.

"**1 September 2011:** A shootout between BH gunmen and soldiers in Song, Adamawa State, kills one sect members while another is injured and captured.

"**26 August 2011:** BH claims responsibility for a suicide bomb blast on the UN compound in Abuja, killing 23 people.

"**25 August 2011:** Gun and bomb attacks by BH on two police stations and two banks in Gombi, Adamawa State, kill at least 16 people, including seven policemen.

"**27 June 2011:** BH's gun and bomb attack on a beer garden in Maiduguri leaves at least 25 dead and dozens injured.

"**20 June 2011:** Seven people including five policemen killed in gun and bomb attacks on a police station and a bank in Kankara, Katsina State.

"**16 June 2011:** BH targets national police headquarters in Abuja, killing two.

"**7 June 2011:** Attacks on a church and two police posts in Maiduguri, blamed on the sect, leave at least 14 dead.

"**6 June 2011:** Muslim cleric Ibrahim Birkuti, critical of BH, shot dead by two motorcycle-riding BH gunmen outside his house in Biu, 200km from Maiduguri.

"**29 May 2011:** Three bombs rip through a beer garden in a military barracks in the northern city of Bauchi, killing 13 and wounding 33. BH claims responsibility.

"**27 May 2011:** A group of around 70 suspected BH gunmen kill eight people including four policemen in simultaneous gun and bomb attacks on a police station, a police barracks and a bank in Damboa, Borno State, near the border with Chad.

"**29 December 2010:** Suspected BH gunmen shoot dead eight people in Maiduguri, including the governorship candidate of the ruling All Nigeria Peoples Party (ANPP) in Borno State.

"**24 and 27 December 2010:** A series of attacks claimed by BH in the central city of Jos and Maiduguri kill at least 86.

"**7 September 2010:** A group of BH gunmen free over 700 inmates including around 100 sect members from a prison in Bauchi. Four people including a soldier, one policeman and two residents were killed in the raid.

"**26 July 2009:** BH launches a short-lived uprising in parts of the north, which is quelled by a military crackdown that leaves more than 800 dead - mostly sect members, including BH leader Mohammed Yusuf. A mosque in the capital of Borno State (Maiduguri) that served as a sect headquarters is burnt down.

"2005-2008 BH went underground, reducing its attacks and focusing on recruiting new members and shoring up resources.

"**10 October 2004:** BH gunmen attack a convoy of 60 policemen in an ambush near the town of Kala-Balge on the border with Chad. The militants took 12 policemen hostage and police authorities presumed they were killed by the gunmen because all attempts to trace them failed.

"**23 September 2004:** BH militia attack police stations in the towns of Gwoza and Bama in Borno State, killing four policemen and two civilians. They took to the Mandara Mountains along the Nigeria-Cameroon border. Soldiers and two gunships were deployed in the mountains and after two days of battle 27 sect members were killed while the rest slipped away. Five BH members who crossed into Cameroon were

arrested by Cameroonian gendarmes who had been alerted by Nigerian authorities. The five were deported and handed over to Nigerian authorities.

"**7 January 2004:** Seven members of BH killed and three others arrested by a team of local vigilantes outside the town of Damboa, Borno State, near border with Chad. Bags containing AK-47 rifles were recovered from sect members.

"**June 2004:** Four members of BH were killed by prison guards in a foiled jail break in Yobe State capital Damaturu.

"**23-31 December 2003:** A group of about 200 BH militants launched attacks on police stations in the towns of Kanamma and Geidam in Yobe State from their enclave outside Kanamma on the Nigerian border with Niger. BH killed several policemen and requisitioned police weapons and vehicles. Following the deployment of military troops to contain the insurrection, 18 BH members were killed, and a number arrested." **[21c]**

4.19 A Council On Foreign Relations Backgrounder, *Boko Haram*, updated 7 November 2011, questioned the nature of Boko Haram:

"Security officials in Nigeria and internationally are concerned that the group has splintered into one that is focused on local grievances and another that is seeking contacts with outside terror groups... Other experts...question the extent of the sect's regional terror ties and say it is unclear which attacks are actually the work of Boko Haram. There is concern that some of the acts may be the work of criminals looking to capitalize on the mayhem (some of the targets supposedly attacked by Boko Haram have been banks, for instance) or perpetrated by other groups hostile to the state. They also argue the group has a legitimate grievance against the country's security forces..." **[65c]**

The Council on Foreign Relations recently started an online *Nigeria Security Tracker* that catalogues "violent incidents in the country which appear to be motivated by political, economic or social grievances." [This website includes, but is not confined to, incidents ascribed to Boko Haram, as indicated.]

See subsection on Boko Haram within Crime and Security

HUMAN RIGHTS IN THE NIGER DELTA

4.20 Since August 2011, three substantial reports have been published on the subject of the effects of oil company activity in the Niger Delta region, with particular reference to the environment and human rights.

In August 2011, the United Nations Environment Programme published *An Environmental Assessment of Ogoniland*, a report which had been commissioned by the Nigerian government. **[143]** In October 2011, Platform UK published *Counting the Cost: corporations and human rights abuses in the Niger Delta.* **[144]** In November 2011, Amnesty International published *The True 'Tragedy': Delays and Failures in Tackling Oil Spills in the Niger Delta*. **[12p]**

4.21 A Council on Foreign Relations report of 7 August 2011, *Oil Spills in the Niger Delta: It's a Matter of Political Will*, observed:

"It is easy to blame the international oil companies for degradation of the Niger Delta environment, all the more so when Exxon is reporting that its profits world-wide increased by 69 percent during this year's first quarter while Shell's are up 30 percent. But, the real story does not lend itself to a morality tale. 'Bush refining' (illegal mom-and-pop refining operations) supplied by 'bunkering' (oil theft by puncturing pipelines) substantially contributes to the pollution, as the UNEP study acknowledges. More importantly, the Nigerian government is deeply involved with all elements of Delta oil and gas production through the state-owned Nigerian National Petroleum Corporation (NNPC), and all oil and gas is the property of the Nigerian state, and provides the state with about 65 percent of its total revenue and 95 percent of export earnings. NNPC owns a majority interest in the assets operated by Shell under a joint operating agreement, for example. Such partnership agreements require NNPC to fund its share of petroleum production, including pollution abatement efforts, making the federal government at least partially complicit in the degradation of the Delta environment. But the Abuja government too often fails to appropriate the funds necessary for the NNPC to fulfill its partnership obligations because of politicians' other priorities." **[65d]**

See section on Groups in the Niger Delta

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5. CONSTITUTION

5.01 Europa World online, undated, accessed on 21 October 2011, stated that a new constitution was formally promulgated on 5 May 1999 and came into force on 29 May 1999. **[1] (Government and Politics, the Constitution).** The constitution enshrines basic human rights freedoms including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person. **[6]**

5.02 The section on Internal Affairs within Jane's *Sentinel Country Risk Assessment,* Nigeria, updated 20 May 2010, stated:

"… in February 1976, General Olusegun Obasanjo became head of state and vowed to continue the return to civilian rule by reforming the structure of local government and creating a constituent assembly to draft a new constitution, which was adopted in 1979. This established an executive presidency and separation of powers between the executive, legislature and judiciary and, at the same time, the ban on political activity was lifted. However, this constitution was suspended after 1983, and a new constitution of 3 May 1989 never promulgated.

"On 29 May 1999, a new constitution promulgated by the Provisional Ruling Council (PRC) came into force, largely based on the 1979 version. Under this constitution, which includes provisions for a bicameral legislature, the executive branch and the office of president retain strong federal powers.

"Any proposal to amend the constitution must be approved by two-thirds of the National Assembly and, following that, by a simple majority of two-thirds of all the 36 State Houses of Assembly. Suffrage is universal over the age of 18 for all elections." **[42b]**

A copy of the Nigerian constitution can be found via this link: Constitution of the Federal Republic of Nigeria, 1999 **[6]**

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6. POLITICAL SYSTEM

6.01 Europa World, accessed on 21 October 2011, stated that Nigeria is a democratic federal republic with a multi-party political system. Executive powers of the federation are vested in the President, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by universal suffrage for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by universal suffrage for four years. The House of Representatives comprises 360 members, who are also elected by universal suffrage for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. **[1] (Country Profile, Constitution and Government section)**

6.02 The Library of Congress' (LoC) C*ountry Profile* of Nigeria, updated 15 August 2008, stated:

"The constitution provides for a separation of powers among the three branches of government. General elections held in February 1999 marked the end of 15 years of military rule and the beginning of civilian rule based on a multiparty democracy. General elections were held for the third consecutive time in April 2007. The victor was Umaru Musa Yar'adua, who assumed the presidency on May 29, 2007. In May 2006, the Nigerian Senate rejected a constitutional amendment that would have permitted President Olusegun Obasanjo to run for a third term." **[58]**

6.03 The same LoC C*ountry Profile* recorded:

"Each of Nigeria's 36 states has an elected governor and a House of Assembly. The governor is elected to a maximum of two four-year terms. The number of delegates to the House of Assembly is based on population (three to four times the number of delegates each state sends to the federal House of Representatives) and therefore varies from state to state within the range of 24 to 40. Nigeria's states are sub-divided into 774 local government areas, each of which is governed by a council that is responsible for supplying basic needs. The local government councils, which are regarded as the third tier of government below the federal and state levels, receive monthly subsidies from a national 'federation account'. Critics contend that the division of the country into so many districts is a vestige of military rule that is arbitrary, wasteful, and inefficient." **[58]**

6.04 The Central Intelligence Agency (CIA) World Factbook, updated in November 2011, listed the main political parties and leaders in the country:

"Accord Party [Augustine MAZIE, acting]; Action Congress or AC [Bisi AKANDE]; All Nigeria Peoples Party or ANPP [Ogbonnaya ONU]; All Progressives Grand Alliance or APGA [Victor C. UMEH]; Alliance for Democracy or AD [Mojisoluwa AKINFENWA]; Conference of Nigerian Political Parities or CNPP [Abdulkadir Balarabe MUSA]; Democratic Peoples Party or DPP [Jeremiah USENI]; Fresh Democratic Party [Chris OKOTIE]; Labor Party [Dan NWANYANWU]; National Democratic Party or NDP [Aliyu

Habu FARI]; Peoples Democratic Party or PDP [Dr. Okwesilieze NWODO]; Peoples Progressive Alliance [Larry ESIN]." **[52]**

See Annex B on political organisations

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Human Rights

7. INTRODUCTION

7.01 The United States (US) State Department (USSD) *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011 (USSD 2010 Report), stated that:

"Human rights problems during the year included the abridgement of citizens' right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption and impunity; violence and discrimination against women; the killing of children suspected of witchcraft; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination and violence; vigilante killings; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; child labor; forced and bonded labor; and abductions by militant groups. By October 9, although most militant groups in the Niger Delta had accepted then president Yar'Adua's offer of amnesty, by year's end killings and kidnappings by militant groups began to increase, although not to previous levels." **[3a] (introduction)**

7.02 The Amnesty International *State of the World's Human Rights Annual Report 2011*, covering the events of 2010, published 13 May 2011, noted:

"The police continued to commit human rights violations, including unlawful killings, torture and other ill-treatment, and enforced disappearances. The justice system was under-resourced and riddled with delays. Prisons were overcrowded; the majority of inmates were pre-trial detainees, some held for many years. Approximately 920 people were on death row, many sentenced after unfair trials. No executions were reported. The security situation in the Niger Delta deteriorated during the year. Human rights defenders and journalists continued to face intimidation and harassment. Violence against women remained widespread and the government failed to protect the rights of children. Forced evictions continued across the country." **[12e]**

7.03 The Human Rights Watch *World Report 2011*, covering the events of 2010, published 24 January 2011, observed:

"The May (2010) inauguration of President Goodluck Jonathan, following the death from natural causes of President Umaru Yar'Adua, brought hope for improvements in Nigeria's deeply entrenched human rights problems. Jonathan's removal of the attorney general, under whose watch impunity flourished, and his appointment of a respected academic to replace the discredited head of the electoral commission, who presided over phenomenally flawed elections, were widely viewed as positive first steps. Yet major challenges remain.

"During the year, episodes of intercommunal violence claimed hundreds of lives, while widespread police abuses and the mismanagement and embezzlement of Nigeria's vast

oil wealth continued unabated. Perpetrators of all classes of human rights violations enjoyed near-total impunity. A spate of politically motivated killings by Islamist militants in the north, and continued kidnappings and violence by Niger Delta militants - including the brazen Independence Day bombing in Abuja, the capital, for which they claimed responsibility -raised concern about stability in the run-up to planned 2011 general elections.

"The National Assembly again failed to pass legislation to improve transparency, notably the Freedom of Information bill, but approved a watered-down version of an electoral reform bill. Nigeria's judiciary continues to exercise a degree of independence in electoral matters and has, since 2007, overturned more than one-third of the ruling People's Democratic Party (PDP) gubernatorial election victories on grounds of electoral malpractices and other irregularities. Meanwhile free speech and the independent press remained fairly robust. Foreign partners took some important steps to confront endemic corruption in Nigeria, but appeared reluctant to exert meaningful pressure on the government over its poor human rights record." **[22a]**

7.04 An April 2010 report of an international fact finding mission conducted by the World Organisation Against Torture and the International Federation for Human Rights, *Nigeria: Defending Human Rights: Not Everywhere Not Every Right*, noted:

"Nigeria has ratified several human rights instruments including the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol on individual communications, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, and the Convention on the Rights of the Child (CRC).

"It is party to the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the African Charter on the Rights of Women in Africa. Interestingly enough, Nigeria is the only country in Africa that has domesticated the African Charter on Human and People's Rights. However, the constitutional provision declaring economic, social and cultural rights that are not justiciable contradicts the Charter. Therefore, Nigeria cannot be held accountable by domestic courts for the lack of enforcement of basic rights including the right to health, potable water, social assistance, education and food." **[39c] (section 2, page 8)**

7.05. The Economist Intelligence Unit, *Country Report - Main report*: 15 January 2011 noted that:

"The Economist Intelligence Unit's 2010 democracy index ranks Nigeria 123rd out of 167 countries, an improvement of one place in comparison with the 2008 index. This places Nigeria among the countries considered 'authoritarian', the most common category in Sub-Saharan Africa. Nigeria's overall score has actually deteriorated since 2008; the small improvement in the ranking comes as some countries have worsened at a faster rate. Nigeria has repeatedly faced accusations of holding 'flawed' and 'neither free nor fair' elections. As a result, it fares poorly in the electoral process and political culture categories. Disillusionment with the political system and the slow pace of reform mean that a fair proportion of Nigerians have come to resent the democratic process, with the score for political participation consequently being low. Nigeria also scores

poorly for civil liberties. Although there is a flourishing private media sector, violence and intimidation by people connected to various parties have undermined electoral processes. High levels of crime and the uneven application of the rule of law also affect this score negatively.

"**Democracy index**

	"Regime type	Overall score	Overall rank
"2010	Authoritarian	3.47 out of 10	123 out of 167
"2008	Authoritarian	3.53 out of 10	124 out of 167

"… While the president, Goodluck Jonathan, has repeatedly pledged his desire for a more democratic election process, the necessary constitutional reform has not taken place. This is because there are powerful vested interests within the upper echelons of the ruling People's Democratic Party (PDP) that continue to benefit from the status quo and will fight against reform. The lack of reform means that a significant proportion of the electorate has lost faith in the main political parties. It also means that the forthcoming presidential, legislative and state-level elections in 2011 are unlikely to show much improvement on the 2007 elections, which were widely derided for the malpractice and violence that was used to manipulate the results. The government has also been criticised extensively for being slow to tackle Nigeria's myriad sociopolitical problems, particularly corruption and mounting unrest in the oil-producing Niger Delta region.

"Democracy index 2010 by category (on a scale of 0 to 10 [0 poor;10 good])

"Electoral process	3.83
"Functioning of government	3.21
"Political participation	3.33
"Political culture	3.13
"Civil liberties	3.82

"Democracy index 2010: Democracy in retreat, a free white paper containing the full index and detailed methodology, can be downloaded from www.eiu.com/DemocracyIndex2010." **[10b]**

7.06 The Fund for Peace published the 2011 Failed States Index (FSI) on 20 June 2011. "The FSI ranks 177 countries using 12 social, economic, and political indicators of pressure on the state, along with over 100 sub-indicators. These include such issues as Uneven Development, State Legitimacy, Group Grievance, and Human Rights. Each indicator is rated on a scale of 1-10, based on the analysis of millions of publicly available documents, other quantitative data, and assessments by analysts. A high score indicates high pressure on the state, and therefore a higher risk of instability." **[107]** Nigeria featured in fourteenth position in the FSI with a score of 99.9. (Somalia was the country in the worst position with a score of 113.4 and Finland the lowest score of 19.7). For further details see the 2011 Failed States Index. **[107]**

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8. SECURITY FORCES

8.01 With regard to internal security, the United States State Department *Country Report on Human Rights Practices 2010, Nigeria*, released on 8 April 2011 (USSD 2010 Report), stated that:

"The NPF [National Police Force] reports to the inspector general of police, who is appointed by the president and responsible for law-enforcement operations. An assistant inspector general commanded each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces; however, state governors may direct federal police for local emergency actions. The SSS [State Security Service] is responsible for internal security and reports to the president through the national security advisor. Due to the police's inability to control societal violence, the government continued to rely on the army in some cases. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press." **[3a] (Section 1d)**

8.02 An Open Society Justice Initiative report of May 2010, *Criminal Force*: *Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, stated:

"In addition to the police, however, other law enforcement agencies exist in Nigeria. These include the State Security Service, the National Drug Law Enforcement Agency, the Economic and Financial Crimes Commission, the Federal Road Safety Commission, and the Nigerian Security and Civil Defence Corps. Both the Immigration Service and the Customs and Excise department also have powers of investigation, arrest, and detention under the laws governing them. Like the police, these are all federal institutions established by law and are empowered to undertake investigation and prosecution." **[81]**

8.03 Following a recent escalation of attacks carried out by Islamist group, Boko Haram, a Vanguard article of 9 November 2011, *Yobe Bomb Blast: CPS face dismissal for negligence*, noted:

"Indications emerged yesterday that heads may roll among the top brass of the Nigeria Police, especially in the North-East, following their inability to prevent weekend's bloody attacks that claimed over 100 lives and property worth hundreds of millions of naira…the option of removing some of the commissioners of police which is believed to have the backing of the Presidency followed confirmation that adequate intelligence information was gathered showing that the Boko Haram sect would strike during the Sallah festivities." **[29a]**

POLICE

8.04 Amnesty International's report of 9 December 2009, *Killing at Will*: *Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, noted:

"The Nigerian Police Force (NPF) is a federal organization. It employs approximately 371,800 staff with a ratio of one policeman for every 377 citizens. Approximately a

quarter of the NPF staff perform personal protection and guard duties. The NPF was established under Section 214 of the 1999 Constitution. The Police Act (1990) describes the function, structure and operation of the NPF. The Act was originally drafted in 1943, and was last reviewed in 1967. The President of Nigeria holds operational control of the NPF and appoints the Inspector-General of Police (IGP), who is responsible for the command of the police 'subject to the directive of the President' and for public safety and public order. The administrative, financial and logistic management of the NPF falls under the authority of the Federal Ministry of Police Affairs. The NPF headquarters, 12 zonal commands and 36 state commands all have Criminal Investigation Departments (CIDs), responsible for criminal investigation. There are several Special Forces, such as the paramilitary Mobile Police (MOPOL), the Special Anti-Robbery Squad (SARS) and the Swift Operation Squad (SOS). The X-Squad is the body responsible for investigating police corruption." **[12m]**

8.05 An Open Society Justice Initiative report of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, recorded:

"… the NPF is the largest institution in Nigeria and also the country's largest employer … By the end of 2008, the Nigeria police force comprised 5,515 police stations, 1,115 Police Divisions, 123 Area Commands, and 36 State Commands and one Federal Capital Territory Command…The headquarters of the force is located in Abuja, in the Federal Capital Territory. Known as the Force Headquarters, this is also the operational and administrative base of the IGP [Inspector General of Police]. The Force Headquarters is also known as 'Louis Edet House,' named after the first Nigerian IGP. The Force Headquarters is organized into six departments, each headed by a deputy inspector-general (DIG) of police." **[81]**

8.06 The same Open Society Justice Initiative report made observations on the subject of police corruption in the country:

"Policing in Nigeria is also characterized by pervasive corruption, such as diverting police resources for personal protection or enrichment in a variety of police-for-hire arrangements; harassment and intimidation of victims; and the destruction of evidence, including the bodies of victims of extrajudicial executions. Officers routinely practice extortion on members of the public at roadblocks and on public highways… Corruption and extortion are perhaps the defining characteristics associated with the NPF. For a majority of police officers, the police uniform is a tool for generating income. They make money by extorting law abiding citizens, claiming that it is the price people must pay to keep the police from gratuitously interfering with their livelihoods. The instances cited in this report merely illustrate a pattern of conduct that is pervasive and institutionalised within the NPF. The 2008 report of the second Presidential Committee on Police Reform acknowledges quite candidly that this is the image of the Nigerian police: 'Indeed the Police today is publicly perceived as one of the most corrupt government institutions, with its personnel constantly accused of bribery and extortion in the course of performing their functions. These accusations are rampant amongst the populace, especially that relating to the extortion from members of the public. In addition, the Police have also been accused of erecting illegal road blocks in order to extort money from the citizenry. ... This has resulted in the loss of public confidence in the integrity of police personnel.'

"Most police officers readily cite their poor pay as the principal reason for extortion. Some even claim that in the absence of basic provisions for policing, the police use the

proceeds from extortion to fulfil operational needs, such as stationery for recording statements from suspects, gasoline for patrol vehicles, batteries for mobile phone units, and similar day-to-day needs." **[81]**

8.07 The Amnesty International report of 14 October 2011, *Nigeria: Human Rights Agenda 2011-2015*, similarly on the subject of corruption, noted:

"Corruption within the NPF is rampant. Commercial drivers pay to go through police roadblocks; suspects pay to be released from custody; and detainees pay to improve the conditions of their detention. In 2008, the Presidential Committee acknowledged the severity of the problem. 'In the course of their duties, some Police officers harass and intimidate members of the public. They also go further to extort money from accused persons and complainants before they serve them. Those who do not cooperate usually suffer unlawful arrest and detention.'

"Amnesty International frequently receives reports that some police officers arbitrarily arrest groups of people and then ask them to pay up to N10,000 (US$65) to be released. Those who do not have the money risk being labelled 'armed robbers'. Without money, suspects are less likely to be given access to a lawyer, to family members and to receive medical treatment. Police officers also bribe each other. Some junior police officers reportedly said that they had to pay their superiors every day in order to avoid the risk of being transferred or even being made redundant. The 2008 Presidential Committee noted: 'The taking of bribes and their passage up in the rank structure has almost become institutionalized.'

"Policing in Nigeria is dangerous work. Police staff do not have the tools or the training to deal with the high crime rate in the country. Around 110 police officers are killed in shoot-outs." **[12h]**

See section 18 for more information about Corruption

8.08 In relation to police operations, the same Amnesty International report noted:

"The Nigeria Police Force (NPF) has limited capacity to gather intelligence and undertake scientific investigations. Police stations lack the resources to investigate complex crimes that require specialized skills, and although all police stations are obliged to keep records, many do not adequately document their work. There is no database for fingerprints, no systematic forensic investigation methodology and insufficient budget for investigations. There are only two forensic laboratory facilities in the country and few forensic staff.

"Without sufficient funding, the NPF is struggling to fulfil its duties. Most police stations are badly maintained and poorly equipped. Officers do not have enough basic equipment such as handcuffs. In many cases, the police ask the public to pay for expenses incurred during an investigation, including the cost of paper, pens and petrol. Without adequate databases and records, the police tend to rely on confessions, which form the basis for an estimated 60 per cent of prosecutions.

"Despite significant salary increases in 2008, wages are still very low." **[12h]**

8.09 *A Sahara Reporters* article of 8 November 2011, *The Conditions of Nigeria's Police Force*, noted:

"When [the] Chief Superintendent of Police Musa Garba said the challenges facing the Mpape Police Station located in Abuja, Nigeria's capital, are 'enormous', he wasn't overstating it. For the past three years, this Police divisional headquarters has remained an eye sore. On a tour of the station during the annual Police Stations Visitors Week (PSVW) held from October 31 to November 6 in 21 countries across 5 continents which aims at improving police-public relations, Mr. Garba showed members of the public four discarded shipping containers turned operational base. It is from here 93 police personnel manage one patrol vehicle and are expected to provide security to one of the most densely populated satellite towns in the country's Federal Capital Territory. 'As you can see there is no block building. The whole police station is made up of just four containers,' said the Mpape Divisional Police Officer (DPO) who occupies one container. 'This place initially served as an outpost but ever since it was upgraded about three years ago nothing has changed. We currently have only one non serviceable vehicle which is presently grounded. This is what we have to make do with.'

"The station has just one obsolete computer with no internet access found in one container serving as a stuffy administrative office, while the third container houses the station's grossly understaffed traffic unit. It is however in the fourth container which has no light fittings and adequate ventilation coming from a portion cut out to serve as a window that male detainees are cramped up. Female suspects and street urchins are kept in a rundown make-shift wooden structure constructed into a police counter and charge room. 'This does not qualify as a standard police station. It is just disheartening seeing the cell and how they are packed like sardine,' said Umari Ayim, a lawyer, gender activist and first time visitor to the station. 'No person, suspect or even criminal, should be kept in this kind of place. The conditions are terrible for humans to live in. Even for the police officers it is unacceptable. This is really bad.' One suspect who said he had being locked up for five days, contrary to 24 hours as the law stipulates." **[108]**

ARMED FORCES

8.10 Jane's Sentinel *Nigeria Country Risk Assessment* (Jane's), section on the Armed Forces (updated 16 September 2011), noted that the armed forces combined strength was 87,500 personnel: 70,000 in the army, 9,500 in the airforce and 8,000 in the navy. The same source commented:

"While relatively small in relation to its own population or by global standards, Nigeria's military is by far the largest force in West Africa and is currently undergoing a transformation process aimed primarily at fostering greater efficiency and professionalism. With a history of coup-making, the military has traditionally been highly politicised. As part of a wider policy move to promote democratic principles, the government has designated broad-spectrum changes for the military, focusing on improving salaries, living and training conditions for military personnel and eliminating corrupt practices. The serviceability of Nigeria's most sophisticated equipment, mainly in the navy and the air force, is very low. However, new acquisitions have been made in recent years." **[42c]**

8.11 The Economist Intelligence Unit *2009 Nigeria Country Profile* (dated January 2009) observed that: "Nigeria has by far the largest armed forces in Sub-Saharan Africa, and successive governments have considered themselves to be a major regional power. The military has historically played a large role in Nigerian politics and may do so again in the future, although democratic institutions have become more established in recent

years. In addition, past and current senior military officers often have considerable business interests." **[10c]**

8.12 A *Guardian* article of 8 November 2011, *'Nigerian Taliban' threat prompts US military training*, noted:

"The US army provided counter-insurgency training to Nigerian troops battling a rise in attacks by Islamist militants, the Nigerian military has revealed. More than 100 people have been killed in recent days by the radical Muslim sect Boko Haram, dubbed the 'Nigerian Taliban', in Nigeria's north-east. One rights activist described it as 'a state of armed Islamist insurgency' likely to spread. Nigeria has sought to crush the group with military force but faces criticism from human rights activists for alleged extra-judicial killings. The military said some battalions had received training in the US. 'The army is in the process of setting up a division that is effectively looking at warfare tactics,' a spokesman said. 'Various battalions were in the United States earlier this year for training to that end.' It is thought these include specialist units such as bomb disposal." **[63d]**

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

8.13 Regarding arbitrary arrest and detention, the USSD 2010 Report stated that "The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF [Joint Task Force] arbitrarily arrested hundreds of persons during the year during sweeps for militants, and security forces made arbitrary arrests in Plateau State following ethnic violence." **[3a] (Section 1d)**

8.14 An article of 30 April 2010 in *Vanguard* [via AllAfrica.com], *Nigeria: Dig Laments Police Brutality, Arbitrary Arrests, Detention*, noted: "The Deputy Inspector General of Police DIG … has decried the rising cases of Police brutality, arbitrary arrest and detention of members of the public, warning that a stop should be put to the ugly development as it was giving the Nigeria Police a bad name … He also regretted the rising cases of indiscipline among the ranks and files blaming the situation on poor performance and lack of commitment on the part of some officers." **[67b]**

8.15 The Human Rights Watch report of August 2010, *Everyone's in on the Game-Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"Numerous police officers, legal professionals, and civil society leaders characterized the problem of unlawful detention of citizens by Nigerian police officers with the apparent motivation to extort money as a widespread and growing problem throughout Nigeria. They described how the police use specific incidents of crime, and the high levels of crime in general, as a pretext to randomly arrest and detain individuals and groups of citizens.

"Once a person is arrested by the police and refuses, or is unable, to pay the money demanded, they are often detained until they negotiate an amount for their release. In many cases, this unlawful detention may last for days or even weeks. Those who do not pay face threats, beatings, sexual assault, torture, or even death. Extended periods of detention leave victims and their friends and family vulnerable to repeated threats and demands for bribes. Using police terminology, a civil society leader in Lagos explained

that the police 'tend to cast the net very wide so they can arrest as many suspects as possible. This affords them more chances for extortion and corruption.'" **[22c]**

Torture, ill-treatment and use of excessive force

8.16 As regards the use of torture and other inhuman or degrading treatment by the police, the USSD 2010 Report stated:

"Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security services personnel, including police, military, and State Security Service (SSS) officers, regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions.

"JTF [Joint Task Force] use of excessive force during raids on militant groups and criminal suspects in the Niger Delta resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses in the Delta region " **[3a] (Section 1c)**

8.17 The Open Society Justice Initiative report, of May 2010, *Criminal Force*: *Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, noted:

"Nigeria's 1999 Constitution prohibits torture but fails to define what torture is. Violence and torture are intrinsic to the way the Nigeria Police Force conducts its work, and are found at every point of contact between the public and police - from routine checks through arrest, interrogation, and detention. This violence has been described as 'institutional and routine'. It is also often indiscriminate, casual, and unprovoked. According to one source, this 'gratuitous violence has the effect of intimidating the suspect and weakening or, in some cases, even breaking whatever spirit he has even before the proper interrogation process', thus making the detainee more than likely to comply with the biddings of the police - including signing a false confession. The average police officer on the streets of Nigeria is armed with horse whip and many of them show considerable enthusiasm in using it on innocent passers-by without provocation. Those who get away with merely being horsewhipped are considered lucky. Many others fare much worse." **[81]**

8.18 The Amnesty International report of 9 December 2009, *Killing at Will*: *Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, stated:

"Various national and international organizations have accused the NPF of torture and other ill-treatment. The NGO [Non-Governmental Organisation] Social Justice and Advocacy Initiative told Amnesty International: 'Intimidation, torture and extortion of detainees are entrenched practices in the Nigerian criminal justice system.' The National Human Rights Commission (NHRC) stated that torture is used 'as official means of investigation of offences' and that 'most cases in court are prosecuted by the police based on 'confessions' obtained under circumstances of torture from accused persons.' NOPRIN [Network on Police Reform in Nigeria] has shown that police officers torture suspects in order to 'break the spirit of the suspect or detainee.' NOPRIN researchers documented 'an elaborate system of torture' and claim that every major police station has 'torture chambers and an officer known as 'O/C (officer in charge) Torture'.' In November 2007, the UN Special Rapporteur on torture and other cruel,

inhuman or degrading treatment or punishment concluded that 'torture and ill-treatment are widespread in police custody, and particularly systemic at CIDs. Torture is an intrinsic part of how the police operate within the country.'" **[12m]**

8.19 The Human Rights Watch (HRW) report of August 2010, *Everyone's in on the Game-Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"Nigeria has ratified a number of international treaties that prohibit torture, including the International Covenant on Civil and Political Rights; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the African Charter on Human and Peoples' Rights. These also require Nigerian authorities to investigate and prosecute those who commit torture and compensate those who suffer it. The Nigerian Constitution also provides that every individual is entitled to 'respect for the dignity of his person,' including the right not to be subjected to torture. Despite international and domestic law prohibiting the use of torture, the Nigerian police routinely use torture and other cruel, inhuman, and degrading treatment, and are rarely held accountable for it. Human Rights Watch found that corruption in the police force has both directly and indirectly contributed to the use of police torture in Nigeria." **[22c]**

8.20 The same HRW report noted on sexual assault:

"The police sometimes use the threat of rape and other forms of sexual assault as a means to extort money from women stopped at checkpoints, accosted by the police in public places, or detained in police custody. In some cases, women are told they have the 'option' of providing sex in lieu of payment. In a number of cases documented by Human Rights Watch and Nigerian human rights groups, police officers carried out their threats and subjected their victims to rape and other forms sexual assault, particularly when women who had been detained refused to pay all or part of the demanded sum. Although human rights groups have documented numerous cases of sexual assault, the police officers who commit these crimes are rarely held accountable." **[22c]**

Extra-judicial killings

8.21 The USSD 2010 Report stated that:

"The government or its agents committed numerous extrajudicial killings. According to credible eyewitness accounts, uniformed security forces participated in killings during ethnic violence in Plateau State. Security forces were responsible for killings during attempts to apprehend religious extremists. National police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects, as well as to disperse protesters." **[3a] (Section 1a)**

8.22 The Amnesty International report of 14 October 2011, *Nigeria: Human Rights Agenda 2011-2015*, noted:

"Nigeria's police have been responsible for large numbers of extrajudicial executions, deaths in custody and cases of torture and other ill-treatment of alleged criminals in custody. The police kill hundreds of people every year with impunity. The Legal Defence and Assistance Project (LEDAP), a Nigerian NGO, estimated that in 2009 at least 1,049 people had been killed by the police.

"Many are unlawfully killed before or during arrest in the street or at roadblocks. Others are tortured to death in police detention. A large proportion of these unlawful killings may constitute extrajudicial executions. In other cases, people disappear from police custody. Chika Ibeku disappeared from police custody in April 2009; the Nigerian Bar Association filed habeas corpus proceedings in May 2009. To date the police have not produced the young man, despite a court order in November 2010. The families of the victims rarely receive justice and are often left with no answers. Few police officers are held accountable. In most cases there is no investigation into deaths in custody, extrajudicial executions or enforced disappearances.

"Amnesty International receives consistent reports that police routinely torture suspects in order to extract information. Moreover, in many cases the confession extracted by torture is used as evidence in court, contrary to national and international law." **[12h]**

8.23 The Open Society Justice Initiative report, of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, stated:

"Extrajudicial killings are a routine feature of policing in Nigeria. Hundreds of Nigerians are murdered each year by the NPF. Field monitoring uncovered the existence of an unwritten rule in police stations: 'confirmed' armed robbery suspects should be 'escorted', sent on an 'errand', or 'transferred to Abuja' - all euphemisms for the unlawful summary and extrajudicial execution of suspects. Suspects are 'confirmed' through torture and 'escorted' or 'transferred' through summary execution or disappearance.

"Persons suspected of, or arrested for, armed robbery are particularly at risk of extrajudicial execution. 'Abdullahi', a local politician in Kano State, described being tortured in September 2006 at the Karfi police post in Kano. Abdullahi was being beaten by a police officer and thought he would be killed. But he was saved by the timely intervention of a police sargeant who called off his more enthusiastic colleague by noting that what the colleague was about to do to Abdullahi was 'only reserved for robbers'... a lawyer in private practice, described for a NOPRIN researcher the standard NPF practice as follows: 'Once an accused is arrested and is suspected to be a robber, instead of taking him to court, they would rather want to take him along the road. They take the suspect to the highway under the pretext that they are going to conduct further investigation, only to come back and report that in the course of moving on the highway the suspect attempted to run, so they had no choice but to take him down.'" **[81]**

8.24 The Human Rights Watch (HRW) report of August 2010, *Everyone's in on the Game'- Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"The vast network of checkpoints that exists in Nigeria leads to numerous confrontations between the police and motorists who refuse to pay the bribes demanded. All too often these confrontations escalate into fatal shootings by the police. Human Rights Watch interviewed witnesses and family members of the victims in three fatal shootings at police checkpoints in Anambra State. In each of the cases, the altercation between the police and the driver reportedly began after the driver refused to pay the ₦20 bribe (approximately $0.17) that is routinely demanded by the police at checkpoints… In reality, convictions of Nigerian police officers implicated in capital crimes including the extortion-related extrajudicial killings noted above, are very rare…Human Rights Watch found that corruption in the Nigeria Police Force leads directly and indirectly to extrajudicial killings of Nigerians. As the UN Special Rapporteur on Extrajudicial,

Summary or Arbitrary Executions concluded in his 2006 report, the problem of corruption in Nigeria is 'closely linked to the issue of extrajudicial executions.'" **[22c]**

AVENUES OF COMPLAINT

8.25 The Human Rights Watch (HRW) report of August 2010, *Everyone's in on the Game-Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"In the face of widespread and overt corruption at all levels within the Nigeria Police Force, few measures to hold accountable those responsible for corruption or related human rights abuses have been successful, despite the presence of multiple mechanisms for this purpose. Indeed, public complaint mechanisms and internal monitoring and supervision of the police, as well as civilian oversight, remain weak, underfunded, and largely ineffective. Police officers are periodically investigated but they are only rarely held accountable for these crimes. Despite government officials' having on multiple occasions acknowledged many of the problems … the Nigerian government in general, and the leadership of the Nigeria Police Force in particular, have lacked the political will to address these structural problems and bring reform, coordination, and adequate funding to the various mechanisms of police oversight and accountability." **[22c]**

8.26 The same HRW report continued:

"The Nigeria Police Force has set up various mechanisms for the public to file complaints against police misconduct. These include the Public Complaints Bureau, complaint boxes or telephone hotlines at police stations, and human rights desks. …. The Nigerian government has also established various external mechanisms where members of the public can report police abuses. Depending on the nature of the complaint, members of the public can file complaints against the police at no fewer than eight government agencies; however, most of these complaint mechanisms lack the resources to investigate the complaints." **[22c]**

8.27 The same HRW report detailed the public complaint mechanisms:

"Police Service Commission (PSC)

"The PSC, an independent body established in 1960, is responsible for police discipline. In 2008, the PSC's Department of Police Discipline received 129 complaints from the public – 29 of which involved cases of police corruption or extortion. Most of these cases were referred back to the police force to investigate because of lack of resources in the department.

"Public Complaints Commission (PCC)

"The PCC, established in 1975, receives complaints against public officials, including police officers. Most complaints against the police are forwarded to the Police Service Commission for processing.

"Nigeria Police Force – Public Complaints Bureau (PCB)

"The PCB, established by the Nigeria Police Force in 1979, is run by the public relations officer at the various levels of the force, but the PCB has been largely ineffective and

has no budget to carry out its functions. In 2007, the PCB received only 49 complaints from the public.

"Code of Conduct Bureau (CCB)

"The CCB was established in 1990 and receives complaints from members of the public against public officials, including police officers, for violating the Code of Conduct for Public Officers.

"National Human Rights Commission (NHRC)

"The Nigerian government established the NHRC in 1995. The NHRC received 574 public complaints in 2007 regarding all classes of human rights abuses, including 70 of 'degrading treatment' or 'unlawful arrest and detention' by members of law enforcement agencies. The NHRC can initiate investigations on its own, but lacks independent prosecutorial power. Draft legislation before the National Assembly would empower the NHRC to prosecute cases of human rights violations.

"Independent Corrupt Practices and Other Related Offences Commission (ICPC)

"The ICPC, established in 2000, receives complaints from members of the public against public officials, including police officers, for corrupt practices.

"Economic and Financial Crimes Commission (EFCC)

"The EFCC, established in 2002, receives complaints from members of the public regarding cases of financial fraud, money laundering, and other corrupt practices.

"Ministry of Police Affairs – Police Performance Monitoring (PPM) Division

"The Ministry of Police Affairs established the PPM Division in December 2008. In its first year, it received about 100 complaints against the police from members of the public, but according to a ministry spokesperson, 'very few were investigated' due to funding shortages and the lack of trained investigators." **[22c]**

8.28 The same HRW report noted:

"Internally, the Nigeria Police Force has established a Human Rights Desk, which monitors police conduct, and an internal anti-graft unit known as the X-Squad. The inspector general of police and each state commissioner of police also have monitoring teams to investigate incidents of police misconduct. As with the public complaint mechanisms, the internal monitoring units in the police force are poorly funded and lack support from the police leadership to effectively address systemic corruption and abuse within the police force." **[22c]**

8.29 The 2006 United Nations Commission on Human Rights Report of the Special Rapporteur on *extra-judicial, summary or arbitrary executions* stated:

"On paper, the system for investigating police misconduct is impressive. In practice, it is too often a charade. The outcome of investigations usually seems to justify inaction or to ensure that complaints are dealt with internally through 'orderly-room hearings' or the like. While police officers are certainly disciplined and some dismissed, the system has rarely worked in cases in which [the] police are accused of extrajudicial executions. In

these instances genuine investigations are rare and referrals to the DPP [Director of Public Prosecutions] for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity **(p15)** … in terms of *internal accountability* [italics in document] the Nigeria Police system is weak. What few statistics were made available to the Special Rapporteur in response to repeated requests indicate that few serious disciplinary measures are taken except against rogue individuals. Indeed the single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police force itself. Evidence indicates that it systematically blocks or hampers investigations and allows suspects to flee … in terms of *governmental accountability* [italics in document], the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission's mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns." **[26b] (p16)**

For information about legal remedy, see Judiciary, and human rights oversight see Human rights institutions, organisations and activists.

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9. MILITARY SERVICE

9.01 Jane's *Sentinel Country Risk Assessment for Nigeria*, section on the army, dated 4 January 2011, stated that: "Service in the army is voluntary, with the majority of combat arms recruits coming from the 'military tribes' such as the Hausa and Kanuri, with a high percentage of Yoruba in the technical arms. Members of the army are obliged to retire at age 60, or after 35 years of service." **[42d]**

9.02 A letter from the British High Commission in Abuja, dated January 2006, noted that the Officers and soldiers serve under different terms and conditions of service. If a soldier wishes to leave the army before the mandatory period of service has been completed, he is free to apply to do so. According to the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years' imprisonment. In practice, this penalty and lesser ones are enforced by the Nigerian army. **[2a]**

9.03 The Child Soldiers 2008 Global Report, published in May 2008, stated that: "Although the 1999 constitution allowed for the possibility of conscription, stating that it was the duty of every citizen to 'defend Nigeria and render such national service as may be required' (Article 24 (b)), no legislation provided for it." **[47]**

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10. NON-GOVERNMENT ARMED GROUPS

This section should be read in conjunction with the section on Crime and Security as subject matters are interrelated.

BACKGROUND

10.01 Jane's *Sentinel Nigeria Country Risk Assessment*, section on non state Armed Groups, updated 27 July 2011, reported:

"Since the coming to power of an elected government, communal conflicts in Nigeria have increased both in number and intensity. The common explanation offered by analysts in Nigeria is that the transition to democracy acted like the release of a pressure valve, enabling people to vent their pent-up anger and express themselves more freely. However, although the causes of these conflicts are often credited as having roots in long-standing disputes in both the economic, political and ethnic domains, the perceived popular unrest at times shares more in common with criminality rather than what can be generally recognised as a 'political insurrection'.

"Vigilante groups have also been a major problem for the state security forces in Lagos and southeastern Nigeria. Claiming to provide law and order, the groups have used brutal and unconstitutional means to deal with suspected criminals. Some of these groups have been armed with automatic weapons, and have run organised crime networks of their own. In April 2002 the government introduced a bill into the National Assembly banning ethnic militia, urging the legislature to expedite passage of the bill before the start of electioneering campaigns for the 2003 elections.

"The numerical strength of the various quasi-militant or militant ethnic organisations is generally unquantifiable. Supporters will join and leave these groups often through opportunism. A further complicating factor is the emergence of religious tensions and violence in the community at large. Criminal activity too, has often been mistaken for genuine political activity, and indeed, the borderline between genuine grievance and this type of behaviour is often more one of perception rather than of clear-cut definition." **[42e]**

10.02 A Simon Fraser University School for International Studies report of December 2010, *Security by Militia, but for Whom? Non-State Actors and Security Governance in Nigeria*, noted:

"…the delta militias are not the only armed groups active in Nigeria. Other, so-called ethnic militias, claim to protect their kin's interests within or against the federal state. The Movement for the Actualization of the Sovereign State of Biafra (MASSOB) brought back fearful memories of Nigeria's 1960s civil war that pitted Igbo secessionists against central government forces. The Oodua People's Congress is another example of a well-established and visible ethnic militia, in this case assuming the struggle for the interests of Yoruba but with limited secessionist ambitions. In addition to these high-profile groups, smaller armed militias have been involved in many incidents of violence between communities across the country; most prominent are the clashes that have repeatedly erupted around the city of Jos in Plateau state." **[109] (pages 19, 20)**

10.03 The Geneva Academy of International Humanitarian Law and Human Rights, in an undated section on non-state armed groups (accessed 4 October 2011), noted:

"The number of armed groups in Nigeria easily number to the hundreds with the majority operating on a local or regional level. The proliferation of violence is particularly notable in the Niger Delta region of Nigeria owing to the fact that the region is the hub of oil and gas production pierced with abject poverty, high unemployment, social deprivation, pollution and underdevelopment that creates a conducive environment for the rise of violence, proliferation of armed groups, organized crime and illicit arms trafficking. Although, factors contributing to armed violence and expansion of armed groups also include clashes between communities over land and security concerns, as well as a number of criminal gangs, nevertheless oil has become both a cause to rally around and a source of necessary funding for perpetuating the fight." **[110]**

GROUPS IN THE NIGER DELTA

10.04 The Council for the Development of Social Science Research published a report in January 2011, *Youth Militias, Self-Determination and Resource Control Struggles in the Niger Delta Region of Nigeria*, which noted that "The Niger-delta region, Nigeria's oil belt has been the site of a generalised ethnic and regional struggle for self-determination since 1998, the location of often violent confrontations between local ethnic communities and agents of the Nigerian state and oil companies involved in the extraction and exploitation of oil in [the] area." **[111](introduction)**

10.05 The Institute for Security Studies (ISS) report of 17 November 2010, *Militias, Rebels and Islamist Militants-Human Insecurity and State Crises in Africa*, noted:

"Although the Niger Delta produces the bulk of Nigeria's oil and gas wealth, it remains one of the least-developed parts of the country. This paradox has triggered a conflict that has lingered on for five decades. This conflict has recently been manifested through huge militarisation of the region, militia insurgency, hostilities between youth militias and the Nigerian military, militia attacks on the oil industry and consequent huge disruptions, the theft of oil by syndicates, and militias and intra- and inter-ethnic, community and militia conflicts. Since the late 1990s, militia groups such as the *Niger Delta People's Volunteer Force* (NDPVF), *Movement for the Emancipation of the Niger Delta* (MEND), and *Niger Delta People's Salvation Front* (NDPSF) have been conducting hostilities against the military and transnational oil companies."

10.06 The same ISS report continued:

"Fundamentally, grievances against development neglect, alienation from the nation's oil wealth, and oil-based environmental degradation are at the root of this militancy, but greed and the resultant commercialisation of violence have led to what [author], A.Ikelegbe calls 'deviant insurgent militias'. Specifically, the emergence of diverse militia activities (underpinned by opportunism and crime which disconnect such activities from the insurgency) has resulted in the branding of militias as criminals. More confusing are interconnections among militias, pirates, cults, oil theft syndicates, syndicates that kidnap for ransom, armed gangs, thugs and bouncers. The interconnections denote a confused agenda and activities that tend towards self-destruction. In addition, there is an increasing presence of militias in politics and they are emerging as pseudo-governments in rural communities." **[112](pages 219, 220)**

Movement for the Emancipation of the Niger Delta (MEND)

10.07 The Geneva Academy of International Humanitarian Law and Human Rights, in an undated section on non-state armed groups (accessed 17 May 2011), noted:

"Movement for the Emancipation of the Niger Delta dates its emergence to 2006 and is a rebel fraction [sic] composed of the Ijaw people living in the Niger Delta… MEND's political base lies with the Ijaw populations in Rivers, Bayelsa and Delta States and draws majority of its combatants from the ethnic Ijaw communities. Its members are considered freedom fighters by many in the Niger Delta. It is said that MEND increasingly serves as an umbrella organization for a loose affiliation of rebel groups in the Delta." **[110]**

10.08 A Council on Foreign Relations report of September 2009, *Understanding the Armed Groups of the Niger Delta*, stated:

"MEND is a constantly changing mass of groups, some of them criminally motivated, others politically and ideologically driven. It is difficult to distinguish between them. Some started life on the university campuses before spilling onto the streets and engaging in criminal activity. Other groups set out to genuinely address the grievances of the Niger Delta people, enraged by decades of environmental pollution, economic underdevelopment and political marginalization. However, the involvement of corrupt outsiders soon took their militancy far beyond any ideological goal.

"No-one knows exactly how many people are involved in militant activity in the Niger Delta, but a study conducted in 2007 for the Delta State government hints at the scale of the problem. It found there to be forty-eight recognizable groups in the Niger Delta alone, boasting more than 25,000 members and with an arsenal of approximately 10,000 weapons. It is estimated … that there may be up to 60,000 members of armed groups in the Niger Delta as a whole.

"All of the groups rely on the tacit support of local communities that share their anger at the exploitation of their region by oil companies and the federal and state governments. Many of the groups depend on patronage from politicians who use them to attack and intimidate their opponents. In addition, many armed groups are enlisted by politicians and military officers to help support their criminal activities, which include oil theft (known as bunkering) and arms importation." **[65b]**

10.09 A Council on Foreign Relations Backgrounder on *MEND: The Niger Delta's Umbrella Group*, dated 22 March 2007, observed:

"Many elements of MEND remain secretive. Estimates of its size range from the low hundreds to the low thousands. Like other Delta militant groups, MEND is largely made up of young Igaw men in their twenties…Its leaders are educated, some at the university level, and they have learned from militant movements in other parts of the world. Experts agree that MEND does not have a united structure…the group is an 'idea' more than an organization…An International Crisis Group report describes a…structure in which militant groups switch affiliations on a case-by-case basis. 'Some of these elements alternate between identifying themselves as MEND and operating under other names', the report claims. Such groups include the NDPVF [Niger Delta People's Volunteer Force], the Coalition for Militant Action in the Niger Delta (COMA), and the Martyr's Brigade." **[65a]**

10.10 In *A Guide to the Armed Groups Operating in the Niger Delta*, produced by the Jamestown Foundation on 26 April 2007, it was stated that:

"There are no card-carrying members of MEND. Like most of the groups with long, politically idealistic names – the Niger Delta People's Volunteer Force (NDPVF) or the Niger Delta Freedom Fighters – it draws on the same of (sic) pool of fighters from communities across the delta, ethnic militias in the west and cults (partially absorbed into the NDPVF or the Niger Delta Vigilantes) in the east. It does, however, use recognized leaders to control each of the three main states and each leader has a deputy. MEND's flexible structure allows it to channel arms and funds across the delta to regions where it is concentrating operations. It differs from the cults and ethnic militias because its kidnappings appear primarily motivated by publicity rather than ransom (although money often changes hands) and by placing its struggle in a social rather than ethnic context." **[66]**

10.11 The Institute for Security Studies (ISS) report of 17 November 2010, *Militias, Rebels and Islamist Militants-Human Insecurity and State Crises in Africa*, noted:

"The militias are organised on the basis of military hierarchy and formations. MEND, for example, which is the most prominent group, has a command and platoon structure in all states of the Niger Delta, each headed by a commander, with a central command in the Ijaw territory of Delta State. The intelligence unit undertakes strategic studies and provides tactics that underlie its operations. The leadership have false names and identities, and to a large extent are unknown, particularly to the Nigerian security forces and operatives." **[112] (page 226)**

Government amnesty, 2009-2011

10.12 The Human Rights Watch *World Report 2010*, section on Nigeria, published 24 January 2011, noted that in an attempt to reduce militia violence in the Niger delta the government introduced an amnesty in 2009. The report continued, noting that the:

"… amnesty – in which a few thousand people, including top militant commanders, surrendered weapons in exchange for cash stipends – led to a reduction of attacks on oil facilities in 2010, but their disarmament, demobilization, and reintegration have been poorly planned and executed. The amnesty has further entrenched impunity, and the government has made little effort to address environmental degradation, endemic state and local government corruption, or political sponsorship of armed groups, which drive and underlie violence and poverty in the region." **[22a]**

10.13 An Integrated Regional Information Networks (IRIN) report of 17 December 2010, *Corruption-fed unrest in Delta keeps communities in turmoil*, noted that:

"…. government efforts to quell violence are hampered by corruption and fail to get at the deep-seated causes of unrest in the region. … A local human rights activist said corruption is rife in the amnesty programme, with planned government assistance falling short, despite available funds. Under the government scheme, from August to October 2009 militants could turn over their arms in return for training, employment assistance and a government pardon. 'The crisis will continue until the government [eradicates] the corruption in the amnesty programme,'… [the] chair of Human Rights Defenders Organization of Nigeria, told IRIN, calling the programme 'a monument of fraud'." **[21a]**

10.14 An article in the online publication Next of 2 February 2011, *Amnesty programme is key to Niger Delta peace*, noted:

"Sustaining the progress recorded under the Federal Government amnesty programme for former members of armed militant groups in the Niger Delta is important for lasting peace in the oil producing region…[It was] said a total of 12,917 former members of various Niger Delta armed militant groups participated in the demobilisation and integration process through non-violent and conflict resolution programmes, while an additional 6,166 others enlisted last December [2010]…Kingsley Kuku, the new special adviser to the president on Niger Delta Affairs, and former spokesman, Ijaw Youth Council (IYC), pledged his commitment to sustain the amnesty programme. Mr. Kuku said 13, 043 former militants were successfully demobilised in 11 batches between June and December last year. About 11,000 of the demobilised ex-militants were posted to various institutions for training, with 38 sent to South Africa, 34 currently in training in the country, while 212 are in Ghana for a similar training." **[78d]**

10.15 An article in the Voice of America News of 16 May 2011, *In Nigeria, Last Militant Group in Niger Delta Offers Truce in Exchange for Amnesty*, stated:

"In Nigeria, the last significant militant group in the oil-rich Niger Delta has called for a truce with the government, offering to disband and disarm in exchange for amnesty from prosecution. The Nigeria Delta Liberation Force is a breakaway faction of the main group, MEND, and has been fighting government forces since its leader, John Togo, rejected the amnesty deal offered by the government. Security officials say the militant group could not cope with the fire power of the troops deployed in the area…'It is good news, which I think the government should embrace,' said Onengiya Erekosima, president of Niger Delta Non-Violent Movement. Erekosima organized the first face-to-face meeting between the militants and the government…The military says the militants were forced to give up the fight because they had no hope of achieving their objectives by force. But Erekosima said the government should not underestimate the will of the militants to wage a long, costly war." **[98b]**

10.16 The Nigerian government website on the Niger Delta Amnesty Programme reported on 24 September 2011:

"The demobilization phase of the Presidential Amnesty Programme came to a remarkable closure with a landmark ceremony held at the transformation camp in Obubra, Cross Rivers State on Saturday 24th September, 2011. The demobilization camp was officially opened on the 28th June, 2010 and had played host to tranches of ex-freedom fighters of the Niger Delta who had willingly surrendered their arms and ammunition in exchange for the Presidential pardon granted by Late President Umaru Musa Yar'Adua. Between the commencement of the camp in June 2010 and now, a total of 20,192 Niger Delta youths have successfully passed through the demobilization phase of the programme. Participants drawn from all the nine Niger Delta States namely; Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Ondo, Rivers, Imo and Abia States have been scheduled and processed to participate in the process. Amongst the main features of the camp activities are: Biometrics, health and wellness tests, nonviolence training, career counseling and mentoring, classification and profiling…It is worthy to note that more than 5,000 Niger Delta youths have so far being processed for various forms of vocational, entrepreneurship and educational training in both local and offshore training centers." **[113]**

10.17 An article in Vanguard of 28 September 2011, *Amnesty: First phase of demobilisation ends*, noted that "A total of 20,192 have so far undergone the disarmament and demobilisation and are now being trained and re-integrated into civil society. With their completion of non-violence training at Obubra, the Amnesty Office has placed 4,149 in skill acquisition centres and formal education in Nigeria and abroad. Another 6, 616 ex-combatants are waiting to undergo non-violence training in Obubra in the second phase of the amnesty programme…[it was] noted that 80 per cent of the programme has been achieved." **[29d]**

10.18 An article in the *Nigerian Tribune* of 5 September 2011, *Amnesty: FG sends 82 Niger Delta ex-militants to Israel militants*, noted:

"No fewer than 82 Niger Delta ex-militants will leave Nigeria today for Israel and Philippines to learn vocations in agriculture, pipeline and undersea welding. The Special Adviser to President Goodluck Jonathan on Niger Delta, Honourable Kinsley Kuku, said this during the orientation ceremony for the ex-militants at Sheraton Hotel, Lagos, on Sunday, adding that the training was part of the Federal Government's Niger Delta amnesty programme. He said 50 of the trainees will head to MFI Foundation, Manila, Philippines to learn pipeline and undersea welding while another 32 will travel to Galilee Institute of Agriculture, Nahala, Israel to learn modern practice in agriculture.

"Kuku, who was represented by his technical assistant on reintegration, Mr Larry Pepple, said that [the] government would pay $500 to each trainee monthly for the period of six months that the programme would last while another sum of $500 would be given to each of them to buy warm clothing. He explained that the monthly allowance would be remitted to the trainees through their trainers, who would also provide accommodation, feeding and health care for them throughout the duration of the programme." **[114a]**

10.19 An article in *This Day* of 26 August 2011, *Amnesty: Govt to Prosecute Disobedient Niger Delta Youths*, observed that:

"100 of the youth were slated for vocational training at the FOE Famous and Radmtz in South Africa, while 17 of them were headed to Dubai's LSCI for educational training and 25 for vocational training in Marine Graphics. The delegates for South Africa would be trained in pipeline treating/ plumbing, welding and fabrication as well as pipeline welding; while those in Marine Graphics would be trained in rig drilling, oil and gas drilling and drilling technology, after which they would be issued Diploma Certificates." **[43b]**

10.20 Another article in *This Day* of 13 September 2011, *JTF: No Amnesty for Protesting N'Delta Youths*, noted:

"The Joint (Military) Task Force (JTF) code named 'Operation Restore Hope' has washed its hands off (sic) any deal with protesting youths from the Niger Delta region who took over the East-west road last week. The clarification came in the wake of confusion as to the deal entered into by the federal government and the protesters who claimed they constituted the third phase of the amnesty programme. The JTF in a statement by its Media Coordinator…explained its role in the collection of arms and ammunition from some 3,000 aggrieved youths who now claimed to be the 'Third Phase' of ex-militants. The JTF said although it collected arms from the youths after the amnesty promised by the federal government had lapsed; it never offered the ex-militant

youths any amnesty deal…the JTF is statutorily empowered to mop up illegal arms in the Niger Delta but that such does not qualify the disarmed person or persons for inclusion in the Amnesty Programme. Disarmaments for inclusion in the Amnesty Programme ended on October 4, 2009." **[43c]**

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11. CRIME AND SECURITY

This section should be read in conjunction with the section on Non-Government Armed Groups as subject matters are interrelated.

11.01 The *2011 Nigeria Crime and Safety Report* produced by the Overseas Security Advisory Council (OSAC) on 31 March 2011 noted:

"Indiscriminate violent crime is common throughout Nigeria. Kidnappings, murder, armed robbery, carjacking, residential burglaries, home invasions, and financial fraud all take place…indigenous terrorists and criminal groups have become more vocal in expressing their intent to kidnap Westerners… throughout Nigeria. In the south, political violence is directly related to the oil industry and the wealth associated with it…Efforts to combat regional terrorism and organized crime continue to prove challenging for Nigeria. Corruption is rampant, and regional terrorism remains a significant threat. Organized crime is generally related directly toward financial fraud, drug trafficking, document fraud, trafficking in persons, and oil smuggling. The Nigerian Government has been making positive steps toward prosecuting corrupt individuals within government, but it remains an ongoing struggle." **[115]**

CULTS/GANGS

11.02 The Landinfo 2006 report of a *Factfinding Trip in Nigeria*, on the subject of cults, noted:

"The term *cult* is very freely used in Nigeria, and may refer to any organised group of people where there is some sort of secrecy around the group members' reasons to organise and/or modes of operations. The term also implies a religious dimension, generally linked to practice of *juju*. Organisations ranging from the famous Ogboni secret society via ethnically based vigilante groups to university fraternities are all referred to as cults in Nigerian media…cults and secret organisations are common in the south of Nigeria, but considerably less so in the north… secret brotherhoods operate all the way up to elite levels of society… it is widely believed in Nigeria…that people in power form secret networks where conspiracies and abuse of occult powers are a matter of routine." **[97] (page 19)**

11.03 The difficulty of categorising and defining different armed groups in Nigeria was noted in the December 2007 Small Arms Survey report, *Small Arms, Armed Violence and Insecurity in Nigeria: The Niger Delta in Perspective*:

"Given the diversity of the armed groups, it is difficult to generate a simple typology. Such groups are often characterized by observers as (ethnic) militias, confraternities or cults, vigilante groups, or (criminal) gangs, but these terms have often been used interchangeably, creating confusion as to the distinctions among the various categories. Some groups fall into more than one type, further blurring the distinctions…Regardless of their motivations or activities, many members of armed groups preferred to be called

'freedom fighters' as opposed to any other label, suggesting a strong belief in the reasons why they fight.

"*Ethnic militias* are defined as youth groups formed to promote and protect the interests of a specific ethnic group, and therefore operate across the territory of that ethnic group. They are not rebel movements, and are not seeking to capture territory or political power; instead, they serve as a pressure group on government.

"*Confraternities and cults* are similar in their origins, but differ in their areas of operation. These are small groups that originate in tertiary academic institutions. Their origins are in fraternities, initially comprising groups of men with similar interests, but they have since developed over the past few decades into armed groups that are often involved in criminal activities. Confraternities operate on campus, while their affiliated cults operate in off-campus locations. Their activities tend to be localized in proximity to the tertiary institution.

"*Vigilante groups* are community groups created to fill a security gap and provide protection from violent crime and armed robbery to a specific community. They consist of community members and are extremely localized in their area of operation.

"*Criminal gangs* tend to be groups of unemployed, poor, and illiterate youths who engage in small-scale crime and offer their services for hire to politicians and others. These gangs go by various local names, such as 'area boys' in Lagos or *yandaba* in the north. They are small groups with little organization, locally formed, and operating in small areas." **[116] (pages 72-75)**

11.04 The Coventry Cathedral report of February 2009; *The Potential for Peace and Reconciliation in the Niger Delta*, provided background information:

"Confraternities in Nigeria are associated with the concept of those which appeared in Europe as early as the eighth century. These confraternities initially engaged in charitable works, worship, and discipline, later extending their reach to political influence, education, and judicial discipline of members.

"The Nigerian confraternities were not associated with the church and were more akin to the university fraternities and sororities at North American university campuses. Fraternities at Nigerian universities became violent in the 1970s and soon were feared by students and staff alike. Pseudo-confraternities or campus cult groups such as the Supreme Vikings, Black Axe, and the Klansmen Konfraternity were formed in the 1980s as tools of the Nigerian military and they in turn formed street cult groups. The latter control territory and certain illicit operations such as drug dealing within their territory.

"With the support of political leadership some fraternity groups mutated into violent pressure groups which were used by politicians to secure electoral victories and in doing so have seriously hindered the growth of open democracy in Nigeria." **[36] (p10)**

11.05 Jane's *Sentinel Nigeria Country Risk Assessment*, section on non state Armed Groups, updated 20 January 2011, reported that: "Vigilante groups have also been a major problem for the state security forces in Lagos and southeastern Nigeria. Claiming to provide law and order, the groups have used brutal and unconstitutional means to deal with suspected criminals. Some of these groups have been armed with automatic weapons, and have run organised crime networks of their own." **[42e]**

11.06 The same Coventry Cathedral report, on the subject of women, added that: "Women are members of gangs and cult groups. The Black Braziers (Bra Bra), the Amazons, Daughters of Jezebel, the Viqueens, and the Damsel are some of the more prominent women's fraternities that display the characteristics of cult groups. Some female groups supply spies and prostitution services for male groups. Other females are also closely allied to male groups as girl friends and spouses of non-state combatants." **[36] (p258)**

11.07 The Council for the Development of Social Science Research published a report in January 2011, *Youth Militias, Self-Determination and Resource Control Struggles in the Niger Delta Region of Nigeria*, which noted that "The Secret Cult and Similar Activities Prohibition Law passed in June 2004 officially listed about 100 cult groups, which are now banned. These cults include criminal gangs, spiritual and politically motivated groups seeking power and control, gangs that control waterways and passages, as well as those involved in oil bunkering activities.

List of Cult Groups Banned Under the Secret Cult and Similar Activities

Prohibition Law 2004

Airwords	Eagle Club	Nite Hawks
Amazon	Egbe Dudu	Nite Rovers
Baccaneers (Sea Lords)	Eiye of Air Lords Fraternity	Odu Cofraternity
Barracuda	Elegemface	Osiri
Bas	Executioners	Ostrich Fraternity
Bees International	Fangs	Panama Pyrate
Big 20	FF	Phoenix
Black Axe	Fliers	Predators
Black Beret Fraternity	Frigates	Red Devils
Black Brasserie	Gentlemen's Club	Red Fishes
Black Brothers	Green Berets Fraternity	Red Sea Horse
Black Cats	Hard Candies	Royal House of Peace
Black Cross	Hell's Angels	Royal Queens
Black Ladies	Hepos	Sailors
Black Ofals	Himalayas	Scavengers
Black Scorpions	Icelanders	Scorpion

Black Sword Blanchers Black Bras Blood Hunters Blood Suckers Brotherhood of Blood Burkina Faso: Revolution Fraternity Canary Cappa Vandetto Daughters of Jezebel Dey Gbam Dey Well Dogs Dolphins Dragons Dreaded Friends of Friends	Jaggare Confederation KGB King Cobra KlamKonfraternity Klansman Ku Klux Klan Knite Cade Mafia Lords Mafioso Fraternity Malcolm X Maphites /Maphlate Mgba Mgba Brothers Mob Stab Musketeers Fraternity National Association of Adventurers National Association of Sea Neo-Black Movement Night Mates	Scorpion Scorpion Fraternity Sea Vipers Soiree Fraternity Soko Sunmen Temple of Eden Fraternity Thomas Sankara Boys Tikan Giants Trojan Horses Fraternity Truth Seekers Twin mate Vikings Vipers Vultures Walrus White Bishop

[111] (page 20)

11.08 Cult/gang activity in the country remained an ongoing issue. An article in Vanguard of 9 September 2011, *Rights Group, opposition parties decry cult-related killings*, stated that:

"No fewer than 15 persons have been killed in the last six weeks in Bayelsa State in the wake of renewed clashes between rival cult groups. Meanwhile, civil rights group and opposition parties in the state have called on the state government to stem the tide and prevent the state from drifting into anarchy. Residents of the state had in last six weeks been gripped with fear following the constant killing of youths in parts of Yenagoa over alleged superiority war between cult groups loyal to some politicians in the state… The leadership of the Action Congress of Nigeria, ACN and Labour Party had accused the Governor Timipre Sylva-led administration of complicity in the cult-related killings because of its silence on the issue and the growing fear in the state." **[29e]**

11.09 An article in the *Daily Times NG* of 30 August 2011, *Two die in Yenogoa cult clash*, noted:

"A clash between two rival criminal gangs in Yenagoa, the capital of Bayelsa state has left two persons dead. The fracas happened in the early hours of Monday. According to witnesses, the incident occurred at about 1:30am around the Onopa area, between groups identified as Highlanders and Greenlanders. The cultists were said to have attacked one another with firearms and cutting weapons…Clashes between criminal gangs, also known as cults in the Yenogoa area have left about 12 people dead since June [2011]. There are fears that all of this is related to the upcoming state gubernatorial elections." **[117]**

Further detailed information on the various gangs, cults, etc can be found via the following sources:

Coventry Cathedral, *The Potential for Peace and Reconciliation in the Niger Delta*, February 2009 **[36]**

Human Rights Watch, *Politics As War, Annex: Partial Overview of Cults, Gangs, and "Militant Groups" in Rivers State*, March 2008

Campus Cults, *The Different Gang/Cult Groups, Their Origins and Their Beliefs*, undated

The Jamestown Foundation, *Nigeria's Cults and their Role in the Niger Delta Insurgency*, July 2007

Global Security.org, *Military, Nigeria*, last updated July 2011

News From Africa, *Area Boys – a growing menace on the streets of Lagos*, July 2005

Immigration and Refugee Board of Canada, *Nigeria: Information on the O'odua People's Congress (OPC), including the methods of recruitment and the selection of members; implications of being a member and the consequences of refusing to join (2003-May 2005)*

SEPARATIST VIOLENCE

11.10 The US State Department *Country Report on Terrorism 2010: Nigeria*, published 18 August 2011, noted:

"Nigeria faced threats from Delta-based militants who claimed to be seeking better government services but who commonly resorted to violence, and from northern-Nigeria based militants known as Boko Haram who have attacked the Nigerian government with an aim to establish a government in the north functioning under a strict interpretation of Sharia law. After the July 2009 confrontations between Boko Haram and Nigerian security forces, in which several hundred persons died, many Boko Haram members had reportedly dispersed to neighboring countries to regroup, recruit, and train." **[3f]**

Boko Haram

11.11 The International Crisis Group (ICG) report of 6 September 2011, *Bombing in Abuja: On Nigeria's Boko Haram*, noted the genesis of the group:

"Boko Haram, which means 'Western Education is Sin', has its origins in its radical young preacher Mohammed Yusuf who, exploiting the politicisation of religion by

northern Nigeria's political elite, found support among unemployed, impoverished and disenfranchised youth for his more fundamentalist strain of Islam. It began in 2002 in Maiduguri, capital of the north-eastern state of Borno, which borders Cameroon, Niger and Chad and is one of the poorest regions in Nigeria. The group's insistence on strict adherence to a fundamentalist interpretation of Islam across northern Nigeria began to attract national and international attention, particularly for its extreme violence. Mohammed Yusuf was killed in police custody in 2009 in the aftermath of one of Boko Haram's deadly confrontations with Nigerian security forces, and the sect has vowed revenge for the killing of their leader." **[17b]**

11.12 The same ICG report continued:

"Boko Haram emerges from a tradition of intense and often violent religious fervour among northern Nigeria's Muslim sects. It is strikingly similar to the Maitatsine group founded by a northern Cameroon preacher known as Marwa in the 1970s. Maitatsine undertook violent campaigns to enforce strict Islamic codes in northern Nigeria, and the deadliness of its operation is comparable to Boko Haram's. Its bloodiest confrontation was with Nigerian security forces in December 1980; its leader also died in violent riots. Boko Haram is thus not an entirely new phenomenon. What marks the group out is its demonstrated resilience and tenacity to mount continued operations that hit at the heart of Nigeria's national security apparatus." **[17b]**

11.13 The U.S. House of Representatives Committee on Homeland Security report of 30 November 2011, *Boko Haram-Emerging Threat to US Homeland*, noted:

"A consistent lack of reliable reporting on Boko Haram has contributed to the difficulty in assessing its size, makeup, and goals. Boko Haram operates out of Maiduguri, the capital city of Borno state in northeast Nigeria bordered by Chad, Cameroon, and Niger. The group's membership is elusive. Some describe the 'coreBoko Haram' as the immediate followers of the late sect leader Mohammed Yusuf.However, others consider Boko Haram to be more of a 'grassroots insurrection', or an 'amorphous cloud' that has emerged from the larger context of Muslim grievances and frustration with the government." **[147](page7)**

11.14 The Council on Foreign Relations Backgrounder, updated 7 November 2011, *Boko Haram*, observed:

"Boko Haram, an Islamist religious sect, has targeted Nigeria's police, rival clerics, politicians, and public institutions with increasing violence since 2009. Some experts say the group should primarily be seen as leading an armed revolt against the government's entrenched corruption, abusive security forces, strife between the disaffected Muslim north and Christian south, and widening regional economic disparity in an already impoverished country... Before 2009, the group did not aim to violently overthrow the government. Yusuf criticized northern Muslims for participating in what he saw as an illegitimate, non-Islamic state and preached a doctrine of withdrawal. But violence between Christians and Muslims and harsh government treatment, including pervasive police brutality, encouraged the group's radicalization. Human Rights Watch researcher Eric Guttschuss told news service IRIN that Yusuf gained supporters 'by speaking out against police and political corruption.' Boko Haram followers, also called Yusuffiya, consist largely of hundreds of impoverished northern Islamic students and clerics as well as university students and professionals, many of whom are unemployed. Some followers may also be members of Nigeria's elite." **[65c]**

11.15 A Combating Terrorism Center (CTC) report of 26 September 2011, *The Rise of Boko Haram in Nigeria*, stated:

"There is no doubt that the suppression operation of 2009, and the killing of Muhammad Yusuf by Nigerian security forces in July of that year, was a turning point for Boko Haram. The group was frequently said at this time to be defunct. In September 2010 (coinciding with Ramadan), however, Boko Haram carried out a prison break (said to have released some 700 prisoners), and the group began operations again. Its major operations since that time can be divided into the following attack categories: 1) military (three operations); 2) police (at least 16 operations); 3) teachers/university (five operations); 4) banks and markets (two operations); 5) carrying out al-amr bi-l-ma`ruf attacks on beer drinkers, card-players, etc. (at least five operations); 6) attacks on Christian preachers and churches (at least three operations); and 7) targeted assassinations (at least five major operations). While the major methodologies of drive-by shootings and bombings from motorcycles have not changed, the group has demonstrated in its second incarnation a considerable range, carrying out operations in Adumawa, Katsina and a number of times in Abuja." **[118]**

11.16 The same CTC report continued:

"The targeted assassinations are the most revealing, involving political figures, such as Abba Anas bin `Umar (killed in May 2011), the brother of the Shehu of Borno, and secular opposition figures (Modu Fannami Godio, killed in January 2011), but also prominent clerics such as Bashir Kashara, a well-known Wahhabi figure (killed in October 2010), Ibrahim Ahmad Abdullahi, a non-violent preacher (killed in March 2011), and Ibrahim Birkuti, a well-known popular preacher who challenged Boko Haram (killed in June 2011). The shootings of these prominent clerics seem to be in accord with Boko Haram's purificationist agenda with regard to Islam. It is interesting also that in Boko Haram's second incarnation there has been no figure who has replaced Muhammad Yusuf as the charismatic leader." **[118]**

11.17 The CTC report added:

"Most dramatic has been the transition of Boko Haram toward the use of suicide attacks, starting with the attack on the police General Headquarters in Abuja on June 16, 2011 and then culminating with the attack on the UN headquarters, also in Abuja, on August 26, 2011. Other than al-Shabab in Somalia and to some extent al-Qa`ida in the Islamic Maghreb, no other African radical Muslim group has used suicide attacks. Indeed, there were reports that al-Shabab had trained at least one of the attackers against the UN building. While the attack on the police General Headquarters can be seen as a continuation of Boko Haram's fixation upon the Nigerian police and army, the United Nations attack is much more in line with other globalist takfiri organizations, and is strongly reminiscent of the suicide attack in Baghdad against the United Nations in August 2003, which was one of the opening blows of the Iraqi insurgency.

"Overall, Boko Haram is demonstrating the paradigm of a jama`at group, such as Jemaah Islamiya in Southeast Asia, which had a quietist stage of local amr bi-l-ma`ruf and then transitioned into an activist stage as the result of outside influence. The assassination of the charismatic Muhammad Yusuf seems to have been such a catalyst, and now released from its previous strictures the group is able to expand its field of operations." **[118]**

See section on Boko Haram within Recent Developments

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12. JUDICIARY

OVERVIEW

12.01 The Amnesty International report of 14 October 2011, *Human Rights Agenda 2011-2015*, stated:

"Nigeria has a weak criminal justice system. It is under-resourced, blighted by corruption and struggles to earn the trust of the population. The police resort too easily to the use of lethal force. Investigations into crimes, if they occur, are often cursory and not intelligence-led. The security forces often resort to dragnet arrests, rather than arresting people on the basis of a reasonable suspicion that they committed an offence. Suspects are regularly detained in cells that violate their right not to be subjected to inhuman and degrading treatment. Court processes are slow, with the result that most detainees, especially the poor, are kept in pre-trial detention for many years. Human rights violations are prevalent in Nigeria's justice system. Arbitrary arrest and detention, torture and failure to hold trials within a reasonable time are features of many inmates' experience. Seven out of ten people held behind bars in Nigeria's prisons have not been convicted of any offence. They are waiting, in appalling conditions, to be tried. Most wait two, three or four years, and some more than seven, with no idea how long they will be held." **[12h] (page 16)**

ORGANISATION

12.02 The US State Department *Country Report on Human Rights Practices 2010, Nigeria,* released on 8 April 2011, (USSD 2010 Report) noted:

"Sharia and customary (traditional) courts of appeal function in 12 states and the Federal Capital Territory (FCT). The constitution also provides that the government establish a federal Sharia court of appeal and a final court of appeal, but these courts were not established by year's end.

"The constitution provides that states may establish courts based on common-law or customary-law systems. The law also provides that states may elect to use the Sharia penal code in the courts. While Sharia courts have been in operation throughout the north for centuries, in 2000 Sharia courts were empowered to also hear criminal cases and pass sentences based on the Sharia penal code, which outlines 'hadd' offenses and punishments, including caning, amputation, and death by stoning.

"The nature of a case usually determined which court had jurisdiction. The return to the Sharia courts stemmed at least in part from inefficiency, expense, and corruption in the regular court system.

"Defendants have the right to challenge the constitutionality of Sharia criminal statutes through the common-law appellate courts; however, no challenges with adequate legal standing reached the common-law appellate system. The highest appellate court for Sharia remained the Supreme Court, staffed by common-law judges not required to have any formal training in the Sharia penal code." **[3a] (Section 1e)**

See paragraph 25.09

INDEPENDENCE

12.03 Regarding the independence of the judiciary, the USSD *2010 Human Rights Report* stated:

"Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive, the legislative branch, and business. 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. Judges frequently failed to appear for trials, often because they were pursuing other sources 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, with lack of motivation primarily due to inadequate compensation. During the year supreme court judges called for a more independent judiciary.

"The Ministry of Justice implemented strict requirements for the education and the length of service for judges at the federal and state level; however, there were no requirements or monitoring bodies for judges at the local level, which resulted in corruption and miscarriages of justice in those courts." **[3a] (Section 1e)**

12.04 The *Freedom in the World 2011 Report*, published by Freedom House on 14 May 2011, stated that "The higher courts are relatively competent and independent, but they remain subject to political influence, corruption, and inefficiencies. Certain departments, particularly the Court of Appeals, have often overturned decisions on election challenges or allegations of corruption against powerful elites, raising doubts about their independence." **[30b]**

FAIR TRIAL

12.05 As regards fair trials, the USSD *2010 Human Rights Report* stated that:

"The constitution provides for public trials in the regular court system and individual rights in criminal and civil cases. The law does not provide for juries. A defendant is presumed innocent and has the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel, and have access to government-held evidence; however, these rights were not always respected. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases and stipulates that a trial should not go forward without it. Defendants have the right of appeal.

"In both common-law and customary courts (including Sharia), indigent persons without representation were more likely to have their sentences carried out immediately, although all convicted persons have the right to appeal. The federal government instituted a panel of legal scholars in 2003 to draft a uniform Sharia penal code to replace divergent Sharia codes adopted by various northern states; however, the panel did not produce a report, and states continued to apply their individual codes.

"There were no legal provisions in common law barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Sharia courts. Some 'qadis' (Sharia court judges) allowed separate evidentiary requirements to prove adultery or fornication for male and female defendants. For women pregnancy was deemed permissible evidence in some Sharia courts. By contrast men could only be convicted by confessing to the crime or by eyewitness testimony. Sharia courts provided women with certain benefits, including increased access to divorce, child custody, and alimony, as to get an audience in a Sharia court was significantly easier, faster, and cheaper than in a common law court." **[3a] (Section 1e)**

See section on Shari'a Law

12.06 Amnesty International's Director of Africa in the context of an article (of July 2011) about the death penalty in the country commented "'Weaknesses in the Nigerian criminal justice system mean that hundreds of prisoners on death row have not had a fair trial and therefore may be innocent.'" **[12i]**

CRIMINAL CODE

12.07 Nigeria Law provided a copy of the Criminal Code.

SHARI'A LAW

12.08 The Human Rights Watch *World Report 2011* covering events in 2010, released in January 2011, noted that: "In northern Nigeria 12 state governments apply Sharia law as part of their criminal justice systems, which include sentences such as the death penalty, amputations, and floggings that amount to cruel, inhuman, and degrading punishment. Serious due process concerns also exist in Sharia proceedings, and evidentiary standards in the Sharia codes discriminate against women, particularly in adultery cases." **[22a]**

12.09 The US State Department *July-December International Religious Freedom Report 2010*, published 13 September 2011, noted:

"Twelve northern states – Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe – maintained Sharia courts, which adjudicated both criminal and civil matters, along with common law and customary law courts. Many Christians alleged that widespread use of Sharia courts amounted to the adoption of Islam as a state religion. In addition the Civil Liberties Organization, a prominent nongovernmental organization (NGO), contended that Zamfara State promoted Islam as a state religion through its establishment of a Commission for Religious Affairs.

"While the constitution specifically recognizes Sharia courts for civil matters, it does not address the application of Sharia to criminal matters. Aggrieved parties can appeal judgments of Sharia courts in three levels of Sharia appellate courts. Cases that reach the Sharia Court of Appeal (the highest level of the Sharia courts) can theoretically be appealed to the Federal Court of Appeal and then to the Supreme Court. To date no case involving the Sharia criminal code has reached the Federal Court of Appeal." **[3b] (section ii)**

12.10 The same USSD report continued:

"The constitution does not permit non-Muslims to consent to Sharia legal jurisdiction, but in practice non-Muslims occasionally choose to have cases heard in Sharia courts, citing their speed and low expense.

"In Zamfara State a Sharia court must hear all criminal cases involving Muslims. Other states that use the Sharia legal system, including Niger and Kano, permitted Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis (Sharia court judges) applied harsher penalties in adultery and fornication cases against women than against men and required stronger evidence to convict men than to convict women.

"No laws barred women or any groups from testifying in common law courts or gave less weight to their testimony; however, Sharia courts usually accorded less weight to the testimony of women and non-Muslims." **[3b] (section ii)**

12.11 The Global Campaign to Stop Killing and Stoning Women and the Women Living Under Muslim Laws report of 1 March 2010, *Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria*, observed:

"The present system of Shari'a in Nigeria has been described as 'political Shari'a' due to its concentration on hudud punishments. In each of the twelve northern states implementing Shari'a, the penal codes dictate fixed punishments for the hudud offenses of zina (including fornication, adultery, and same-sex sexual relations), rape, theft, robbery, drinking of alcohol, and apostasy. Other sanctions introduced by the expansion of Shari'a include retaliatory punishment (qisas) and monetary compensation for murder (diyeh). Harsh punishments for adultery were not the only method by which Nigerian authorities attempted to control women's sexuality, freedom of movement, and independence. Conservative interpretations of Muslim laws resulted in tightened restrictions on women's dress, transportation, and presence in the public sphere. In Zamfara, for example, women who wore the headscarf were barred from travelling on motorcycles behind men. In Gusau, a midnight curfew was imposed. A host of practices, with no legal basis at all, were implemented as part of a 'sharianization' program that sanctioned and encouraged both the growth and expression of extremely conservative interpretations of Muslim laws in northern Nigeria. Many of these practices are still enforced by extra legal groups of young men vigilantes, who take the law into their hands, with mixed reactions by the offcial state governments. It is important to note as well that conservative religiosity is not limited to Muslim communities. In the largely Christian southern areas of Nigeria, women have been attached (sic) for wearing trousers and the `Indecent Dressing' Bill was sponsored by a Christian woman senator…Stoning is the prescribed punishment [for zina] for both married men and women in each of the twelve states' Shari'a Penal Codes." **[82]**

Also see Death penalty

CUSTOMARY LAW

12.12 A section on customary law in a 2005 book by Charles Mwalimu, *The Nigerian Legal System: Public law*, noted:

"Nigerian customary law reflects customs accepted by members of the community considered 'legally' binding with respect to this group. The nature of Nigerian customary law is classified between two systems – indigenous customary law that is non-Muslim or

Islamic law with its attributes as infused by ethnic customs and practices. Indigenous customary law is founded on more than 300 Nigerian ethnic groups. Islamic law is largely religious-based and is reflected in a codified form in the *Qur'an* and other similar sources such as the *Sunna*…The Maliki School of Islamic law is the dominant Islamic school in Nigeria. Customary law on the other hand is primarily not codified.

"Technically-speaking therefore Nigeria has more than 300 systems of customary laws corresponding to each tribal group in the country…This variance in internal systems of customary law themselves constitutes a challenge to lawmakers when seeking harmonization or unification of customary laws with other systems of law in a particular state. But both diversities and similarities in indigenous systems of law balance each other in that members that belong to one major ethnic group such as the Yorubas, for example are bound to have something in common. As such certain principles of customary law are identical to all the Ibos, Yorubas, or Hausa throughout the country wherever they may reside.

"A salient feature of customary law in Nigeria is that it must be accepted by the community in which it is practiced as obligatory…To the extent that Islamic law is primarily written, it contains a certain level of rigidity not available in the flexibility of unwritten customary laws…Customary law in Nigeria is established either by the courts taking judicial notice of the fact that it exists, or it is established by proof. Proof of customary law can further be distinguished by the forum in which such proof is called for. It could be in a non-customary or non-area court, or it could be in these two systems of courts that are the primary tribunals for the adjudication of matters of customary and Islamic law." **[141]**

See sub-sections on Marriage, Divorce, Inheritance and Child custody

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13. ARREST AND DETENTION – LEGAL RIGHTS

13.01 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011, (USSD 2010 Human Rights Report) stated:

"Police and security forces have authority to arrest without warrant, if they have a reasonable suspicion that a person committed an offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow suspects to engage counsel and post bail. However, police routinely detained suspects without informing them of the charges or allowing access to counsel and family members. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Detainees were kept incommunicado for long periods. Numerous detainees alleged that police demanded bribes to take them to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.

"Persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, authorities frequently asked them to return for further questioning." **[3a] (Section 1d)**

13.02 An Open Society Foundation blog article of 18 April 2011, *Don't Get Arrested in Nigeria*, noted the case of one individual:

"In 1990, Ernest N. was an 18-year-old living in Ngor-Okpala, Nigeria, with a bright future ahead of him. Then, one day, he was arrested by police and held in jail on suspicion of robbery. The problem was, the alleged victim of the robbery did not exist and there were no witnesses to it. The only facts the police had were Ernest's statement denying the allegations of robbery. His case never went to trial. Instead, Ernest remained in detention for 18 years.

"In 2008, Ernest was finally released following the intervention of lawyers from the Legal Aid Council of Nigeria (LACON) and the non-governmental organization, Rights Enforcement & Public Law Centre (REPLACE). While he was in detention, Ernest's father and mother died. No one told him. When he came out in 2008, Ernest did not know how to get home. So much had changed while he was unjustly detained. The cruelest irony was that if Ernest had been convicted for the crime of robbery, the sentence would have been a fraction of the years he spent rotting in jail, waiting for a trial that would never happen." **[120]**

For information about the violations of arrest and detention rights committed by the security forces, see Security forces, Arbitrary arrest and detention

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14. PRISON CONDITIONS

14.01 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011, (USSD 2010 Human Rights Report) stated:

"Prison and detention conditions remained harsh and life-threatening. Most of the country's 227 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. The federal government operated all the country's prisons, but maintained few pretrial jail facilities. Of the total prison population, 73 percent was not yet convicted. There were no regular outside monitors of the prisons, no statistics on mistreatment of prisoners, or on the availability of food or medical care.

"Prison illnesses included HIV/AIDS, malaria, and tuberculosis. Inmates with these illnesses lived with the regular population. Although authorities made an effort to isolate persons with communicable diseases, the facilities often lacked the space to do so. No reliable statistics exist on prison deaths.

"The office of the controller general of prisons released statistics at the end of August showing that the country's prisons held 48,000 inmates. Individual prisons held up to 275 percent of their designed capacity. For example, the prison in Ikoyi had a capacity of 800 prisoners but held more than 1,900. Makurdi prison in Benue State, with a capacity of 240 prisoners, housed 456, while Port Harcourt prisons, with a capacity of 804 prisoners, held 2,924." **[3a] (Section 1c)**

14.02 The USSD *2010 Human Rights Report* continued:

"The country also operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees. Conditions in these facilities were no better than in the other prisons.

"Disease was pervasive in cramped, poorly ventilated prison facilities, and chronic shortages of medical supplies were reported. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money." **[3a] (Section 1c)**

14.03 On the subject of women and children in prison the USSD 2010 *Human Rights Report* stated:

"Of the inmate population, about 2 percent were female and 1 percent juveniles.

"Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned.

"Although the law precludes the imprisonment of children, in 2008 more than 300 children lived in the country's prisons, many of whom were born there. Despite a government order to identify and release such children and their mothers, authorities had not solved the problem by year's end." **[3a] (Section 1c)**

14.04 With regard to medical provision and mental health care, the USSD 2010 *Human Rights Report* stated that "Inmates died from harsh conditions and denial of proper medical treatment during the year; however, an accurate count was not available from prison authorities. Prisoners with mental disabilities were incarcerated with the general prison population, and no mental health care was provided." **[3a] (Section 1c)**

(See also section 23: Women and section 24 on Children)

14.05 The Amnesty International report *Nigeria: Human Rights Agenda 2011-2015*, published 14 October 2011, observed:

"Four out of every five Nigerian prisons were built before 1950. Many are in need of renovation: the infrastructure is old, many buildings can no longer be used, ceilings in others have collapsed, the buildings in use as workshops are inadequate, and sanitary facilities have broken down. Many prisoners have no beds but sleep on the floor. Overcrowding is a serious problem. Disease is widespread. In many prisons, juvenile inmates share large dormitories with adults.

"Prison staff in Nigeria operate in difficult circumstances, working long hours for low wages under stress because there is a high ratio of prisoners to security staff. Insufficient staffing creates obvious security risks, and efforts to manage those risks can result in cruel detention practices such as limiting the time prisoners spent out of their cells. In some prisons, those who are awaiting trial are let out of their cells at intervals ranging from every other day to once a week or less. In some prisons, as a result of staff shortages, inmates are relied on to govern themselves." **[12h] (page 17)**

14.06 The Amnesty International (AI) report *Nigeria - Prisoners' rights systematically flouted*, published in February 2008, stated that: "Death row inmates and prisoners awaiting trial face conditions that are even worse. Those on death row are held in cells that are tiny, dark and filthy, with almost no ventilation. They are allowed outside their cells during the day, along with other convicted inmates. The same is not true for most prisoners awaiting trial, who are generally held in much more overcrowded quarters." **[12f] (p21)**

See also Death Penalty

14.07 The AI report also observed that:

"… the Prison Service … provides … prisoners [with] … three meals a day. At the time of the Amnesty International visit, the prisons received NGN 150 a day per inmate for food. **(p25)** … Many hospitals do not have mosquito nets to protect the ill inmates from malaria. Inmates suffering from TB are, where possible, quarantined in special cells, but the smaller prisons do not have such facilities. The prison authorities transfer seriously ill inmates to prisons with hospitals. Amnesty International interviewed many inmates who were ill. In most prisons they are able to visit the clinic but often they cannot afford to pay for the medicines they need. In some prisons inmates are only allowed to visit the clinic after paying a bribe to the warden; those who cannot afford the bribe remain in their cells …as a result of the appalling sanitary conditions in the cells, it is very easy for inmates to infect each other. …. Most Nigerian prisons do not uphold the right to health, even though bigger prisons do have medical facilities." **[12f] (p26)**

14.08 As regards pretrial detention, the USSD *2010 Human Rights Report* stated:

"Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 73 percent of the prison population, with some awaiting trial more than 10 years. At year's end 35,000 pretrial detainees resided in the country's prisons, out of a total of 48,000 prisoners. Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees were denied trials because police lacked vehicles to transport them to court on their trial dates. In Makurdi prison, where 78 percent of prisoners were awaiting trial, pretrial detainees held a protest in November 2009 because so many were unable to make their court dates due to lack of transportation." **[3a] (Section 1d)**

14.09 An article in the *Nigerian Tribune* of 21 October 2011, *Nigerian prisons: horrors that inmates face*, noted:

"…for the 49,000 inmates in various Nigerian prisons (29,000 of whom are awaiting trial, while 856 are on death row), hell cannot be worse. The sanitary situation is not only repulsive but frighteningly demeaning and exposes the inmates to health hazards as inmates are forced to excrete in buckets and stay with their excreta (sic) for days. Feeding is a luxury, bathing a rarity, recreation zilch, reformation non-existent and privacy a privilege. Hence, most inmates leave the reformatory frail, fragile and with one debilitating disease or the other…There is no categorisation as those undergoing trial (called awaiting trial in local parlance), convicts and those already condemned to death are treated equally. They are all lumped together in various cells and stripped of their dignity. This is really because like all facilities in the country, the prisons amenities have been stretched beyond their original capacities. So, those undergoing trial are not

treated any differently from those already convicted despite the fact that they might end up being left off the hook." **[114b]**

14.10 The same article in the *Nigerian Tribune* focused on prisons in Lagos:

"…the prisons are brimming with inmates as there are more inmates than the original capacity of the prisons. For instance, the total inmates in the prisons in Lagos State are by far more than the number the prisons are meant to accommodate. As of Tuesday 18th of October 2011, there were 5,370 inmates at the Badagry Prison, Kirikiri Maximum, Kirikiri Medium, Kirikiri Female and Ikoyi prisons instead of the 2,945 they were built to rehabilitate.

"A further breakdown of the inmates in Lagos prisons shows that 4,440 of all the total inmates are awaiting trial and are, therefore, not part of the plans of prison officials. The only thing that they get from the prison officials is food. They are not trained or allowed to undergo any vocational work. Just 936 inmates had been convicted and are facing jail terms, with about 70 of them condemned to death.

"The Public Relations Officer of the Lagos State command of the Nigeria Prison Service, Chuks Njoku, a Chief Superintendent of Prisons, while speaking with the *Nigerian Tribune* stated that the major challenge confronting the state command was the congestion of the prisons.

"A source at the Kirikiri Prisons informed the *Nigerian Tribune* that inmates at the prisons, especially those at Kirikiri Medium Prison, were not enjoying any form of rehabilitation. The source claimed that the number of inmates at the prison was by far more than the capacity of the prison. He added that the prison had a capacity of less than 2000 inmates but at present had more than 3000 inmates.

"A top official at the Alagbon Lagos office of the Nigeria Prison Service, who pleaded anonymity, stated that the prisons were only rehabilitating the 936 inmates that had been convicted and that the 4440 who were awaiting trial were just languishing in the prison yards." **[114b]**

14.11 The same *Nigerian Tribune* article added:

"The breakdown shows that Abeokuta has the largest number of condemned convicts of 143 living in eight cells, followed by the Kirikiri Maximum Prison with 79 from seven states; Enugu Prison has 53 living in 15 cells, Benin has 67 in eight cells, while Port Harcourt, Abia, Imo, Bayelsa, Akwa Ibom, Cross River and Ebonyi have 192 condemned convicts each. At the Maximum Prison, Kirikiri, Lagos, there are 79 condemned convicts from seven states. The states are Oyo, Ekiti, Ogun, Osun, Edo, Delta and Port Harcourt.

"Investigation revealed that under normal circumstance, three condemned convicts are expected to stay in a cell which is about 8 feet by 10 feet in dimension but because of the poor situation in between nine and 13 are put in a cell.

"According to a source, consequent upon lack of space, no condemned convict can lie face down or up, they each have to lie down on one side all night. To worship, the convicts have no choice over where they face, Muslims and Christians face wherever

they are placed, as there is no room for any of the worshipper (convict) to go beyond the specified space.

"Also because of space constraint, up to four condemned convicts are regularly put in solitary cells, which according to the *Nigerian Tribune* findings, are meant for convicts serving punishment.

"It was out of the 38 solitary cells that the prison authorities cleared 19 for the 74 arrested members of the Boko Haram sect." **[114b]**

14.12 King's College London International Centre for Prison Studies, *World Prison Brief,* Nigeria, (undated but accessed 25 October 2011) provided the following information:

Country	**NIGERIA**
Ministry responsible	**Ministry of Internal Affairs**
Prison administration	**Nigerian Prisons Service**
Contact address	**National Prisons Headquarters, PMB16, Old Federal Secretariat Block 6, Area 1, Garki, Abuja, Nigeria**
Telephone/fax/website	tel: **+234 9 234 1709** fax: **+234 9 234 4634** web: www.prisons.gov.ng
Head of prison administration (and title)	**Olusola Adigun Ogundipe** Comptroller-General of Prisons
Prison population total (including pre-trial detainees / remand prisoners)	**50,000** at 30.4.2011 (national prison administration)
Prison population rate (per 100,000 of national population)	**31** based on an estimated national population of 161.2 million at end of April 2011 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	**69.2%** (31.3.2011)
Female prisoners (percentage of prison population)	**1.7%** (2008)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	**2.0%** (31.1.2007)
Number of establishments / institutions	**227** (2009 - also 86 satellite prisons and 11 farm centres)
Official capacity of prison system	**47,815** (February 2009)

66 The main text of this COI Report contains the most up to date publicly available information as at 15 December 2011. Further brief information on recent events and reports has been provided in the Latest News section to 3 January 2012.

Occupancy level (based on official capacity)	**84.1%** (February 2009)		
Recent prison population trend (year, prison population total, prison population rate)	1992	**47,508**	**(46)**
	1996	**55,000**	**(49)**
	1999	**44,797**	**(36)**
	2002	**40,048**	**(31)**
	2005	**39,006**	**(28)**
	2008	**40,240**	**(27)**

[40]

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15. DEATH PENALTY

15.01 The Death Penalty Project website *Nigeria Country Profile* (undated but accessed 25 October 2011) noted:

"Nigeria retains the death penalty for ordinary crimes, including murder, armed robbery and culpable homicide. In 2007, Nigeria imposed at least 20 death sentences. In 2008, the number of death sentences imposed rose to over 40, and in 2009, this rose again to 58 death sentences. However, no executions were carried out in 2009. Nigeria voted against both the 2007 and 2008 UN General Assembly Resolutions on the adoption of a moratorium on the use of the death penalty. Although Nigeria has been a party to the International Convention on Civil and Political Rights (ICCPR) since 1993, it has neither signed nor ratified the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (1989)." **[45]**

15.02 The Amnesty International report of 14 October 2011, *Human Rights Agenda 2011-2015*, stated:

"Currently, approximately 920 people are languishing on death row in Nigeria, including women and juvenile offenders. Research carried out by Amnesty International and the Legal Defence and Assistance Project (LEDAP) indicates that hundreds of death row prisoners in Nigeria may be innocent. The endemic failures in the Nigerian criminal justice system result in people being sentenced to death after trials that violate international human rights law and standards. If they are executed, their executions violate the right to life as recognized in Article 3 of the Universal Declaration of Human Rights…Most death row prisoners have waited between five and 10 years for their trial to be concluded; some were denied their right to legal representation. Such is the chaos within the Nigerian criminal justice system that other death row prisoners were unable to appeal because their case file had been lost, or because they had no lawyer to represent them as they fought for their lives. Many prisoners currently on death row were denied the right to appeal because they were sentenced to death by tribunals under the military government that denied the right of appeal." **[12h]**

15.03 The Amnesty International report of 21 October 2008, *Nigeria: Waiting for the Hangman*, stated that:

"Section 33(1) of the Nigerian Constitution guarantees the right to life. The same article, however, allows the state to execute its citizens 'in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.'

"The death penalty is allowed in Nigeria under several sets of federal and state laws which operate alongside each other: the Penal Code and accompanying Criminal Procedure Code (CPC), applicable in the 16 northern states; the Criminal Code and accompanying Criminal Procedure Act (CPA), applicable in southern states; the federal Robbery and Firearms (Special Provisions) Act; Shari'a penal legislation in 12 northern states.

"The Criminal Code and Penal Code were enacted as federal laws and each state has re-enacted their provisions as state laws. Most offences fall under state jurisdiction.

"Under Nigeria's penal legislation, the following crimes carry a mandatory death sentence: treason; homicide; murder and culpable homicide punishable with death; and armed robbery. Under the Robbery and Firearms Act, anyone found guilty of robbery and armed with firearms, in the presence of an armed person, or causing violence or wounds, will be sentenced to death. In addition, under the Shari'a penal codes, rape, sodomy and adultery are also punishable with death.

"The Supreme Court confirmed in 1998 that section 30(1) of the 1979 Constitution, which is section 33(1) of the 1999 Constitution, was the legal basis for the validity of the death penalty in Nigeria. It 'permits it in the clearest terms, so long as it is inflicted pursuant to the sentence of a court of law in Nigeria in a criminal offence." **[12g]**

15.04 The Amnesty International report, *Death Sentences and Executions in 2009*, released 30 March 2010, recorded that "… kidnapping was made a capital offence in six Nigerian states during 2009 – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo." **[12j]**

15.05 A subsequent Amnesty International report of 22 April 2010, *Nigerian Governors 'Threaten to Execute Inmates' to Ease Prison Congestion*, stated:

"Amnesty International has condemned a reported move by Nigerian state governors to execute death row inmates to ease overcrowding and urged the authorities to instead address the underlying problems in the criminal justice system. According to media reports, [the] governor of the south-eastern state of Abia, announced this after a meeting of 36 state governors in the country's capital Abuja. … International law prohibits the use of the death penalty for crimes committed by people under the age of 18, yet in Nigeria juvenile offenders continue to be sentenced to death.

"While Nigeria did not adopt an official moratorium on executions, the Federal Minister of Foreign Affairs stated in February 2009 at the 4th Session of the United Nations Universal Periodic Review (UPR) that Nigeria has a 'self imposed moratorium.'

"Any step by the Nigerian government, state or federal, to resume executing will be contrary to commitments made by Nigeria at international level." **[12l]**

15.06 The *Hands Off Cain* website, undated, (accessed 1 November 2011) noted that: "On December 21st, 2010 Nigeria abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly." **[41]**

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16. POLITICAL AFFILIATION

Information about the Political system generally, see the section of same name. For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with Freedom of speech and media and Human rights institutions, organisations and activists.

FREEDOM OF POLITICAL EXPRESSION

16.01 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria,* released on 11 March 2011, (USSD 2010 Human Rights Report) stated:

"The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 62 parties registered with INEC at year's end. **[3a](Section 2b)** … The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. The government, however, abridged citizens' right to change their government during the 2007 national and state elections, which were conducted amid widespread fraud and numerous incidents of violence." **[3a] (Section 3)**

16.02 In relation to the 2011 elections, the Commonwealth Observer Group report of 21 April 2011, *Nigeria National Assembly and Presidential Elections of April 2011*, noted:

"Political parties campaigned in both urban and rural areas across all 36 states and Abuja FCT, and generally enjoyed freedom of movement, speech and assembly. However some opposition parties highlighted instances where their candidates had faced impediments to their right to freely campaign. For instance, the ACN cited the arrest of its gubernatorial candidate in Akwa Ibom State on 22 March 2011, on charges of treason, arson and murder following a serious clash between ACN and PDP supporters. The CPC also highlighted instances where its presidential candidate had faced obstructions when accessing the venue of his rallies." **[145](page 23)**

Political violence

16.03 An ActionAid report of 31 May 2010, *Electoral Violence in Nigeria: A Protection Model*, observed in its foreword:

"Observers of the Nigerian political terrain are, in the large majority, in agreement that acts of political violence remain major threats to the credibility of the Country's elections. History actually indicates that the issue of political violence is not new in Nigeria; being as old as democratic practice in the country. Such has been the case that the truncation of the first and second Republics by military coups was immediately preceded by electoral violence that arose from massively rigged elections." **[86]**

16.04 The same ActionAid report continued:

"In this context, various observers of past elections in Nigeria, especially the 2007 round of elections, have used the trend as a basis for raising well-founded fears regarding the possible negative effects of political violence on subsequent elections even though the incidence varies in intensity from one part of the country to the other. The summary however, is that the shortcomings that have either been ignored or which Nigerians as a people have refused to respond to, have today become major threats to elections and the electoral process." **[86]**

16.05 The Freedom House report, *Countries at the Crossroads 2010, Nigeria*, of 7 April 2010, noted that:

"Attacks on political opponents and peaceful activists have mainly been localized and have largely occurred in states where the courts invalidated 2007 election results. In early 2009, the Court of Appeal invalidated the gubernatorial election in Ekiti and called for fresh elections. It also ruled against the sitting governor in Ondo and in favor of the opposition candidate. These rulings triggered politically motivated attacks against members of opposing political parties, sometimes involving the Nigerian police." **[30a]**

16.06 An Amnesty International report of 14 October 2011, *Nigeria: Human Rights Agenda 2011-2015*, noted:

"Hundreds of people were killed in politically motivated, communal and sectarian violence across Nigeria before, during and after the elections in April 2011. Supporters of rival political parties clashed violently in the run-up to Nigeria's national parliamentary, presidential and state elections held between 9 and 28 April. Politically motivated killings, threats and intimidation also took place. On polling day on 9 April, two bombs killed several people and injured more near polling stations in Maiduguri, Borno state. Hundreds of people were killed in rioting and violent attacks in the north and centre of the country following the Presidential elections. According to the Inspector General of Police, 520 people were killed in Kaduna and Niger states alone.

"Nigeria has a history of election-related violence: the elections in 1999, 2003 and 2007 were marred by widespread political violence, including political killings, with allegations that political candidates hired armed gangs to instigate political violence and target rivals. The security forces failed to take adequate steps to protect human rights. Most of the past acts of violence, including political assassinations, unlawful killings, beatings, destruction of property, harassment and coercion were either poorly, or not, investigated. In 2007 more than 200 people were killed in election-related violence. The role of politicians – both candidates and those holding political office – in instigating, encouraging or perpetuating election-related violence was widely acknowledged by officials, civil society organizations and the media. However, the government did not take any effective action to stop the violence." **[12h] (page 32)**

FREEDOM OF ASSOCIATION AND ASSEMBLY

16.07 The USSD *2010 Human Rights Report* stated that:

"The constitution and law provide for freedom of assembly; however, police effectively precluded antigovernment rallies by prohibiting any rally they deemed could result in

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

"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 fearing that they might heighten interreligious tensions. Kaduna State continued to enforce a ban on processions, rallies, demonstrations, and meetings in public places on a case-by-case-basis." **[3a] (Section 2b)**

16.08 Freedom House's 2011 *Freedom in the World* Country Report – Nigeria, published 12 May 2011, noted that: "Freedoms of assembly and association are generally respected in practice. However, protests are often suppressed by state and private security forces, especially demonstrations organized by youth groups or in the Niger Delta. Human rights groups report that dozens of activists have been killed in recent years and hundreds have been detained." **[30b]**

See also Political system

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17. FREEDOM OF SPEECH AND MEDIA

For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with Political affiliation and Human rights institutions, organisations and activists.

17.01 The Freedom House *Freedom of the Press 2011* report, published 1 October 2011, covering events in 2010, stated:

"The 1999 constitution guarantees freedom of expression and of the press, but Nigeria's vibrant and active press faced numerous attempts by state and nonstate actors to suppress political criticism and intimidate journalists into silence in 2010. The legislative branch of government, the conservative Sharia (Islamic law) courts, and to a lesser extent, the federal executive branch remained major obstacles to media freedom. On the positive side, Nigeria's judiciary continued to assert its independence in 2010, including striking down the restrictive Nigerian Press Council Act. Notwithstanding the backing of the federal courts regarding attempts to extend protections for a free press, the country's Sharia courts, which operate in 12 northern states, demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. Libel is a criminal offense, and several journalists have been charged in recent years, although none in 2010." **[30d]**

17.02 The British Broadcasting Corporation's (BBC) *Country Profile of Nigeria*, last updated 5 August 2011, noted:

"Nigeria's media scene is one of the most vibrant in Africa. State radio and TV have near-national coverage and operate at federal and regional levels. All 36 states run their own radios, and most of them operate TV stations. Radio is a key source of information. International broadcasters, including the BBC, are popular. However, rebroadcasts of foreign radios are banned. Private radio and TV stations have been licensed, and there is substantial take-up of pay TV. Private TVs in particular are dogged by high costs and scarce advertising revenues. Moreover, legislation requires that locally-made material

must comprise 60% of output. Viewing is concentrated in urban areas. There are more than 100 national and local press titles, some of them state-owned. They include well-respected dailies, tabloids and publications which champion ethnic interests. The lively private press often criticises the government…By June 2009, 11 million Nigerians were online." **[8c]**

17.03 A Freedom House report of April 2011, *Freedom on the Net 2011*, noted a figure of some 44 million internet users in the country in 2010. The report stated:

"The Nigerian government has not been reported to engage in any form of internet filtering…The complex nature of Nigeria's internet framework…makes it difficult to carry out systematic filtering or censorship…Nigerian security services do not appear to monitor internet and mobile-phone communications, but many online journalists suspect that they are being monitored by the state…Nigeria's legal framework is fairly archaic, as many laws have not been updated to reflect modern realities, including the use of new media technologies. This lack of internet-specific legislation has generally fostered an open environment for online activities. In recent years, the government has introduced several bills that could be used to restrict users' rights to free expression and privacy, though their passage in the near future is unlikely..." **[30c] (pages 5 and 7)**

17.04 A 2010 Afrimap Survey of the Public Broadcasting Media in Nigeria observed:

"Many state governments own newspapers whose circulation and coverage are limited to their states and neighbouring towns. The biggest and most vibrant newspapers and magazines are located in the Lagos area, the country's commercial capital. The most influential newspapers include *The Punch*, *The Guardian*, *Vanguard*, *Daily Trust*, *ThisDay*, *Nigerian Tribune*, *The Nation*, *The Sun* and *The Daily Independent*. Among the news magazines, *Tell*, *The News*, *Newswatch*, *The Source* and *The Insider* have the strongest influence. Actual circulation figures are not known because Nigerian newspapers and news magazines do not make such information available to the public. Indigenous language newspapers, which grew remarkably over the past decade, are competing strongly with their English language counterparts. Some circulate to all parts of the country. The most influential ones are *Gaskiya* (Hausa language) and *Alaroye* (Yoruba)." **[121]**

17.05 The Human Rights Watch *World Report 2011*, section on Nigeria, published 24 January 2011, noted that:

"Civil society and the independent press openly criticize the government and its policies, allowing for robust public debate. Yet journalists are subject to intimidation and violence when reporting on issues implicating the political and economic elite. Edo Ugbagwu, a journalist with *The Nation*, one of Nigeria's largest newspapers, was gunned down at his Lagos home in April [2010]. In Jos two journalists with a local Christian newspaper were killed in sectarian clashes in April, while a Muslim journalist from Radio Nigeria was badly beaten in March, in an attack the journalist said was incited by a state government official." **[22a]**

17.06 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010* report, published 15 February 2011, observed that "Nigerians at home and abroad increasingly went online for news and information, visiting social networking sites such as *Nigerian Village Square* and news sites such as the U.S.-based *Sahara Reporters*. Professional

journalists told CPJ they often leaked sensitive information to *Sahara Reporters* that they could not publish in Nigeria." **[99]**

JOURNALISTS

17.07 A Reporters Without Borders report of 11 January 2011, *US-Nigerian journalist arrested at Lagos airport, passports confiscated for two days*, observed:

"Reporters Without Borders recorded at least 40 press freedom violations in Nigeria in 2010. Four journalists were murdered during the year, two of them while doing their jobs. The country, one of Africa's most lethal for journalists, and where the safety of members of the media is a source of permanent concern, is ranked 145th out of 178, in the organisation's 2010 world press freedom index.

"The State Security Service appeared for the last several years on Reporters Without Borders' list of press freedom predators, before being replaced in 2010, by Ogbonna Onovo, inspector general of police." **[13]**

17.08 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010 report*, published 15 February 2011, referred to

"… two journalists murdered, another assaulted in ethnic violence" and "7 Journalists kidnapped in restive southern region. All are freed." The same CPJ report noted that "Journalists worked amid unpredictable and deadly violence… Impunity in anti-press violence was a particular concern for journalists. CPJ research shows that convictions have been won in only one journalist murder case out of eight documented by the organization since it began collecting detailed death records in 1992." **[99]**

Corruption

17.09 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010 report*, published 15 February 2011, stated:

"The reliance of needy journalists on financial support from influential public figures – a commonly referred to as 'money bags' – undermined the independence of the press and accounted for low quality in news and information. Some journalists openly drew salaries from both news outlets and politicians. Veteran journalist Lanre Idowu noted the conflict while commenting on the February gubernatorial elections in Anambra state. 'Media access remains largely determined by the size of the candidates' purse and not the richness of their ideas,' Idowu wrote in a column in the private daily *Next*. 'There has not been any robust interrogation of the candidates' positions on issues in a meaningful context to ensure that the agenda presented to the public is useful.'" **[99]**

17.10 An article of 1 September 2010 in the online publication Next, *IBB, Sahara Reporters and the press*, observed:

"…too many things are taken for granted in Nigerian journalism so that the strange has become the accepted. Many journalists see nothing wrong in accepting money to publish stories…the result is a pattern of tainted reporting far from the envisaged professionally processed news served to the public…Too many are in journalism with a poorly developed notion of personal, professional and organisational responsibility,

which leaves them with exaggerated expectations of their privileged access, and results in unethical conduct." **[78c]**

17.11 In a 2010 paper referring to challenges facing the media in Nigeria written by two Nigerian journalists and published by the Reuters Institute, it was stated that:

"In Nigeria, the duty of media as the conscience of the society is challenged economically. Remuneration is still poor and in some instances journalists work for months without pay. This leads to a situation where seasoned journalists sometimes jettison the practice for employment as Public Relations officers in banks, oil companies and other private sector firms. Others take jobs as aides to politicians or remain in practice but write at the dictate of the politicians for compensations of varying kind." **[102]**

17.12 An article in *Nigeria News Wire* of 13 October 2011, *Police raid Nigeria newspaper, arrest 6 journalists over story on presidential influencing*, noted:

"Attacks against journalists remain common in Nigeria, a country of 150 million where corruption pervades government and business. Reporters found themselves routinely targeted during military rule of Africa's most populous nation as well, though 12 years of democracy in the nation have enshrined a belief, if not an absolute right, to free speech. However, many reporters accept cash payments from interview subjects or 'brown envelope' bribes slipped into briefing materials at news conferences. Major politicians also finance newspapers to influence their coverage." **[122a]**

17.13 The Freedom House *Freedom of the Press 2011* report, published 1 October 2011, covering events in 2010, stated that "Bribery and corruption remain problems in the media industry, particularly in the form of 'brown envelopes', or small cash gifts that sources give journalists. A 2009 survey of 184 media professionals in Lagos found that 61 percent of them habitually received brown envelopes while on reporting assignments. However, 74 percent of the respondents disagreed that the gifts led to biased coverage, perhaps because the practice is so common." **[30d]**

See Reporters Without Frontiers http://en.rsf.org/nigeria.html and Committee to Protect Journalists http://www.cpj.org/africa/nigeria/ websites for more information about the press in Nigeria.

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18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with Political affiliation and Freedom of speech and media

18.01 On the subject of human rights obligations, Amnesty International in its *Nigeria: Human Rights Agenda 2011-2015* report of 14 October 2011 noted:

"Nigeria is a state party to nine major international human rights treaties, but has not yet ratified all optional protocols to these treaties. These treaties are legally binding on Nigeria, imposing obligations to respect, protect and fulfil human rights. Nigeria has domesticated none of the treaties. Even where the treaties are yet to be domesticated, they are binding on Nigeria.

• **International Convention on the Elimination of All forms of Racial Discrimination (CERD)**: CERD aims to eliminate discrimination based on race, colour, descent, or national or ethnic origin and to prevent and combat racism. Nigeria acceded to CERD on 4 January 1969; CERD has not been domesticated yet.

• **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**: CEDAW guarantees the right of all women to be free from discrimination. By ratifying CEDAW, Nigeria agreed to eliminate discrimination against women including by adopting legislation prohibiting such discrimination and amending discriminatory legislation. Nigeria must ensure the full enjoyment by women of all human rights on an equal basis with men. Nigeria must take effective action to prevent violations of these rights and freedoms. Nigeria ratified CEDAW on 13 June 1985 and its Optional Protocol on 22 November 2004. Neither has been domesticated yet.

• **Convention on the Rights of the Child (CRC)**: the CRC focuses on protection of the human rights of children under the age of 18. The CRC includes a wide range of rights, such as the right to life, liberty, freedom of expression, association and peaceful assembly, the right of access to health care services, and the right to an adequate standard of living and to education. Nigeria ratified the CRC on 19 April 1991; it is yet to be domesticated. In 2003 the Child's Rights Act (2003) was adopted. However, the Act is yet to be enacted in 12 of the 36 states of the Federation. Nigeria signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 8 September 2000 and ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 27 October 2010.

• **International Covenant on Civil and Political Rights (ICCPR)**: as a state party to the ICCPR, Nigeria must guarantee civil and political rights, including the rights to life, liberty and security of person, the right to a fair trial, the rights to freedom of association, expression and of peaceful assembly, freedom from torture, and the rights to freedom of thought, conscience and religion. The ICCPR also guarantees equality before the law and the right without any discrimination to equal protection of the law. Nigeria acceded to the ICCPR on 29 October 1993. Nigeria has not yet ratified the first Optional Protocol (on establishing an individual complaints mechanism) and Second Optional Protocol (on abolition of the death penalty). The ICCPR is yet to be domesticated.

• **International Covenant on Economic, Social and Cultural Rights (ICESCR)**: the ICESCR requires Nigeria to protect economic, social and cultural rights. It recognizes the rights to work, to social security, to an adequate standard of living, to health, to water and food, and to education. Nigeria acceded to the ICESCR on 29 October 1993; it has not yet been domesticated. Nigeria has not yet ratified the Optional Protocol.

• **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**: Nigeria, as a state party to the CAT and its Optional Protocol, must prevent torture, criminalize it, and where there is reasonable ground to believe torture took place, investigate and bring to justice those responsible. Victims of torture are entitled to redress, and statements obtained by torture may not be used as evidence in court. The Optional Protocol requires the establishment of an independent review body to visit places of detention, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The Optional Protocol to CAT established an independent committee (the UN Subcommittee on Prevention of Torture) which has unrestricted access to places of detention. Nigeria must also establish an independent

national body for the prevention of torture and other ill-treatment. Nigeria ratified the CAT on 28 July 2001 and acceded to the Optional Protocol on 27 August 2009. Neither has yet been domesticated.

• **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**; with its accession, Nigeria agreed to respect and to ensure the human rights of all migrant workers and members of their families without discrimination, including the right to life, freedom from torture, freedom of thought, conscience and religion, right to liberty and security of person and the right to equality before the law. Nigeria acceded to the Convention on 27 July 2009. The Convention has not yet been domesticated.

• **International Convention for the Protection of All Persons from Enforced Disappearance**: this Convention prohibits enforced disappearances and requires the Nigerian authorities to ensure that enforced disappearance constitutes an offence under its criminal law, punishable by appropriate penalties which take into account its extreme seriousness, and to investigate all cases of disappearances and bring those responsible to justice. Nigeria acceded to the Convention on 27 July 2009; the Convention is yet to be domesticated.

• **Convention on the Rights of Persons with Disabilities**: the goal of this Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Countries that ratify this Convention guarantee equal rights for people with disabilities and commit to abolishing laws and policies that constitute discrimination. Nigeria ratified the Convention and its Optional Protocol on 24 September 2010. They are yet to be domesticated." **[12h](pages 2 and 3)**

18.02 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria,* released on 8 April 2011, (USSD 2010 Human Rights Report) stated:

"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 were sometimes cooperative and responsive to their views.

"The [Nigeria Human Rights Comission?] NHRC, which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. Since its inception, the NHRC's operations have been limited by insufficient funding. The commission also lacked an independent budget and judicial authority, and could only make nonbinding recommendations to the government. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. The government removed two prior effective and outspoken NHRC executive secretaries without public justification. The current leader, a former official of the justice ministry, was outspoken and publicly advocated for human rights and an independent budget. The president is empowered by law to remove the NHRC executive secretary if the public is not being well served." **[3a] (Section 5)**

See The Nigeria Human Rights Commission website http://www.nigeriarights.gov.ng/

18.03 The USSD *2010 Human Rights Report* added:

"During the year the government arbitrarily arrested NGO members.

"For example, in May two members of the Civil Liberties Organization (CLO) were attacked by air force police in Lagos after they tried to investigate the case of Ebere Ihiedoha, whom air force officers beat almost to death at a base in Ikeja, Lagos, for a minor traffic offense. Senior officials made no attempt to investigate the incident by year's end. CLO members attempted to press charges at the hospital where they received treatment after the attack, but the doctor refused to issue them a medical certificate due to fear of retaliation from air force officers.

"On November 9, a group of EFCC [Economic and Financial Crimes Commission] officers and mobile police visited the Child Rights and Rehabilitation Network (CRARN) shelter to arrest Sam Itauma, the director of the CRARN, at the request of the state governor. When reached by telephone, Itauma was asked to appear at EFCC offices to answer charges of fraud. In the director's absence, police attempted to arrest other personnel as children and other staff obstructed the arrests. Four children were beaten and required medical attention." **[3a] (Section 5)**

18.04 An April 2010 report of an international fact finding mission conducted by the World Organisation Against Torture and the International Federation for Human Rights, *Nigeria: Defending Human Rights: Not Everywhere Not Every Right*, observed in the summary of its key findings:

"Since the end of the military rule in 1999, the human rights situation in Nigeria has improved significantly. This has resulted in a more favourable environment for human rights activities and many human rights defenders feel they can now work relatively freely. However, this is particularly true for mainstream organisations working in major cities. Human rights defenders working in certain regions of the country or on certain human rights issues continue to face serious challenges.

"In the Niger Delta, the heavy militarisation particularly affects the work of human rights defenders, and there are frequent instances of attacks and intimidation.

"Some issues like corruption, good governance and impunity are also particularly sensitive, and human rights defenders, including media practitioners, may face retaliation for their work documenting and denouncing abuses.

"Working on gender and women's rights is particularly challenging in the northern part of the country, in the States where Sharia law is enforced.

"Defenders working on discrimination against lesbian, gay, bisexual and transgender (LGBT) people face specific risks throughout the country and often fear for their security.

"Furthermore, despite improvements since the military rule ended, the legislative framework remains insufficient to ensure adequate protection to the work of human rights defenders. The Government seems to be willing to reinforce domestic human rights mechanisms by, for example, introducing human rights desks in some police stations. However, it has at the same time undermined the independence and effectiveness of its National Human Rights Commission. The Government has also failed to amend existing legislation and pass new legislation that would facilitate the

work of human rights defenders, including in particular a law guaranteeing access to information." **[39c]**

See sections on Women and Shari'a law

18.05 An article in *Vanguard* of 2 November 2011, *Why Senate should screen NHRC council members*, noted:

"In February 2011, President Goodluck Jonathan signed into law an amendment to the National Human Rights Commission Act to strengthen the independence, powers and funding of the Commission.

"Among the provisions of the new Act were that members of the Council of the Commission shall be appointed subject to confirmation by the Senate and may not be removed during their four year term of office except with the consent of the Senate; the Executive Secretary is also appointed and subject to removal only with consent of the Senate; that the Commission is independent and shall not take directions from anyone; the Commission shall have powers to undertake unannounced inspections of all places of detention in Nigeria and afford appropriate remedies to detainees; the Commission shall receive and investigate complaints alleging violations of human rights, undertake mediation with respect to appropriate cases and afford remedies as appropriate; the Commission may intervene in human rights litigation; the Commission can recommend suitable human rights crimes to the Attorney-General for prosecution.

"Also, the Commission has full powers of investigation, including subpoena powers and it is a felony to refuse to disclose evidence or documents required by the Commission for its work; the Commission may advice on pending legislation to Parliament or State Assemblies; decisions of the Commission shall enforceable, upon registration, as orders of a High Court and the Commission shall report annually to the President and to the National Assembly." **[29f]**

18.06 The same *Vanguard* article continued:

"The signing into law of the new NHRC Act received commendation and applause from rights activists, civil society and non governmental organisations, even from ordinary Nigerians, who were happy, that at long last, the human rights commission had been given teeth to bite.

"But interestingly, six months after the law came into force, following its signing into law, the Governing Council of the commission, which is the decision making of the body is yet to the [sic] put in place. President Jonathan had early in the year, nominated members of the Governing Council, which was made pursuant to section 2 of the National Human Rights Commission (Amendment) Act, 2010… Till date, the Senate is yet to screen the nominees for no justifiable reason…A university don... said, 'six months after the President nominated members of the governing council, it is sad to note that the Senate is yet to screen these nominees and allow them to start the great work outlined in the law.'" **[29f]**

18.07 The *Vanguard* article added:

"…the human rights community will have their work made easier if the new National Human Rights Commission takes effect. In addition to the clear provisions of the new

Act, it is interesting to note that the commission now has power to investigate all alleged violations. It has power to enter any detention center without notice. Or any premises where they may be violation of human rights (domestic violence). It has power to summon persons and evidence or evidence material. Failure to obey such summons may lead to sanctions. It can issue warrant to compel the attendance of witness.

"The decisions of the commission can now be enforced through the Courts. Indeed, when it enters a decision, and the recipient does not carry out or implement it within a given period, the Commission can register such decision in any high court (like foreign judgment) and once that is done, it assumes the posture of the judgment of a high court. This is very important. It is no more a toothless bulldog that could only bark, and not bite.

"There is a huge expansion on the functions of the Commission far beyond what the Paris Principles envisaged. This is a plus for Nigeria. The commission now has power to commence legal proceedings against any human rights violator. The Chairman of the commission is no longer a ceremonial chairman. There are special functions now attached to his office. The new Act also establishes a human rights fund for research into human rights issues and perhaps compensation to victims of human rights." **[29f]**

The United Nations directory of NGOs operating in Nigeria provides further information about human rights institutions and organisations.

Another useful source is the *Directory of Development Organisations - Directory of NGOs*, civil society organisations, and academic and research institutions.

Please see the 4th Periodic Country Report on the Implementation of the African Charter on Human and Peoples' Rights in Nigeria (2008-2010) for an *"Inventory of Human rights related CSOs in Nigeria."* **[33] (annex 3, pages 91-98)**

Also, see Freedom of speech and media

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19. CORRUPTION

19.01 Former US ambassador in Nigeria, John Campbell, in his book *Nigeria: Dancing on the Brink* (published in 2011), provided historical context:

"The wielding of power by oligarchs, 'big men', 'ogas', or 'king makers'. is a West African tradition, and elsewhere it has not necessarily been associated with corruption. But, the Nigerian style of 'oga' domination fueled by corruption emerged from the confluence of the militarization of governance during the Biafra war and immense, sudden amounts of oil wealth. Elite maneuvering and bargaining have become nonstop to access ever-greater amounts of power based on oil wealth. Whoever is chief of state is the biggest 'oga' of all. Though 'oga' is a Yoruba word meaning 'master', it has entered common usage in Nigeria to describe the ruling oligarchs…In most parts of the country, a client will address his patron to his face as 'oga'. In the North, however, the word connotes being puffed up with pride or hot air, and would never be used by a client to his patron…Coteries of patron-client networks are interconnected at every level of society and government. Even the Lagos 'Area Boys', thugs involved in various extortion and protection rackets, have their 'oga'. So, too, do the 'rag pickers' working

the Lagos refuse dumps. The system is based on mutual dependence and support." **[123](pages 24,25 and 26)**

19.02 The same John Campbell book noted that "The increasing emasculation of the state has not been just the consequence of militant activity in the Delta or uprisings by radical Islamic groups in the North. It has owed much to ubiquitous corruption and the government's inability or unwillingness to control it. Indeed, the criminality of Nigerian politics and the rampant corruption of officials at all levels have been both the cause and effect of the alienation of the Nigerian people from their government." **[123] (page 138)**

19.03 The Freedom House *Countries at the Crossroads 2010 report for Nigeria*, published 7 April 2010, noted:

"Corruption remains a persistent and systemic problem in Nigeria. Oil earnings account for the vast majority of federal revenues, providing politicians with resources for patronage and stunting other sectors of the economy. In addition, because the major political parties generally limit the number of terms that state and federal lawmakers serve, legislators are less able to accumulate the experience necessary to question the executive branch or to develop an institutional culture of integrity.

"Where progress has been made against corruption, it is attributable to vigilant media that regularly expose public wrongdoing, and to the growth of civil society watchdog organizations. The National Assembly also plays a constructive role at times." **[30a]**

19.04 The Freedom House *Freedom in the World report 2011*, published 12 May 2011, noted that "Corruption remains pervasive despite government efforts to improve transparency and reduce graft. The Economic and Financial Crimes Commission (EFCC), the country's main anticorruption agency, often faces politically motivated meddling." **[30b]**

19.05 The Human Rights Watch (HRW) report of August 2011, *Corruption on Trial? The Record of Nigeria's Economic and Financial Crimes Commission*, observed:

"Corruption is so pervasive in Nigeria that it has turned public service for many into a kind of criminal enterprise. Graft has fueled political violence, denied millions of Nigerians access to even the most basic health and education services, and reinforced police abuses and other widespread patterns of human rights violations…Since its inception [December 2002], the EFCC [Economic and Financial Crimes Commission] has arraigned 30 nationally prominent political figures on corruption charges and has recovered, according to the EFCC, some US$11 billion through its efforts. But many of the corruption cases against the political elite have made little progress in the courts: there have been only four convictions to date and those convicted have faced relatively little or no prison time. Other senior political figures who have been widely implicated in corruption have not been prosecuted. At this writing, not a single politician was serving prison time for any of these alleged crimes. Despite its promise, the EFCC has fallen far short of its potential and eight years after its inception is left with a battered reputation and an uncertain record of accomplishment." **[22e] (page 1)**

19.06 The same HRW report stated:

"The broadest obstacle any effort to tackle corruption in Nigeria faces is this: the country's political system is built to reward corruption, not punish it. Too often, corruption is a prerequisite for success in Nigeria's warped political process. Since 1999, elections have been stolen more often than won, and many politicians owe their

illicitly-obtained offices to political sponsors who demand financial 'returns' that can only be raised through corruption. Put simply, the day-to-day functioning of Nigeria's political system constantly and directly undermines the EFCC's work.

"Powerful ruling party power-broker and former Nigerian Ports Authority chairman Olabode ('Bode') George was sentenced to two and a half years in prison for contract-related offenses in 2009. His conviction after a swift and efficient trial was in many ways a landmark success for the EFCC. But his case is also an example of the willingness of Nigeria's political establishment to embrace convicted criminals. Bode George was released from prison in February 2011. Far from being treated as a pariah because of his misdeeds, he was whisked from his jail cell to a lavish welcome ceremony attended by prominent ruling party politicians including former President Obasanjo, then-Ogun State governor Gbenga Daniel, and then-minister of defense Ademola Adetokunbo. According to media reports, a former transportation minister even declared that George's conviction had been unfair because all government officials engage in the same illegal practices he had been convicted of.

"Nigeria watched the ruling party establishment, including a sitting cabinet minister from the same administration that supposedly backs the EFCC's anti-corruption agenda, welcome Bode George back into its arms as though he were a conquering hero rather than a convicted criminal. Meanwhile, the Lagos State judge who sent Bode George to prison was removed from criminal matters and sent to work in family court. While there is no proof that the move was connected to George's conviction, many Nigerian activists and commentators found it hard to believe it was a coincidence." **[22e] (pages 26 and 27)**

19.07 In its *2011 Corruption Perceptions Index* (CPI), released 2011, Transparency International ranked Nigeria equal 143rd in the world in a list of 182 countries, giving it a CPI score of 2.4. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[35]**

Also see sub-section on Journalists: Corruption

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20. FREEDOM OF RELIGION

Ethnicity and religion are closely tied in Nigeria, with differences between groups often falling along ethno-religious lines. This section should therefore be read in conjunction with the section on Ethnic groups.

20.01 The United States State Department *July-December 2010 International Religious Freedom Report*, *Nigeria*, published 13 September 2011, (USSD IRF Report 2010) stated in its introductory section that:

"The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

"There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected religious freedom in law and in practice, although some local political actors stoked communal and sectarian

violence with impunity. The government often cited religious sensitivity as a reason for caution in taking a stance on international issues with religious implications.

"Violence, tension, and hostility between Christians and Muslims increased, particularly in the Middle Belt, exacerbated by 'indigene' (native) and settler laws, discriminatory employment practices, and resource competition." **[3b]**

20.02 The United States Commission *International Religious Freedom Report 2011* (USCIRF Report 2011), released May 2011 (covering the period April1 2010-March 31 2011), observed:

"The government of Nigeria continues tolerating systematic, ongoing, and egregious violations of religious freedom by failing to respond adequately and effectively to prevent and contain acts of religiously-related violence, prevent reprisal attacks, and bring those responsible for such violence to justice. Since 1999, 13,000 Nigerians, if not more, have been killed in religious-related violence between Muslims and Christians. Years of inaction by Nigeria's federal and state governments have created a climate of impunity, resulting in thousands of deaths. Other religious freedom concerns in Nigeria include the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims." **[60] (p98)**

20.03 John Campbell (former US ambassador in Nigeria), in his 2011 book *Nigeria: Dancing on the Brink*, noted on the subject of religious conversion:

"Northern Muslims are highly sensitive to claims of Christian conversions from Islam. In fact, they are likely rare. Some of the North's growing Christian population is the result of Igbo and Yoruba migrating into the region in search of economic opportunity. Conversions to Christianity do take place among minority tribes living in rural areas in the North that formerly were animist. A senior Roman Catholic cleric suggested to me that, once Christianity emerged as a viable alternative, it was more attractive to at least some of the latter than the religion of the 'slave catchers', the dominant, Muslim Hausa-Fulani. Expanded activities of Christian institutions, especially the provision of renewed rudimentary educational and medical services, may make Christianity attractive to the non-Islamic indigenous population." **[123] (pages 51 and 52)**

RELIGIOUS DEMOGRAPHY

20.04 The USSD IRF Report 2010 stated:

"While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent practitioners of indigenous religious beliefs, many observers generally assume the numbers of Muslims and Christians to be approximately equal. The predominant sect of Islam is Sunni; however, a small but growing Shia minority exists. Christians include Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, nontraditional evangelical and Pentecostal Christians, and adherents of The Church of Jesus Christ of Latter-day Saints (Mormons).

"The north is dominated by the Hausa-Fulani and Kanuri ethnic groups and is predominantly Muslim. Significant Christian communities have resided and intermarried with Muslims in the north for more than 50 years. Both Muslims and Christians reside in approximately equal numbers in the Middle Belt, including the Federal Capital Territory,

and also in the southwest, where the Yoruba ethnic group predominates. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southeastern ethnic groups are predominantly Christian. In the southeast, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists constitute the majority, although many Igbos continue to observe traditional rites, such as marriage rites, ceremonies, and other cultural forms in tandem with Christianity. In the Niger Delta Region, where the Ogoni and Ijaw ethnic groups are most numerous, Christians are the majority and only an estimated 1 percent of the population is Muslim. Pentecostal Christianity is also growing rapidly in the southern part of the country. Members of the Ahmadiyya movement maintain a small presence in Lagos and Abuja." **[3b] (section 1)**

LEGAL RIGHTS

20.05 The USSD IRF Report 2010 noted:

"The constitution mandates that the government 'shall not adopt any religion as State Religion.' The government occasionally placed limits on religious activity to address security and public safety concerns.

"There are 36 states and a Federal Capital Territory. State governors and state legislatures enjoy significant autonomy in decision making; however, the constitution prohibits state and local governments from adopting a state religion or giving preferential treatment to any religious or ethnic community.

"The constitution provides that states may establish courts based on the common law or customary law systems. Twelve northern states – Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe – maintained Sharia courts, which adjudicated both criminal and civil matters, along with common law and customary law courts. Many Christians alleged that widespread use of Sharia courts amounted to the adoption of Islam as a state religion. In addition the Civil Liberties Organization, a prominent nongovernmental organization (NGO), contended that Zamfara State promoted Islam as a state religion through its establishment of a Commission for Religious Affairs." **[3b] (section ii)**

20.06 The USSD IRF Report 2010 noted:

"While the constitution specifically recognizes Sharia courts for civil matters, it does not address the application of Sharia to criminal matters. Aggrieved parties can appeal judgments of Sharia courts in three levels of Sharia appellate courts. Cases that reach the Sharia Court of Appeal (the highest level of the Sharia courts) can theoretically be appealed to the Federal Court of Appeal and then to the Supreme Court. To date no case involving the Sharia criminal code has reached the Federal Court of Appeal.

"The constitution does not permit non-Muslims to consent to Sharia legal jurisdiction, but in practice non-Muslims occasionally choose to have cases heard in Sharia courts, citing their speed and low expense.

"In Zamfara State a Sharia court must hear all criminal cases involving Muslims. Other states that use the Sharia legal system, including Niger and Kano, permitted Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis (Sharia court judges) applied harsher penalties in adultery and fornication cases

against women than against men and required stronger evidence to convict men than to convict women." **[3b] (section ii)**

See section on Shari'a Law

20.07 The USSD IRF Report 2010 added:

"No laws barred women or any groups from testifying in common law courts or gave less weight to their testimony; however, Sharia courts usually accorded less weight to the testimony of women and non-Muslims.

"A legal distinction exists between 'indigenes', persons whose ethnic group is considered native to a location, and 'settlers', persons who have ethnic roots in another part of the country. Throughout the country authorities granted 'indigenes' certain privileges, including political positions, access to government employment, and lower school fees. To receive such privileges, a person must produce a certificate of indigeneship, granted by local government authorities. Authorities and residents sometimes exploited the concept of 'indigeneship' to discriminate against minority ethnic and religious groups, according to human rights observers." **[3b] (section ii)**

GOVERNMENT RESTRICTIONS

20.08 The USSD IRF Report 2010 stated:

"There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected religious freedom in law and in practice, although some local political actors stoked communal and sectarian violence with impunity. The government often cited religious sensitivity as a reason for caution in taking a stance on international issues with religious implications.

"Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches and, in some cases, demolished churches that had existed for as long as a decade. Muslims in the predominantly Christian southern part of Kaduna State alleged that local government officials prevented the construction of mosques and Islamic schools. Officials denied discrimination, attributing application denials to zoning regulations in residential neighborhoods and a large backlog of applications.

"Although the expanded jurisdiction of Sharia technically does not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Sharia, such as the separation of the sexes in public schools, health care, voting, and transportation services, affected non-Muslim minorities in the north.

"Hisbah (vigilante Sharia enforcement groups funded by state governments in Bauchi, Zamfara, Niger, Kaduna, and Kano) enforced some Sharia statutes. In Kano Hisbah leaders cited enforcing prohibitions on alcohol and prostitution as the group's primary focus; however, they continued to serve primarily as traffic wardens and marketplace regulators." **[3b] (section ii)**

20.09 The Pew Forum on Religion and Public Life published a report on 11 August 2011, *Rising Restrictions on Religion*, which included a government restrictions index. assessing 198 countries. The categories were low (60 per cent of countries), moderate

(20 per cent), high (15 per cent) and very high (5 per cent). Nigeria was included in the 'moderate' countries. **[124]**

20.10 The USSD IRF Report 2010 stated:

"The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission. In some northern states, authorities reportedly denied building permits for construction of Christian churches and for expansion and renovation of existing ones. Churches occasionally applied for residential permits as an alternative. Officials closed or demolished churches and mosques that ignored registration requirements or violated other zoning laws.

"Both federal and state governments regulated mandatory religious instruction in public schools; however, as mandated by the constitution, students do not receive religious instruction in any religion other than their own. State officials claimed that students could request a teacher of their own religious beliefs to provide alternative instruction. Nonetheless, there often were no teachers capable of teaching Christianity in northern schools or Islam in southern schools. Moreover, according to government officials in the southern part of the country, Christian religious education is mandatory for all students in many states.

"The government observes the following religious holidays as national holidays: Maulid al-Nabi, Good Friday, Easter Monday, Eid al-Fitr, Eid al-Adha, and Christmas." **[3b] (section II)**

SECTARIAN VIOLENCE

20.11 The USSD IRF Report 2010 stated:

"Violence between Christian and Muslim communities increased in several regions arising from complex factors, including economic disparity, ethnic identity, and seasonal migration patterns. Acute communal violence in the Middle Belt heightened tensions between religious groups. In the Middle Belt, identity is simultaneously molded along both ethnic and religious lines. Even in areas outside the Middle Belt that did not otherwise experience violence, tensions remained between Christians and Muslims. In most cases competition for scarce resources, combined with livelihood differences and discriminatory employment practices, often underlay the violence. Minor incidents involving only a few individuals could escalate to engage entire communities in conflict. Local politicians and others continued to use religion on occasion to aggravate hostility among groups." **[3b] (section III)**

20.12 The Pew Forum on Religion and Public Life published a report on 11 August 2011, *Rising Restrictions on Religion*, which included a social hostilities (involving religion) index assessing 198 countries. The categories were low (60 per cent of countries), moderate (20 per cent), high (15 per cent) and very high (5 per cent). Nigeria was included in the 'very high' category. **[124]**

20.13 A Human Rights Watch (HRW) report of 27 January 2011. *Nigeria: New Wave of Violence Leaves 200 Dead*, observed:

"Plateau State is in an area of central Nigeria known as the Middle Belt that divides the predominately Muslim north from the largely Christian south. Local political elites have long battled for power and control of limited resources and have stoked religious

tensions to those ends. Widespread poverty and unemployment, fueled by endemic government corruption and mismanagement, have created an explosive social mix as competition intensifies for scarce opportunities to secure government jobs, education, and political patronage.

"These tensions have been exacerbated by state and local government policies that discriminate against members of ethnic groups classified as '*non-indigene*' - those who cannot trace their ancestry to what are said to be the original inhabitants of an area. Non-indigenes, in Plateau State and elsewhere, are openly denied the right to compete for state and local government jobs and are subject to discriminatory admissions policies at state-run universities, denying them important avenues of socio-economic mobility. Discriminatory government policies have effectively relegated thousands of Plateau State residents to permanent second-class status.

"Religious and ethnic identity often overlap in Nigeria. The main actors in the deadly struggle for power and resources in Jos have been the Hausa-Fulani and the Berom ethnic groups. The Hausa-Fulani, the vast majority Muslim, are the largest ethnic group in northern Nigeria. They are classified as non-indigenes in Jos, though many are from families that have been there for several generations. The Berom, predominately Christian, along with the Anaguta and Afizere ethnic groups, are designated indigenes." **[22b]**

20.14 The USCIRF *Report 2011* observed that:

"Since 1998, religiously-related and inter-communal violence in Nigeria has resulted in more than 13,000 people killed and thousands displaced, with numerous churches, mosques, businesses, vehicles, private homes and other structures burned and destroyed. To date, almost no one has been prosecuted for their role in perpetrating violence. The most severe incidents have occurred in the Middle Belt region including Jos, Plateau State (September 2001, November 2008, January 2010, March 2010, December 2010, and January-April 2011); Bauchi State (January 2011); Kaduna State (February and May 2000 and November 2002); Kano State and Yelwa, Plateau State (February-May 2004); and northern and southeastern Nigeria (February 2006).

"During its January 2011 visit to Nigeria, USCIRF noted an escalation in anxiety, frustration, and concern among religious leaders, particularly pertaining to the ongoing crisis in Plateau State. USCIRF also noted that religious leaders were using more heated public rhetoric, which could lead to an escalation of violence and a more divided, sectarian Nigeria. While religion at present is one dimension of the problem in Plateau and elsewhere, continued misuse of religion as a tool to foster political, economic, or ethnic discord could increase sectarian hostility to the point where religion becomes central." **[60] (p99)**

20.15 An Inter Press Service (IPS) News Agency article of 24 June 2011, *Islamic Sect's Seige on Nation Borne Out of Frustration*, noted:

"The sectarian crisis and recent violence by extremist groups, like the Jun. 16 bomb blast on the Nigerian Police Headquarters, are borne out of anger at prevailing economic conditions rather than religion, analysts say. The latest spate of violence was the bomb blast on the Police Headquarters in Abuja. Four people died and more than 40 cars parked on the premises were destroyed. Three days later police arrested 58 members of the Boko Haram Islamic sect in a crackdown on the group's hideout in

Maiduguri, capital of the northeastern state of Borno. The group had claimed responsibility for the blast.

"In the past year the group has killed dozens of police officers, politicians, Christian preachers and clerics from other Muslim groups within Borno. The extremist group has also claimed that it planted several bombs in Nigeria's capital Abuja and other states after President Goodluck Jonathan's inauguration in May. Boko Haram accused Nigeria's government of being corrupted by Western ideas and wants to overthrow Borno's government and impose Islamic Sharia Law." **[69a]**

20.16 The same IPS article continued:

"But Professor Murtalal Muhibbu-Din, head of the Department of Religion at Lagos State University, believes that most of the sectarian crises, especially in northern Nigeria, are borne out of anger and frustration rather than religious faith. Muhibbu-Din says that claims by the group that they were fighting against Western education and Western values were just smokescreens to vent their anger at government. He believes the attacks on the police and the police headquarters were carried out by Boko Haram because they perceived the police as a threat to their cause.

"More than 70 percent of Nigeria's population of over 140 million people live below the poverty line of one dollar per day. Illiteracy is high and jobless youths roam the streets.

"The national coordinator of the Civil Society Club of Nigeria, Babatunde Ashafa, says that politicians have used members of Boko Haram to intimidate their opposition. 'They (politicians) consult these boys and throw them away after they get into office without thinking of the consequences to the nation. The boys are acting out of frustration, neglect and disappointment with the system,' he says. 'Their journey into criminality, starting with the kidnapping in the Niger Delta to Boko Haram, were initiated by politicians who arm them to intimidate the opposition,' he says." **[69a]**

20.17 John Campbell (former US ambassador in Nigeria) in his 2011 book, *Nigeria: Dancing on the Brink*, wrote:

"While it is tempting to ascribe many of Nigeria's ills to religious conflict, and its close associate, ethnic rivalry, doing so oversimplifies or obscures the root causes. Too often, conflicts between incomers and indigenes over land or water or between groups struggling for local power are assigned religious labels that commentators and headline writers seize upon, overemphasizing the religious dimension. Moreover, elites will use religious and ethnic rivalries to advance their particular agendas. Shared religious identity, especially Christian, can be a means of forging political alliances among the numerous small ethnic groups in the Middle Belt and the North." **[123] (pages 44 and 45)**

20.18 An AllAfrica article of 14 March 2010, *Nigeria: Critical Time for Nigeria's Future,* by the Professor of History at the State University of New York, Jean Herskovits, observed:

"… the cycle of killing in Jos. Its underlying causes are economic and political, not religious or ethnic … [The] … rapid southern advance of the Sahara Desert and the shrinkage of Lake Chad in the last 30 years have increased pressure on the grazing lands that are key to the lives of nomads in northern Nigeria. Most of the country's cattle are found there. … Competition for land is heightened, but seldom does it descend into Jos-scale violence.

"The pernicious concept of 'indigenes' of a state (or city or town) makes matters worse. There are indigenes, while others are 'settlers' who can be excluded from school or land ownership or from holding government positions, even if they have lived in the same area for generations and are, often, successful traders. Politicians exploit this, and then, using religion, stoke anger further. Many Muslim Nigerians, condemning all the killings without exception, note the difference in international reaction to the recent deaths when the victims were Christian Berom and those in January when they were Muslim Hausa and Fulani. They say that only Human Rights Watch has given equal coverage, with equal condemnation." **[67c]**

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21. ETHNIC GROUPS

21.01 Ethnicity and religion are closely tied in Nigeria, with differences between groups often falling along ethno-religious lines. This section should therefore be read in conjunction with the section on Freedom of religion.

21.02 Te United States State Department *Country Report on Human Rights Practices 2010, Nigeria*, released on 8 April 2011, (USSD 2010 Human Rights Report) observed:

"The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group; however, the three major groups – Hausa, Igbo, and Yoruba – jointly constituted approximately half the population. Ethnic discrimination was widely practiced by members of all ethnic groups and was evident in private-sector hiring patterns and the effective ethnic segregation of urban neighborhoods. A long history of tension existed between some ethnic groups." **[3a] (Section 6**)

21.03 According to the Maps of World website, undated, accessed 4 November 2011:

"The tribes of Nigeria are diverse, comprising about three hundred and seventy one groups…The major ethnic Nigerian tribes are the Hausa Fulani, Yoruba and the Ibo [or Igbo]…The Hausa Fulani tribe inhabits the northern part of Nigeria, while the Yoruba and the Ibo shelters southwestern and the southeastern part of the country respectively.

"The Hausa Fulani tribe are a mixed race of the Hausa and Fulani. The Hausas are a mixture of Sudanese people. However according to the experts they are the descendants of Sahara and the Chad Basin, while legends term them as the descendants of Palestine, Mecca, Canaan, Libya and Baghdad. Theses (sic) people are the followers of Islam. The Hausas are administers of Islamic law. The Fulanis trace their origins in the 13th century, from the gypsies and are also the followers of Islam.

"Ibo is the second largest group among the Nigerian tribes, comprised of smaller ethnic groups. Their origins cannot be traced and mostly inhabit the forest area of the Niger valley. The Ibo tribe claims Nri town, which is considered as the bosom of the Ibo people.

"Yoruba tribe is the third largest ethnic group in Nigeria. They are an united group of people residing in the Ife town of Nigeria. Yoruba people believe that Oduduwa is their patron, who created earth and they are his children.

"These three groups form 57% of the Nigerian population and the rest comprises of the smaller ethnic groups. The other groups are the Nupe, Kanuri, Tiv, Abayon, Awori, Bali, Bele, Chamo, Diba, Ouguri, Ekoi, Gira, Gudu and so on. These different Nigerian tribes have different languages and culture and take pride in retaining it." **[14]**

SOCIETAL DISCRIMINATION

21.04 The USSD 2010 *Human Rights Report* stated:

"Many groups complained of insufficient representation in government.

"The law prohibits ethnic discrimination by the government, but claims of marginalization continued, particularly by members of southern groups and Igbos. Ethnic groups of the Niger Delta continued their calls for senior representation on petroleum agencies and committees and within security forces.

"In September the naming of an Igbo as the commander of the army was seen by many citizens to be an effort to address long-standing discrimination against Igbos in the military, a practice that has been in place since the end of the Biafran War in 1970.

"The constitution requires that the government have a 'national character,' meaning that cabinet and other high-level positions are distributed to persons representing each of the 36 states, or each of the six geopolitical regions. Traditional relationships were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

"All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but to which they had no personal ties. The government sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and the military." **[3a] (Section 6**)

21.05 The Freedom House *Countries at the Crossroads 2010, Nigeria* report, published 7 April 2010, observed:

"Ethnic discrimination remains pervasive. Though Nigerians are free to re -side in any part of the country, those who live in an area dominated by another ethnic group frequently suffer discrimination. State and local governments classify such persons as foreigners or 'non-indigenes' to exclude them from a host of material benefits to which they are entitled as Nigerian citizens. Such discrimination reflects a widespread belief that the state and local governments exist to serve only the interests of the indigenous population. Non-indigenes are charged higher school fees and have limited ability to compete for government contracts, obtain civil service positions, or secure pensions. Those non-indigenes who are hired by state or local governments are often unable to contest unfair layoffs. Non-indigenes are also likely to face discrimination when competing for federal level positions on the grounds that they are reserved for the local indigenes. The 1999 constitution calls for the federal government, its agencies, and its policies to reflect the 'federal character' of Nigeria so as to promote national unity and

prevent the dominance of particular ethnic or other groups. This balancing effort is monitored and enforced by the Federal Character Commission, also provided for in the constitution. Despite its intentions, the federal character system often has the effect of subordinating national citizenship to ethnic identity, and spurring ethnic tensions as different groups compete for resources." **[30a]**

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22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS

The information in this subsection refers to the position of LGBT persons in general. Where possible information specifically relating to gay and bisexual men, lesbians and bisexual women, and transgender persons has been provided under discrete subheadings. In looking at the position of lesbians and bisexual women consideration should be given the status of women in Nigerian society generally – see Women

LEGAL RIGHTS

22.01 The International Lesbian and Gay Association report, *State-sponsored Homophobia 2011*, dated 5 May 2011 (ILGA Report 2011), listed laws relating to same-sex sexual relations and gender identity. The laws that are 'negative' – that prohibit actions or behaviour – and 'positive' – those which protect from discrimination or recognise entitlements. Nigeria prohibits "homosexual" sex (for men but not women – see subsection on Lesbians and bisexual women below) and has no 'positive' laws listed in regard to either sexual orientation or gender identity. **[23a] (p28-29)**

22.02 A Behind the Mask report of 28 September 2011, *Third Time Unlucky? New Bill Prohibiting Same Sex Marriage Placed Before Nigerian Parliament*, noted:

"The Nigeria government has been seeking to further criminalise same-sex relations in Nigeria through the prohibition of same-sex marriage since 2006 when the first bill was sent to the parliament by the presidency during the regime of Chief Olusegun Obasanjo….This same bill has now surfaced again and it is now being titled: 'A bill for an act to prohibition marriage between persons of same sex, solemnisation of same and for other matters related therewith' The term gender in the previous bill has been replaced with the word sex. It is currently being referred to the committees on judiciary, human rights, legal matter, health and culture and tourism. Nonetheless, 'the bill enjoyed an overwhelming support of other senators who described the practice as criminal and against the tenets of nature,' [it was] reported." **[73a]**

Gay and bisexual men

22.03 The International Lesbian and Gay Association report, *State sponsored Homophobia*, *A world survey of laws prohibiting same-sex activities by consenting adults*, dated 5 May 2011, (ILGA Report 2011), observed that same-sex relations between men were illegal. The same report provided details of articles from Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990, relevant to same-sex relations:

"Section 214. 'Any person who

(1) has carnal knowledge of any person against the order of nature; or

(2) has carnal knowledge of an animal; or

(3) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for fourteen years.'

"Section 215. 'Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant.'

"Section 217. 'Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant.'" **[23a]**

22.04 The same source added:

"Note that several Northern Nigerian states have adopted Islamic Sharia laws, criminalizing sexual activities between persons of the same sex. The maximum penalty for such acts between men is death penalty.

"The states which have adopted such laws are:

"Bauchi (the year 2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000)." **[23a]**

See also Shari'a law

22.05 The International Gay and Lesbian Human Rights Commission (IGLHRC) report, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, published 15 February 2011, provided a summary of the legal position in the country:

"Under Section 214 of Nigeria's Criminal Code Act, any person who 'has carnal knowledge of any person against the order of nature' may be imprisoned for up to fourteen years – and under Section 215, anyone who attempts to do so may find themselves imprisoned for up to seven years. Section 217 criminalizes an even broader category of 'gross indecency' between males, punishing offenders with up to three years in prison." **[88] (pages 46 and 47)**

22.06 The British-Danish 2008 *Fact-Finding Mission Report*, October 2008, stated that: "According to LEDAP [Legal Defence and Assistance Project] officials, Nigerian law does not clearly define sodomy, and the law on sodomy covers other types of non-conformist sexual behaviour or acts, which are all regarded as 'sodomy'. Under the law on sodomy, nobody can be convicted without a confession. No one has been convicted for sodomy under common law as sodomy is hard to prove." **[20] (p33)**

Lesbian and bisexual women

22.07 The International Lesbian and Gay Association report, *State sponsored Homophobia*, *A world survey of laws prohibiting same-sex activities by consenting adults*, dated 5 May 2011, (ILGA Report 2011), observed same-sex relations between women were legal

(though in parts of the country where Shari'a law was applied, female same-sex relations were illegal). **[23a]**

22.08 The International Gay and Lesbian Human Rights Commission (IGLHRC) report, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, published 15 February 2011, noted on the legal position of women:

"While these laws are silent on female homosexuality, they still serve to police same sex activity between women and stifle lesbian and bisexual organizing. Moreover, the laws of Nigeria are not the only means of controlling sexuality, and lesbian and bisexual women must also deal with customary and religious laws that dictate and limit their behavior. In those northern states which have adopted Sharia, both male and female homosexuality have been outlawed, with death as the maximum penalty for male homosexuality and whipping or imprisonment as the maximum penalty for female homosexuality." **[88] (pages 46 and 47)**

Transgender persons

22.09 The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, updated July 2006, observed in regard to transgender persons there were "No data or the legal situation was unclear." **[12k] (p9)**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

22.10 The US State Department 2010 *Country Report on Human Rights Practices*, published 8 April 2011, noted:

"Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. There were no public gay pride marches. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. The government or its agents did not impede the work of these groups during the year.

"No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.

"As of year's end the trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. All defendants were able to post bail, set at 20,000 naira ($133), and were released. No resolution of the case was announced by year's end." **[3a] (section 6)**

22.11 An edgeboston.com (American gay news website) report, published in April 2008, about homosexuals in Nigeria stated: "Although prosecutions for incidents of anti-gay violence are virtually unheard of, those accused of homosexual acts are frequently taken into custody and held on the basis of nothing more than suspicion … this terror campaign has transformed Nigeria into a place where no one – including or especially police – does anything to help victims of anti-gay attacks." **[24]**

22.12 The British-Danish 2008 FFM Report added further:

"In May 2007, Lagos State passed its own anti-gay legislation, which according to a spokeswoman for the NGO Global Rights, was particularly alarming because it [Lagos] was the most cosmopolitan city in Nigeria. She said that there was a rising trend of conservatism and intolerance in the State which was extending even beyond people of different sexual orientation. Recently, even women wearing trousers and body-hugging tops have been arrested on the streets of the city and charged in court for wearing indecent clothing under section 249 a(i) of the criminal code punishing 'indecent dressing'." **[20] (p34)**

22.13 *Global Gayz* referred to an online article of 24 June 2009 wherein it was reported that "… three homosexuals were arrested today by the Edo State police command in Benin City. They were paraded like common criminals and displayed on television. The command Public Relations officer has said they would be charged to court as homosexuality is a criminal offence in Nigeria." **[74]**

22.14 An article in *The Guardian* of 25 May 2010, *African Statesman condemns homosexuality as an 'abomination', set out the views of former president Olesegun Obasanjo*:

"[He] indicated his support for the sentencing last week of a gay couple in Malawi to 14 years in prison with hard labour, insisting that countries have the right to enforce their own laws…'I believe that God who created man, male and female, is a wise God, is to me a God who doesn't make a mistake,' he said. 'If he wants sexual relationship between man and man, and between woman and woman, God will not have created them male and female. For me it is an abomination in my part of the world and if anybody practices it then he must be unbiblical, and anything that is unbiblical for me as a Christian is not right.'" **[63b]**

22.15 The same *Guardian* article continued:

"Obasanjo, whose human rights record was questioned during his two separate spells as president of Nigeria, denied that consenting adults have a right to privacy in their own homes. 'What is the privacy of your home? Why don't you take an animal and say look, the privacy of your home, you want to make love to a horse? Bestiality. You say that is right? No. 'If the privacy of your home means a socially condemnable act, then you have no privacy. You have done what you should not do and if the law says you should be punished for it, whether you do it in public or the privacy of your home, you have breached the law and you must be punished, according to the law.'" **[63b]**

22.16 An article of 12 January 2011 on the African Veil website noted that the National Gay Forum in Nigeria had endorsed the presidential candidate Atiku Abibakar. The same article continued: "A spokesperson for the Atiku Abubakar Campaign Organisation reacting to the group's endorsement said, 'Honestly, we don't want to get involved in this kind of story. However, we believe that lesbianism and sodomy are unlawful acts in this country, so we are surprised that law and order have so broken down in this country that gays will organise freely, address the press and the police did not arrest them.'" **[50]**

22.17 In June 2011, Nigeria voted against a United Nations resolution on LGBT rights. The Guardian reported on the matter on 17 June 2011, *UN issues first resolution condemning discrimination against gay people*:

"The United Nations issued its first condemnation of discrimination against gay, lesbian and transgender people on Friday, in a cautiously-worded declaration hailed by supporters including the US as a historic moment. Members of the UN human rights council narrowly voted in favour of the resolution put forward by South Africa, against strong opposition from African and Islamic countries. 'You just witnessed a historic moment at the human rights council and within the UN system with a landmark resolution protecting human rights of lesbian, gay, bisexual and transgendered people,' [a] US representative to the UNHCR…told reporters after the vote… Couched in delicate diplomatic language, the resolution commissions a study of discrimination against gay men and lesbians around the world, the findings of which will be discussed by the Geneva-based council at a later meeting… Nigeria claimed the proposal went against the wishes of most Africans." **[63e]**

22.18 An article of 17 June 2011 in the Huffington Post, *UN Gay Rights Protection Resolution Passes, Hailed as 'Historic Moment'*, noted that "…the U.N. has no enforcement mechanism to back up the resolution, 'It's up to civil society to name and shame those governments that continue abuses.'" **[125a]**

22.19 A *Nigerian Tribune* article of 20 June 2011, *Nigeria decries UN gay rights declaration*, stated that:

"Nigeria has kicked against the United Nations' resolution that endorsed the rights of gay, lesbian and transgender people, warning that the world body could turn into a 'guinea pig' of policies that cannot be implemented by member states…Nigeria's representative at the Council…who spoke on behalf of the African group, said African countries and more than 90 per cent of the African people did not support the resolution. He said notions on sexual orientation should not be imposed on countries." **[114c]**

SOCIETAL TREATMENT AND ATTITUDES

22.20 A World Pulse article of 11 February 2010, *Homosexuality in Nigeria – Go online if you're glad to be gay,* noted:

"Many Nigerians strongly disapprove of homosexuality. The dominant role of religion is widely seen as the root of the country's homophobic culture. Punishing gays is one of the few common themes that politicians can promote with equal zest in the mainly Christian south and the largely Muslim north. Under federal law sodomy is punishable by a 14-year jail sentence. An even more stringent bill to ban gay-rights groups and homosexual displays of affection is also under consideration." **[85]**

22.21 The *edgeboston.com* 2008 report about gay men in Nigeria stated:

"Even in Africa - a continent not known for its gay-friendly cultures or government - Nigeria stands out for the virulence and violence against gay men in particular as well as lesbians.

"The cultural residue of colonial occupation and political maneuvering encouraged by the country's influential Christian and Muslim faiths make Nigeria one of the most challenging African nations in which to live openly as a homosexual … the real threat of death or serious injury is not from legal actions by the state, but from mob violence and unofficial actions by the police who are a law unto themselves,' says Davis Mac-Iyalla,

Director of Changing Attitude Nigeria [LGBT religious NGO]. 'In that way, there is very little difference between North and South'." **[24]**

22.22 A *Pink News* article of 16 February 2009 stated that "… the Nigerian Minister of Foreign Affairs has told a UN review of human rights in the African nation that there is no gay, lesbian, bisexual and trans community in his country … Nigeria's official report to the UN states: Sexual minorities are not visible in Nigeria, and there is no officially registered association of gay and lesbians."

22.23 The article continued:

"The Young Humanistas Network of Nigeria … accused Mr Madueke [the Minister of Foreign Affairs] … '…to have forgotten that the National Assembly backed by some of the executive council members are currently preparing to enact a law criminalising homosexual activities' … the Humanists said that in 2003 Dare Odumade, of the Alliance Rights Nigeria, organised a Nigeria National Homosexual Conference, which was well attended by over one hundred Nigerians." **[16b]**

22.24 An article in the *Nigerian Observer* of 31 December 2010, *Community in Abia Moves against Homosexuality*, recorded:

"The Ebem Ohafia community in Ohafia Council Area of Abia has placed a total ban on homosexuality warning that those involved will be ostracised, no matter their status. This was one of the resolutions made in Ohafia in Abia by the generality of the people, who had gathered at their 'Abum' village square to celebrate their 2010 Cultural Carnival…The traditional ruler of the community,…after getting the reaction of the crowd, announced that the community would stone to death any confirmed homosexual in Ebem." **[59]**

22.25 An article in *Pink News* of 25 June 2011, *Nigerian women's football team 'eradicates lesbianism'*, observed:

"The Nigerian women's football team says it has successfully banned homosexuality among players. Coach Eucharia Uche claims that since she was hired in 2009, she has eradicated homosexuality from the squad… Uche, who is married with two children, said lesbianism was 'morally very wrong' and 'a dirty issue'. She said she discovered which players were lesbians through rumours and brought in Pentecostal ministers to pray with the team. Uche, a former Nigeria player, said: 'The issue of lesbianism is common. I came to realise it is not a physical battle; we need divine intervention in order to control and curb it. I tell you it worked for us. This is a thing of the past. It is never mentioned.'…a former technical assistant for the country's soccer federation, claimed he had sacked some players from the national team for being lesbians." **[16a]**

22.26 The International Gay and Lesbian Human Rights Commission (IGLHRC) report of 15 February 2011, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, noted that:

"Extortion and blackmail are fundamental realities of homosexual life in Nigeria… Generally, extortion and blackmail is especially common in the male homosexual community. This is because homosexual men in Nigeria more publicly transgress gender norms, especially the belief that men should be dominant over submissive

women. By rejecting the privilege enjoyed by heterosexual men, homosexual men represent a visible threat to patriarchal values and the sexual ideologies they support.

"While lesbianism is more tolerated than male homosexuality, a significant number of Nigerian lesbians and bisexual women are also targets of extortion and blackmail. Like their male counterparts, they also break the rules of their patriarchal community. They tend to be independent of men and therefore step outside of the boundaries of their traditional roles. Extortion and blackmail become weapons of choice for those who police female homosexuality, and are routinely used to punish and silence lesbians and bisexual women who transgress the social order." **[88] (page 47)**

22.27 A Behind the Mask report of 11 October 2011 noted developments in connection with blackmail and extortion, *Nigeria LGBT Plan to Expose Extortionists and Blackmailers*:

"Extortion and blackmail continue to be weapons used against LGBT communities. Such criminal acts are seen as an occupational hazard by gay men in cities such as Lagos, Port Harcourt and Abuja. Now a task force of concerned individuals has set up a new organisation to expose blackmailers and extortionists. They have established a blog *www.lagosheat.wordpress.com*,which exposes the criminals and their strategies. The blog is regularly updated and provides safer dating tips for visiting gay people.

"The modus operandi of blackmailers and extortionists in Nigeria is generally consistent and often related to online dating. Perpetrators will often steal possessions such as laptops and mobile phones from victims and often get in touch later, promising to return the items in the exchange for money. Sometimes however they take the items and disappear. The perpetrators rely on fear amongst the victims. Victims of such crimes fear reporting the case to the police as they cannot be sure if it might backfire and that they will end up being arrested for having engaged in homosexual acts. LGBT rights activists have recently argued that blackmail and extortion are exacerbated by the criminalization of same-sex relationships. The vice is most common in countries, where homosexuality is illegal. The Initiative for Equal Rights – an NGO based in Lagos also documents these abuses." **[73b]**

22.28 In an article dated August 2010 in 234Next titled *Gay pride march: Is Lagos ready?,* the author, Bayo Olupohunda, considered the possibility of LGBT pride march in Lagos and the position of the LGBT 'community' in Lagos. He observed:

"Will the growing groups of gays and lesbians in this city emerge from their closets to assert their freedom to associate and confront societal discrimination and the law that frown on their sexual choices and orientation... the growing but largely amorphous clan of lesbians and gays (LG) community in Lagos who are having a difficult time dealing with the negative public perception of their sexual choices considered as taboo or perverted… Will Lagos['] LGBT [persons] confront the law and damned the shame once and for all? I have often imagined gays and lesbians taking to Lagos streets... Since gay pride is just like any other public march or protest, the organisers would have to seek a police permit. If they decide to go ahead without a permit, then they will have to contend with the brutality of the Nigerian Police since there is existing law against same sex relationship. But it would also be interesting to see the members of this group come out to identify themselves openly for the first time after years of forced hibernation. I am sure Lagosians would be in for a surprise at the sheer strength and the influence of its members. But the L and G group in Lagos will, apart from worrying about the police,

also have to contend with the hostility of anti-gay pride protesters who will quickly regroup to confront the L and G community." **[78b]**

22.29 In the same article, Mr Olupohunda, described how he had observed in the weeks prior to writing the article a lesbian and a gay couple who had "made out" in public space (a beach and a bar respectively). **[78b]**

22.30 In an article of 21 July 2010 in the San Diego Gay and Lesbian News, *Life in the closet is the way of life in Nigeria*, stated of a gay Nigerian interviewee:

"He is one of the numerous males and females who had scribbled their mobile phone numbers behind toilet doors at The Palms Shopping Mall at Lekki, Lagos, soliciting various kinds of services. In the male toilets, graffiti-like scrawling advertising various businesses and services, ranging from sponsorship endorsements to the outright obscene, adorn all the four toilet doors; a sharp contrast with the spotless walls…he had been receiving countless phone calls from gay partners in Lagos since his post on the door. 'I got calls from…everywhere. My phone could not stop ringing'…The society's perception of homosexuals and lesbians has caused most of the respondents to keep their activities in the closet…'There are a lot of us (homosexuals) in this Lagos. But I don't want to join any of the associations; I prefer to do my thing on my own. And again, if the government should legalize (homosexuality) in Nigeria, you would be surprised at the number of people around you that are doing it.'" **[126]**

Religion and the gay community

22.31 With the exception of the Rainbow Church, the bulk of churches in Nigeria remained anti-gay. An article in the *Guardian* of 24 April 2011, *Nigeria's gay church reborn amid climate of fear*, observed:

"House of Rainbow church offers underground prayer and preaching to Christians ostracised by rampant homophobia. When Ade's aunt learned he was gay, the then 16-year-old Nigerian was made to go through an exorcism to expel 'the demon of homosexuality'. 'The priest came to the house with candles, holy water and anointing oils. I had to kneel down, holding candles in my hands,' recalls Ade, now 25, as he sits in a cafe in Lagos. He does not wish to reveal his full name. 'He kept shouting 'Come out! Come out! Come out!' in a fevered voice … I was allowed to go back to church after that but I had to pretend to be straight.' In a country where homosexuality is punishable by up to 14 years in prison, it is no surprise that many of Ade's friends – those who, like him, are both gay and religious – stay away from church altogether for fear of being outed. However, an alternative could soon be at hand. Ade is helping to resurrect a religious refuge for himself and his friends. He is part of the team restarting House of Rainbow, the country's only gay church, which was forced to close in 2008 after a witch-hunt stirred by exposés in local newspapers." **[63f]**

22.32 The same *Guardian* article continued:

"The Rev Rowland Jide Macaulay, the gay minister who founded the church, is leading the comeback even though he remains in self-imposed exile in London. 'Religion is a backbone to life in Nigeria, so we all want to go to church,' he says. 'But we don't want to lie to God about who we are.' Macaulay first set up House of Rainbow in 2006, when he openly held Sunday services in a Lagos hotel hall decked out with rainbow flags. A public backlash culminated in members being beaten as they left church. Macaulay fled

to the UK after death threats. This year [2011], he has recruited a small team that includes Ade as his local leader in Lagos. In his voluntary role, Ade started holding prayer sessions and Bible study groups at his house at the end of last month. A full church might be set up again if it is considered safe." **[63f]**

22.33 The same source added:

"Religious groups are central to Nigeria's culture of homophobia. Pentecostalism, an evangelical school of Christianity thought to have started in America just over a century ago, has blossomed in southern Nigeria and across Africa in recent decades. The 'megachurches' in and around Lagos can attract tens of thousands of worshippers to a single service. Pentecostal pastors often see gay desire as the work of demons. 'You might start casually but, once you get into it, you will be possessed by the spirit,' says Emmanuel Owoyemi, a pastor in Lagos. Meanwhile, in Nigeria's mostly Muslim north, 12 states have adopted sharia law over the last decade. Gay sex carries the death penalty under sharia, although no executions have yet taken place…Apart from being on the wrong side of the law, many homosexual Nigerians say exclusion from church is one of the hardest parts of being gay. 'We are brought up to believe that you should belong to a religion. We feel that, if we don't go to church, God will not answer our prayers,' says a young gay man in Abuja, Nigeria's capital. 'When I recently told a friend I was having financial difficulties, he said, 'When did you last go to church?'" **[63f]**

22.34 The same *Guardian* article noted:

"Some argue that African homophobia is slowly waning. Marc Epprecht, an expert on sexuality in Africa at Queen's University in Canada, says the continent's growing number of gay rights groups are challenging negative stereotypes. He adds that despite the bad press it attracts, African homophobia is not markedly stronger than that of poor or patriarchal parts of the Middle East and South America. Macaulay, however, is not taking any chances this time. Prayer sessions are being held in secret locations. No unknown newcomers are being admitted. He continues to preach via YouTube from London – he thinks it would be unwise to return home. 'We have learnt our lesson,"' he says. 'It is a hostile situation.'" **[63f]**

22.35 A PM News article of 5 November 2010, *Many Nigerian Pastors Are Gay-Bishop Ighele*, noted:

"Homosexuality or sexual relationship between persons of the same sex, though condemned in the Bible, is gaining ground in many Nigerian churches with pastors involved in the ignominious act, a Lagos based bishop has disclosed. Bishop Charles Ighele, General Superintendent of the Holy Spirit Mission Church also known as Family Church located in Akowonjo, a suburb of Lagos, South West Nigeria, revealed that he has delivered some pastors out of the abominable act. The bishop…said in an interview: 'Gay relationship or marriage is completely evil. Everywhere in the bible, homosexuality is condemned. You see, there is this laissez-faire attitude, people are free and do what they want. This western culture has also affected the church. But gay marriage or relationship is evil and completely anti-Christ…I don't condemn gays. Homosexuality is evil but I don't call gays demons. It's just like somebody who has malaria parasites, he needs help.'" **[138]**

22.36 An article in *The Punch* of 18 February 2011, *Nigerian Anglicans reaffirm opposition to gay marriage*, stated:

"The Primate of Anglican Communion in Nigeria, Most Rev. Nicholas Okoh, on Thursday said the communion remained 'strongly' opposed to homosexuality and gay marriage. Okoh said this when he led a delegation of four Bishops to the Nigerian High Commission in London, the News Agency of Nigeria reports. 'We have not repented from our initial stand; we remain strongly opposed to homosexuality and other anti-Christ like life in the Communion,' he said. He explained that though the relationship between the Church of Nigeria and the Church of England was cordial, there was still disagreement on the same sex marriage issue." **[51c]**

22.37 A *Daily Champion* article of 18 June 2011, *Gay marriage, an Abomination-Bishop Alawuyi*, quoted the bishop:

"As far as Methodist Church Nigeria is concerned, same sex relationship is not to be mentioned because it is an abomination. Even our Prelate, His Eminence, Dr. Sunday Ola Makinde has severally stated that same sex relationship is not only unbiblical but un-African. In Methodist Church Nigeria, we don't think of same sex relationship, talk-less of allowing it. As far as the church in Nigeria or Africa is concerned, same sex relationship is an abomination. It is something that cannot even be spoken of publicly talk-less ordaining gay and lesbians as priests. So, for Methodist Church Nigeria, there will be nothing like ordaining gays as priests." **[95b]**

LGBT GROUPS

22.38 The 2009 USSD Human Rights Report recorded that: "The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness." **[3h] (section 6)**

22.39 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) noted the existence of the organisation, Queer Alliance Nigeria, in its directory. The organisation is devoted to LGBTI rights, Lagos-based and has existed since August 2008. **[23b]**

22.40 The online publication LGBT Asylum News of 28 November 2010 noted that:

"… ten non-governmental organisations (NGOs) have openly declared the protection of LGBTI rights as one of their focus areas of work. These include Alliance Rights Nigeria, the International Centre for Reproductive Health and Sexual Rights (INCRESE), the Centre for Youth Policy Research and Advocacy (CYPRAD) and the Support Project in Nigeria (SPIN), The Initiative for Equal Rights (TIER), Queer Alliance and Global Rights Nigeria." **[100]**

22.41 A Behind the Mask report of 25 July 2011, *Nigeria's LGBT Community Discover a Safe Place*, noted:

"Nigeria's LGBT community has discovered a safe space in the comfort of the community centre set up by the Integrated MSM HIV Prevention Program (IMHIPP) currently being implemented in four states across the country. Funded by USAID, Heartland Alliance for Human need and Human rights partner with the following local organizations; The Initiative for Equal Rights (TIERS), Pure Professionals for Human Rights Advocacy, Initiative for Improved Male Health and International Centre for the

Advocacy of Health Rights. The four states are, Lagos, Rivers, Cross River states and the FCT, Abuja."

22.42 The same Behind the Mask report continued:

"[A] Program officer [from] TIERS/IMHIPP, said, 'Criminalization of same sex activity in Nigeria has resulted in Men who have Sex Men (MSM) hiding their sexual identity. They lack safe spaces to freely express their sexuality, share information on MSM specific information, and address issues of low self-esteem, stigma and discrimination. They are continuously faced with difficulty in accessing educational programs that can help mitigate the burden of HIV/Aids and STIs. Realising the need to create an enabling environment for MSM to freely express themselves, it became essential to create a safe space for MSM hence the Community Centre. Through this program, IMHIPP has created a Community Centre. Based upon needs assessment the Centre has three units. These are a social interaction unit, a skill acquisition unit and a healthcare unit to target MSM to address economical and social needs. These units are managed by Outreach Coordinators and supervised by the Program Officer.' Although the centre was established under a MSM/HIV program, it is open to LGBTI persons in general." **[73c]**

22.43 The International Gay and Lesbian Human Rights Commission (IGLHRC) report of 15 February 2011, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, noted that:

"Few of the lesbian and bisexual women interviewed for this project were familiar with non-governmental organizations like the International Centre for Reproductive Health and Sexual Rights (INCRESE), Alliance Rights Nigeria (ARN), House of Rainbow Metropolitan Community Church, and Sexual Minorities Against AIDS in Nigeria (SMAAN). All of these organizations cater to the needs of the LGBT community in Nigeria, and attempt to address the persecution and violence they face." **[88]**

22.44 Spartacus International Gay Guide 2009 noted that Nigeria's largest city, Lagos, had a number of gay bars, and mixed dance clubs and fitness studios where gay people could meet. The guide noted that "Lagos is probably the most vibrant city in Sub-Saharan Africa (outside of South Africa). The new democratic government has brought about a revival of life in Lagos with bars and clubs …" **[89]**

22.45 The website NigeriaFilms.com, in December 2009, noted the existence of lesbians in Lagos clubs and conducted an online debate about such. **[62]**

22.46 In spite of societal discrimination against the LGBT community (described in this section), there was some source material indicating that the internet was being used to facilitate social contact. A Nigerian gay dating website (gay-datanta.com) operated openly and included photographs of men on its site. **[90]** Another source, a World Pulse article of 11 February 2010, Homosexuality in Nigeria – Go online if you're glad to be gay, noted that a group of 50-or-more gay Nigerian Christians were using the internet "… for an online Bible study class." The article continued, noting that: "'This is the only way we can worship because of the stigma,' … The reason for the secrecy is that the participants, ranging from students to married men, are gay. To go to a mainstream church in Nigeria would risk beatings or even a forced exorcism. So hundreds are turning to House of Rainbow, Nigeria's only gay-friendly church, which is flourishing online after almost meeting a violent end two years ago." **[85]**

See Behind the Mask and GlobalGayz websites for further information and news stories on the LGBT community in the country.

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23. DISABILITY

23.01 The United States State Department *country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011, (USSD 2010 Human Rights Report) stated that:

"The constitution does not prohibit explicitly discrimination based on disability; however, it does prohibit discrimination based on the circumstances of one's birth. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services. There were no laws requiring physical accessibility, or access to information or communications for persons with disabilities.

"Mental health facilities were almost nonexistent. All disabled prisoners were kept with the general inmate population without regard to disability, and no additional services were available.

"Persons with disabilities faced social stigma, exploitation, and discrimination, and they were often regarded by their families as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. Many indigent persons with disabilities begged on the streets.

"The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs, such as the Hope for the Blind Foundation in Zaria, the Kano Polio Victims Trust Association, the Joint National Association of Persons with Disabilities, the Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities." **[3a] (Section 6)**

23.02 The Freedom House *2010 Countries at the Crossroads, Nigeria Report*, published 7 April 2010, noted that:

"Nigeria signed the UN Convention on the Rights of Persons with Disabilities in 2007 but has not yet ratified it. Disabled people continue to face stigmatization in society, with social and economic barriers forcing many to resort to begging. While state governments such as the Lagos State government have made a concerted effort to empower the disabled by allocating funds to organizations devoted to disabled advocacy and assistance, the challenges facing disabled people remain substantial. In March 2009, the Senate passed the Discrimination against Persons with Disabilities (Prohibition) Bill, which bans discrimination against the disabled, establishes a requirement that public organizations provide access into their buildings, and imposes fines for violations of the law. It is currently awaiting approval by the House." **[30a]**

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24. WOMEN

For information about girls see the section Children.

OVERVIEW

24.01 The Freedom House *Countries at the Crossroads 2010*, published 7 April 2010, stated:

"While women's rights are enshrined in the constitution, women continue to face violence and substantial barriers to gaining political power. Although many states have passed laws against domestic violence, spousal abuse is still relatively common in rural areas. Female genital mutilation remains widespread, occurring in nearly every state, according to recent statistics. Sharia, in place in a dozen northern states, is often used to discriminate against women, especially in cases of adultery, where the rules of evidence differ depending on the sex of the accused. Both Sharia-based statutes and customary law favor men over women with respect to property rights. Under customary law, all marital property belongs to the man as the head of the household. Therefore, in cases of divorce, the customary court normally awards all the marital property to the husband, leaving the wife with nothing. Women's access to direct political power has improved but remains limited." **[30a]**

See sections on Shari'a Law and Customary Law

24.02 The Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) sixth periodic report on Nigeria, dated 3 July 2008, noted some positive developments in Nigeria:

"The Committee welcomes the adoption of the National Gender Policy in 2007, which constitutes a comprehensive framework for promoting gender equality and the advancement of women. The Committee encourages the State party to take the necessary measures to ensure its full implementation and operationalization. The Committee welcomes the adoption of a number of strategies, policies and programmes on such areas as education, health, reproductive health and nutrition since the consideration of Nigeria's combined fourth and fifth periodic report in 2004.

"The Committee notes with appreciation the close collaboration of the State party with NGOs and other civil society groups in the promotion of women's human rights and gender equality, including through consultations, membership in task forces or committees, and contribution to legislative processes. The Committee encourages the Government to further develop such collaboration.

"The Committee commends the State party on its ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights." **[61] (p2)**

24.03 The same document noted a number of areas of concern:

"… [the CEDAW] has yet to be fully domesticated as part of national law despite its ratification in 1985 without any reservations… discriminatory provisions in the Constitution…which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man…discriminatory laws at both

federal and state levels, including those that allow wife battery as chastisement as long as grievous harm is not inflicted… prohibit women from working at night in certain sectors of employment…and classify sexual assault against female victims as a misdemeanour…Further…a draft bill entitled 'Abolition of All Forms of Discrimination against Women in Nigeria and other Related Matters' was not approved by the National Assembly.

"Despite the adoption of the Child Rights Act by 18 states which sets the minimum age of marriage at 18 years the Constitution states that a woman is deemed to be of full age upon marriage, thereby lending support to early marriages… contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party's tripartite legal system…[leading to] discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance… the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society… the continued high incidence of female genital mutilation in some areas of the country … [and] the absence of national legislation prohibiting this harmful traditional practice… the continuing prevalence of violence against women, including domestic violence", lack of legislation to address violence against women…the majority of services for victims, including shelters, are provided by non-governmental organizations with limited support, including financial support, from the State party.

"Despite measures taken by government trafficking remained a problem… women continue to be seriously underrepresented in political and public life, especially in leadership and decision-making positions… the persisting wage gap between men and women, women's higher unemployment rate, and women's concentration in certain sectors, namely agriculture, animal husbandry, and service…women are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes…the Factories Act, which does not recognize the specific health and reproductive needs of women, and the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing…discriminatory practices in the private sector, in particular in the banking sector, with respect to maternity and marital status…the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this… the precarious situation of women's health, as well as the insufficient number and inadequate health-care facilities, particularly in rural areas…high rates of malaria and HIV/AIDS affecting women and girls in the country… very high maternal mortality rate…lack of access by women and girls to adequate health-care services, including prenatal and post-natal care, obstetric services and family planning information, particularly in rural areas… widespread poverty among women, in particular rural women and women head of households…discriminatory practices with regard to land ownership, administration of property and inheritance, limit women's access to economic resources, as well as credit and loan facilities… the situation of internally displaced women, including women with disabilities, displaced by violence and conflict, in particular in view of their precarious living conditions in camps where they are at increased risk of sexual and other forms of violence and lack of access to health care, education and economic opportunities." **[61]**

24.04 The Federal Republic of Nigeria's 4th Periodic Country Report on the Implementation of the African Charter on Human and People's Rights in Nigeria, published in August of 2011, noted:

"Whereas Nigeria is signatory to an array of international human rights instruments which affirm in clear terms the aspirations of enhancing women's rights, Nigeria also has an array of laws reflecting aspirations in direct variance to what these international instruments espouse. Nigeria still has many customary laws that provide institutional support for practices such as early marriage, early and unspaced child bearing, FGM, widowhood rites and dis-inheritance that limit women's enjoyment of their right to equality. Even where statutory laws exist to outlaw some of these inimical customary and cultural practices, practical experience and evidence abound that enforcement level is negligible." **[33] (pages 30,31)**

For information about girls see Children, and information on trafficked women see Trafficking.

LEGAL RIGHTS

24.05 The constitution provides for equality, prohibits discrimination based on sex, however the government did not enforce the law effectively (USSD *2009 Human Rights Report*) **[3h] (Section 5)**

24.06 The Nigeria Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) *NGO Coalition Shadow Report 2008* stated:

"Equality before the law connotes equal treatment in the Law without any discrimination.

"S.17 (a) of the Constitution provides that every person shall have equality of rights, obligations and opportunities before the law [.] S.17 (e) proclaims the independence, impartiality and integrity of the court of law and that easy accountability thereto shall be secured and maintained. The Human [sic] rights provisions of the Constitution, particularly S.42, which prohibits discrimination, also outlaws inequality before the law while s.6 (6) (b) vest judicial powers in the law courts **(p55)** … in spite of these Constitutional provisions, there exists laws in our statute books whose provisions are inherently discriminatory against women while the application of others negates the spirit and principles of equality before the law. A gender audit of Nigeria's local laws and policies reveals that many legal instruments are discriminatory and/or gender insensitive.

"The unequal treatment of women under the law is mainly facilitated by the parallel practice of the tripartite system of laws via statutory, customary and Islamic. These laws often have conflicting principles, definition, procedures and are often discriminatory in their application. This has continued to widen the inequality gap in the law against women. The patriarchal structure of our society has also continued to discourage the introduction and enforcement of laws and policies promoting equality before the law." **[31] (p56)**

24.07 An *Inter Press News Agency* article of 28 November 2009, *Rights: Nigeria Failing to End Discrimination Against Women*, observed:

"Nigeria ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) in 1985 without reservations. But few of its citizens have ever heard of the

document. Day-to-day life for women in Nigeria is shaped less by international conventions than it is by the diverse cultures, traditions and religions found in the country… ' (Even) if CEDAW is accepted and implemented at the federal level in Nigeria, it will certainly face opposition in the states, due to some provisions (which challenge) religious and cultural values. But the focus should be on how to deal with such opposition', says Fatima Kwaku. Kwaku was an active member of the CEDAW monitoring committee from 2001 to 2004 and has remained involved in holding government accountable. Herself a Muslim, and a barrister, she knew the opposition that the Convention would face on issues like marriage. She stresses that CEDAW must be advocated with great care, so that people get the correct message and the intended changes in women's status are acceptable amongst the people at the grassroots levels. This, she said, calls for the document and new laws passed to implement to be framed in such a way as to avoid unnecessary hostility from religious or other cultural forces without sacrificing their empowering content… while the Convention might be well-suited to fighting discrimination against women on the global scale, its implementation was destined to be awkward in local situations, such as in Kano where…the Hausa community – including… its 'naturally reserved women' - view with suspicion. 'Imagine Hausa women discussing about reproductive health or family planning issues when they are being oriented by NGOs. A woman hardly discusses her reproductive health with even her husband.'

"For CEDAW to take root in Nigeria, state and federal governments must show political will and commitment through allocating financial and human resources across sectors. CEDAW must also be seen as a social responsibility for all, rather than the governments alone." **[69c]**

24.08 A Foreign Policy in Focus article of 1 December 2010, *Assessing Women's Rights in Nigeria*, observed that "The Constitution and certain laws in Nigeria still contain discriminatory aspects. For instance, Section 26(2) of the Constitution does not allow a Nigerian woman to transmit her nationality to her husband if he is a foreigner. Section 55 of the Penal Code applicable in northern Nigeria permits wife battery as chastisement, as long as grievous harm is not afflicted. Section 55 of the Labour Act prohibits women from working in the night." **[127]**

POLITICAL RIGHTS

24.09 The Central Intelligence Agency (CIA) *World Factbook*, last updated 7 November 2011, confirmed universal suffrage from the age of 18. **[52]** The Inter Parliamentary Union's database (accessed 14 October 2011) for women in politics recorded that women in Nigeria (South) obtained the right to vote and stand for election in 1958 and the same rights were accorded to Nigeria (North) in 1978. **[53]**

24.10 The Nigeria CEDAW ([United Nations] Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report,* published in 2008 stated:

"According to the report of the 2006 census, women constitute 48.78% of the national population of Nigeria, but this numerical strength has never found corresponding expression in Nigeria's political life and decision-making processes. Women are inadequately represented in the National Assembly, at the State Houses of Assembly, and at the Local Government Councils. They are either completely absent or grossly

under represented…the systemic exclusion of women from leadership and decision-making is further reinforced by the patriarchal structure of the Nigerian society.

"Lack of financial capacity and the violence culture that characterised Nigerian politics have also been the bane of women's under representation in the political sphere. Most political parties either waived or subsidised the cost of nomination forms in support of the women aspirants because most women could not afford the huge cost to obtain forms. Eventually, these women are either asked to step-down for their male counterparts **(p27)** … during the last presidential elections [2007], there was a lone female candidate in the midst of over 30 aspirants for the position of the president while no woman emerged as the running mate of any of the aspirants. No female candidate emerged as governor, although there were 15 female aspirants in the gubernatorial race across the country. In the 36 states that make up the country, 5 women emerged as Deputy Governors and this is equal to a 13.8% representation **(p29)** … there is less than 5% representation of women at decision-making level at the three tiers of government." **[31] (p30)**

24.11 An *Inter Press News Agency* article of 10 March 2010, *Politics-Nigeria: In the Shadows of Men: Women's Political Marginalisation*, stated that:

"Social, cultural and religious factors are largely responsible for the marginalisation of women in politics in Nigeria, particularly in the Muslim-dominated part of the country where politics is seen as men's exclusive preserve.

"Nigerian politics is capital intensive as it requires spending large amounts of money to organise and mobilise support to win an election. In Nigeria, female candidates rarely receive sponsorship from donors. Women in Nigeria are not as economically empowered as men. In most communities women are economically dependent on their husbands who control family income. Even where women are allowed to engage in money-making ventures, their husbands control the purse … a politician in northern Nigeria's Kano city, said women's weak economic base contributes to their political domination by men.

"'Women in Nigeria have far less money than men and even in politics there is a wide economic disparity between women and men, which gives men competitive political advantage over women because they are the ones with money to throw around and win votes', [she] said. Those among us that aspire to political office need the financial support of men who usually prefer supporting their fellow men due to prevalent male chauvinism that runs through the veins of our men', she said.

"Politicking is time-consuming with politicians travelling far and wide and often staying overnight in hotels far from their homes during political rallies. Such political rallies are often rowdy and at times violent with political thugs taking centre-stage, hurling insults and brandishing assortments of lo [sic] locally made weapons. Given such scenarios, women politicians are generally seen as promiscuous in a society that believes that women's role should be confined to domestic management." **[69b]**

24.12 An article of 20 May 2011 in free2run, *Nigeria Elections Reflect Slow Progress for Women*, estimated that slightly over half of the 73.5 million persons registered to vote in the 2011 elections were women. The article also stated:

"During the last parliamentary term, only 7.3% of the representatives in Nigeria's upper and lower houses were women. In this year's election, 200 out of 2400 (8.33%) candidates for the House of Representatives and 80 out of 720 (11.11%) candidates for the Senate were women. [A representative] of the Lagos-based Women Advocates Research and Documentation Center (WARDC) says that overall, 909 out of 10037 (9.06%) candidates for all elective positions were women. These positions include the Presidency, governorships and parliamentary seats. There has been an overall regression in women's representation in political decision-making postions [sic]. Seven out of 109 (6.42%) senators elected in 2011 are women compared to 9 (10%) in 2007, while only 12 out of 360 (3.33%) members of the House of Representatives are women, down from 26 in 2007. Out of Nigeria's 36 states only one – Lagos State – voted in a woman deputy governor, and no woman was elected governor…There are many barriers to women's political participation in Nigeria…religious misconceptions and rigid mindsets about women's roles, their lack of resources to run campaigns, and political violence work against women's full participation in electoral processes. The government's failure to domesticate and implement international conventions that promote women's equal participation in policy and governance processes is another barrier." **[128]**

SOCIAL AND ECONOMIC RIGHTS

24.13 The World Economic Forum Global Gender Gap Report (GGGR) 2010 noted that in percentage terms labour force participation in 2010 was 45 per cent for women against 85 per cent for men. The same GGGR noted that the literacy rate was 49 per cent for women against 72 per cent for men. Enrolment for secondary education was listed at 22 per cent for women against 29 per cent for men; and enrolment for tertiary education was listed at 8 per cent for women against 12 per cent for men. The ratio of women in parliament was at 7 per cent to men at 93 per cent; and women in ministerial positions amounted to 10 per cent for women and 90 per cent for men. **[103] (pages 236 and 237)**

24.14 The United Nations International Children's Emergency Fund (UNICEF) State of the World Children's Report 2011 noted from statistics on women gathered from 2005 to 2009 that 39 per cent of women had a skilled birth attendant and 35 per cent had an institutional delivery. And in terms of antenatal care coverage for women over the same period, 58 per cent were seen at least once and 45 per cent at least four times. **[19h] (page 118)**

24.15 The Freedom House *Freedom in the World 2011* report, published 12 May 2011, noted that:

"Nigerian women face societal discrimination, although their educational opportunities have improved and women hold several key governmental positions. Women throughout the country experience discrimination in employment and are often relegated to inferior positions. In the northern states governed under Sharia statutes, women's rights have suffered particularly serious setbacks. Women in some ethnic groups are denied equal rights to inherit property, and various forms of gender-based violence, including spousal rape, are not considered crimes." **[30b]**

24.16 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011, (USSD *2010 Human Rights Report*) stated that:

"Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. No laws barred women from owning land, but some customary land tenure systems allowed only men to own land, and women could gain access to land only through marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

"In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. 'Confinement,' which occurred predominantly in the northeast, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas a widow was considered a part of her husband's property to be 'inherited' by his family." **[3a] (Section 6)**

24.17 The same USSD report stated that:

"Women also experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO coalition expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. According to credible reports, many businesses operated with a 'get pregnant, get fired' policy. Women remained underrepresented in the formal sector but played active and vital roles in the country's informal economy. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work. According to the UNDP's 2007-08 Human Development Report, women earned only 40 percent of what men earned and often found it difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households. Unmarried women, in particular, endured many forms of discrimination." **[3a] (Section 6)**

For further statistics see:-

UNICEF's State of the World's Children 2011 report
http://www.unicef.org/publications/files/SOWC_2011_Main_Report_EN_02242011.pdf

The Social Institutions and Gender Index profile for Nigeria
http://genderindex.org/country/nigeria

The World Economic Forum's Global Gender Gap 2011 report, Nigeria
http://reports.weforum.org/global-gender-gap-2011/

Marriage

24.18 EveryCulture.com, in a section on marriage in its undated profile of the country accessed 14 October 2011, noted:

"There are three types of marriage in Nigeria today: religious marriage, civil marriage, and traditional marriage. A Nigerian couple may decide to take part in one or all of these marriages. Religious marriages, usually Christian or Muslim, are conducted according to the norms of the respective religious teachings and take place in a church or a mosque.

Christian males are allowed only one wife, while Muslim men can take up to four wives. Civil official weddings take place in a government registry office. Men are allowed only one wife under a civil wedding, regardless of religion. Traditional marriages usually are held at the wife's house and are performed according to the customs of the ethnic group involved. Most ethnic groups traditionally allow more than one wife." **[104]**

24.19 The Social Institutions and Gender Index (SIGI) undated profile for Nigeria, accessed 14 October 2011, stated:

"There are three forms of marriage in the country: monogamous marriage registered under the civil marriage law, customary marriage, and Islamic marriage. In southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, depending on the region; in the north it ranges from 12 to 15 years. In some regions, customary law allows girls to marry from the age of only nine years; such marriages are banned in two states, but remain common overall. The incidence of early marriage is high in Nigeria …" **[68]**

24.20 An IRIN article of 26 November 2008, *Nigeria: Early marriage adds to socioeconomic woes, NGOs say*, stated:

"In northern Nigeria it is estimated that more than half of girls are married before age 15, according to Mohammed Aliyu Mashi, head of the General Improvement in Persons Initiative (GIOPINI), a Kano-based NGO that has researched early marriage in the north. NGOs and residents of the north say long-held cultural values - and poverty - dictate the futures of most young girls … Attempts to bar early marriage have come under severe criticism from Islamic clerics, parents and state parliamentarians in northern Nigeria, who say it contravenes cultural and religious norms of the region's people." **[21b]**

24.21 The law in the country is contained in the provisions of the Marriage Act, the Marriage (Validation) Act and the Matrimonial Causes Act. Section 34 of the Marriage Act (Chapter 218) 1990, notes that: "All marriages celebrated under this Act shall be good and valid in law to all intents and purposes." Section 33(2)(c) of the Marriage Act records that: "A marriage shall be null and void if both parties knowingly and willfully acquiesce in its celebration… without a registrar's certificate of notice or licence…" **]**

24.22 An undated BAOBAB Women's Human Rights document, *Women's Access to Justice and Personal Security in Nigeria: A Synthesis Report*, stated:

"In principle, statutory law takes precedence over all other forms of law. However, there is an area where statutory law is most frequently not followed and that is personal law…It is often argued that a marriage under the [Marriage] Act takes precedence over any other subsisting or subsequent form of marriage … in terms of personal laws (marriage, divorce, child custody and guardianship, inheritance etc) it is various customary laws and Muslim law that govern the lives of the huge majority of women, rather than statutory law." **[27b]**

24.23 The United States State Department Reciprocity Schedule, in an undated section on marriage certificates in the country accessed on 17 October 2011, recorded that: "… both parties to the marriage technically must be physically present at the same location with witnesses to sign certain marriage documents, proxy marriages have ceased to be valid but still occur." **[3e]**

24.24 An article in the *Daily Champion* of 9 April 2010, *Nigeria: Ugly Sides of Forced, Early Marriages*, recorded:

"Forced and early marriages are interwoven because both entrap young girls in relationships that deprive them of their basic human rights. Though, different reasons abound for entrants into early marriages as in the long run, the persons involved see themselves as being forced into it, because, sometimes, it is not consented and they end up being victims of early and forced marriages. In other words, a forced marriage is the union of a man with woman but with at least one of them not given their full and free consent to the marriage. …

"To families living in poverty or economic instability, a daughter may be seen as an 'economic burden', who must be married as soon as possible to take financial strain off the family. To another, it could be used as settling a debt, or to strengthen family or caste status through social alliances.

"Evidences [sic] have shown that fears about sexual activity before marriage, or of rumours about such activity ruining a daughter's opportunity to marry willingly, also fuel early and forced marriages. In many cultures, a family's honour depends on a girl's virginity. So, a girl sometimes may get married soon after her first menstruation so as to 'protect' her virginity." **[67a]**

24.25 An article in the British Broadcasting Corporation (BBC) News of 22 October 2010, *Nigeria court rejects 'forced marriage' case*, noted: "A Nigerian high court has dismissed a case brought by a 26-year-old woman who says her father forced her to marry a senator. The judge said her human rights had not been violated and it was a matrimonial matter for an Islamic court …" **[8y]**

Divorce

Divorce for Christians

24.26 A Canada Immigration and Refugee Board (CIRB) Response to Information Request (RIR) of 21 March 2006, *Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family*, noted:

"… in Christian marriages, either spouse may seek a divorce… However, divorce may only be sought on the grounds of infidelity.

"Under Civil Law

"For Christian marriages that have taken place under civil law, the 1970 *Matrimonial Causes Act* governs divorce… According to this *Act*, both the man and the woman have the legal right to seek divorce, if the 'marriage has broken down irretrievably'... The spouse petitioning for a divorce must satisfy the court that the marriage has broken down irretrievably as a result of one or more of the following:

"(a) that the respondent has wilfully and persistently refused to consummate the marriage;

"(b) that since the marriage the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

"(c) that since the marriage the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;

"(d) that the respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of the petition;

"(e) that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent does not object to a decree being granted;

"(f) that the parties to the marriage have lived apart for a continuous period of at least three years immediately preceding the presentation of the petition;

"(g) that the other party to the marriage has, for a period of not less than one year failed to comply with a decree or restitution of conjugal rights made under this Act;

"(h) that the other party to the marriage has been absent from the petitioner for such time and in such circumstances as to provide reasonable grounds for presuming that he or she is dead.

"According to … Executive Director of BAOBAB for Women's Human Rights, grounds for divorce under civil law also include the 'commission of rape, sodomy or beastiality'. … information obtained from the British High Commission in Nigeria, related that under customary law, both parties are also able to seek a divorce, and that a marriage can be dissolved for any reason... Citing a law professor from the University of Arizona who is a native Nigerian, the Centre for Reproductive Rights indicated that customary law courts, however, will consider 'adultery; cruelty; desertion; and impotence, sterility, or the presence of any reproductive health problem' as grounds for divorce.

"The high court in any Nigerian state, with the exception of Imo, has jurisdiction over the dissolution of marriages that have taken place under civil law. In Imo state, the Magistrate's Court has jurisdiction. In … correspondence, the Executive Director of BAOBAB for Women's Human Rights noted that filing a divorce petition is the procedure by which Christians in Nigeria obtain a civil divorce. The Executive Director further indicated that 'no proceedings for divorce may be instituted within two years of a marriage without leave of court'.

"A civil divorce is final once the high court granting the divorce issues a 'Decree Absolute'... Other documents issued prior to the 'Decree Absolute', which mark the divorce process but do not indicate a final divorce, include the 'Enrolment of Order', the 'Decree Nisi' [a separation agreement which presumes that the couple can still reconcile, and the 'Certificate of Decree Nisi'.

"Under Customary Law

"A Christian marriage under customary law is dissolved 'non-judicially' by the customary court in the area where the marriage occurred. The customary courts provide a divorce certificate to render the divorce final. In Imo state, it is the Chief Magistrate's Court that issues divorce decrees.

"According to the Executive Director of BAOBAB for Women's Human Rights, customary law marriages are dissolved through the 'unilateral action of a spouse', where the divorce is deemed final upon the return of the 'bride price'. The Executive

Director noted that this method of dissolving a marriage is, in some parts of Nigeria, 'conferred only on the husband'.

"Among the Igbo, the dissolution of a marriage under customary law may involve negotiating and mediating between the families in an attempt to salvage the marriage. If this process fails, then the 'bride price' is returned and the marriage is considered dissolved." **[38k]**

Divorce for Muslims

24.27 An Inter Press Service News Agency article of 20 August 2009, *Divorce a Tool To Relegate Women*, stated:

"Under Muslim law, a woman can also seek for divorce. The woman can ask for 'redemption' from her marriage, get her freedom if she feels that the marriage is no longer working for various reasons. It could be on the ground of battery, domestic violence. It could also be on the ground of the sexual state of the husband. But what we find in Nigeria is that any time a woman attempts to seek for divorce using this method - especially in Kano because the judges that are there are also patriarchal in their thinking - they make the process difficult for a woman to achieve." **[69e]**

24.28 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practice among Muslims, including grounds, procedures, length of process, property disposition, child custody and consequences for the woman and her family (March 2006),* noted:

"Under Islamic law, divorce is 'frowned upon', but is permitted if the marriage is unsalvageable... In Nigeria, only Islamic courts have jurisdiction in cases of the dissolution of marriages that have taken place under Islamic law… a woman can enter conditions into the marriage contract, which allow her to seek divorce from her husband should he fail to meet certain conditions. Regardless of the conditions entered into the marriage contract, however, the woman maintains the legal right to seek a divorce from her husband if he is physically or mentally cruel towards her … or 'maltreats' her, if he deserts her … or is 'missing' … if he no longer has conjugal relations with her …, if he fails to provide maintenance (i.e., to provide the woman with clothes, food, and shelter among other needs) … or if he suffers from an 'intolerable disease'. …The wife can also seek a divorce if the marriage is between unequal partners, the husband is unable to fulfill his marital obligations, the husband accuses his wife of being unchaste, the husband does not treat his wives equally in a situation where he has more than one wife [under Islamic law, a man can have up to four wives] … or the woman, forced to marry as a minor, objects to the marriage..

"Divorce is relatively easy to obtain for both men and women among the Fulani; however, it is more common for men to initiate divorce ... According to BAOBAB for Women's Human Rights, Muslim women in northern Nigeria rarely leave or divorce their husbands. According to correspondence …from a Master of Law (LL. M) candidate of Nigerian origin at the University of Arizona 'there [are not many] divorce cases in Nigeria because of the deep rooted culture ... most women will remain in an unhappy marriage in the interest of their children and fear of the society's ridicule.'

"A 2005 report on Islamic marriages among the Hausa-Fulani in Northern Nigeria noted that some husbands 'misuse' the divorce clause under Shari'a law…For instance, some

wives are divorced by their husbands for not cooking or completing household chores, or are abandoned because they are no longer attractive to their husbands.

"If the woman initiates the divorce, the bridewealth [bride price], paid by the husband at the time of the marriage, must be returned and the amount is usually decided by the courts.

"Following the divorce of a Muslim couple, the woman must complete a period of retreat, or *idda* [also spelled *iddah* …[A] source indicated that this period of retreat lasts approximately forty days… while another source noted that it could last as long as three months … The purpose of the *idda* is to be certain that the woman 'does not remarry before it is established beyond reasonable doubt that she is not pregnant with the previous husband's child'. During this period of retreat, the husband must continue to maintain the woman. If the woman is pregnant, the husband must continue to support her throughout the pregnancy. If the husband should die during this period, the woman maintains her inheritance rights as his widow.

"One divorce process that is occasionally used by husbands within the Muslim Hausa community is *saki uku*, where the husband pronounces the divorce three times. This process 'make[s] reconciliation impossible and the divorce irrevocable'. *Saki uku* is disapproved of as it deprives the woman of her divorce entitlements, such as child custody and the right to maintenance during the period of retreat." **[38l]**

Inheritance

24.29 A Canada Immigration and Refugee Board Response to Information Request of 28 August 2000, *Nigeria: Rights of widows to inherit property in a civil marriage where there was neither will nor children; inheritor of the property upon her death*, noted:

"Two sources stated in separate telephone interviews, on 22 and 23 August 2000, that Nigerian law provides for a widow of a civil marriage to be entitled to the couple's property upon the death of her husband. However, both stated that the Nigerian reality is different and that this right of the widow will often be ignored, or challenged, by the family of her dead husband. The sources are the principal consultant with Alart Consultancy in Toronto, who is a political scientist by training and a specialist on Nigeria, and an Associate Professor of Anthropology at Franklin & Marshall College in Lancaster, Pennsylvania. Her research interests are: symbolic and historical anthropology; cosmology, gender, and space; Igbo ethnography; West Africa.

"Both sources stated that the law on civil marriages is modelled on British law and that it is clear from this law that inheritance is to be shared by the widow and the children. The associate professor said that the husband's family will often demand a hearing before a traditional court, a regular court, or both. Despite the clarity of the marriage laws, the rights of the widow are often not upheld in regular courts and 'almost never' in traditional courts. The common view in Nigeria is that the family members are more closely related to the deceased by reason of blood, than is the widow. Particularly in cases where there are no children, the family will often suspect the widow had been involved in the husband's death. The associate professor described the family as a 'corporate group' that is very large and with varying degrees of links to the deceased. She said that if the man died without the couple having had children, it would be much more likely that the family would challenge the widow's inheritance rights. She added that a widow rarely inherits and that many women have fought for their rights in court, but with inconsistent

results. In rural settings, widows are at a particular disadvantage where the husband's family is much more likely to go directly to traditional courts, which 'always rule against widows.' In an urban setting the regular courts may rule in her favour, but the widow will then often face the obstacles of getting the property back from the family. For instance, family members may have moved into the home, or taken the car, or cleaned out the family bank account. The associate professor said that a woman may sometimes demand a levirate marriage in order to ensure that she has access to her inheritance.

"This same example was used by the principal consultant. She said that if a man dies intestate then the property is commonly divided amongst his family and that the widow's needs are generally not taken into account. As such, if a widow wants to ensure her financial security then she will marry into the family again. The principal consultant said that the law is one thing, but general practice is another. Challenges can be taken to court, both legal and customary, but the woman has to be quite strong to be able to handle the pressures a challenge would bring on. The law provides that when a marriage takes place under statutory (civil law), the legal courts have precedence over the traditional courts. However, despite this, the deceased's family will often take their claims to traditional courts…In Nigeria there are three recognised inheritance laws. According to statutory law a wife inherits half of the whole estate if there are no children, while under Islamic law the widow will get only one quarter of her husband's estate, but customary law says that a wife cannot inherit but can stay in her husband's family by agreeing to be inherited by one of his kinsmen. Courts have expressed the view that there is nothing wrong with the custom…Customs are far more influential than modern law, and in all the ethnic groups, matrilineal as well as patrilineal, widows are deprived of inheritance rights…Whatever the modern law may say on paper, a widows' rights are, in general, completely ignored by the deceased husband's relatives who regard his estate as their birthright. Very rarely does a widow attempt to claim her rights in court…The few husbands who make wills usually do not make much provision for their widows; if they do, the wills are normally ignored by the in-laws, resulting in the widow receiving nothing." **[38m]**

Child custody

24.30 A Canada Immigration and Refugee Board Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family (February 2006)* noted:

"… information obtained from the Visa Section of the British High Commission in Nigeria, noted that the woman usually maintains custody of the children in cases, generally speaking, of divorce between Christians. However, the father may fight for custody of his children through family courts, although this is rarely done. Children born outside of the marriage remain in their mother's care.

"Pertaining to the dissolution of a civil law marriage, the mother usually maintains custody of her children; however, a father may fight for custody by going to court. Custody disputes are decided under the 1970 *Matrimonial Causes Act*, which determines spousal and child maintenance based on the 'means, earning capacity and conduct' of both parties to the marriage, and 'all other relevant circumstances' (Nigeria 1970, Part IV 70 (1)). According to one source, the age of the children also affects the court's rulings: custody of older children is reportedly more likely to be granted to the father, while custody of younger children is more likely to be given to the mother. In

cases where maternal custody is granted, the man must pay for the maintenance of his children until they reach the age of 21 years.

"According to the British High Commission in Nigeria, in cases of divorce under customary law, the father retains custody of the children should he wish to, yet such instances are rare and the responsibility for the children rests with the mother and her family…BAOBAB [for Women's Human Rights] confirmed that customary laws favour the father and added that custody is usually granted to men in cases where children are over the age of seven, whether or not the father is in a position to care for the children. According to BAOBAB, 'a woman could try a claim of custody in a court in the event of divorce. This is in general very difficult as the child, according to customary law, belongs to the father's family or lineage. Divorced women, who find themselves in a weak family position, will also find it very hard to return to their home village. In such circumstances the children often stay with their father.'" **[38k]**

24.31 A Canada Immigration and Refugee Board Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practice among Muslims, including grounds, procedures, length of process, property disposition, child custody and consequences for the woman and her family (March 2006)*, noted:

"Following the dissolution of civil, customary, and Islamic marriages, decisions with respect to child custody lawsuits are reportedly based on the 1970 Nigeria *Matrimonial Causes Act*. This *Act* 'directs that the interests of the child shall be paramount'.

"In an interview with *Human Rights Dialogue*, Ayesha Imam of BAOBAB for Women's Human Rights stated in that Nigeria's Shari'a Courts had been recognizing divorced women's rights to child custody, as well as possession of property belonging to their children.

"According to Islamic law, child custody belongs to the woman but is subject to her physical and mental capacity to care for the children. If she is unable care for her children, then custody rights are transferred to one of her female relatives. Generally, daughters remain with the mother until they are married, while sons remain with the mother until they reach puberty. Although the former husband must bear the costs of maintaining the children following the divorce, he is granted custody only as 'the very last resort'.

"Citing information from J.O. Debo Akande's 1979 report, *Law and the Status of Women in Nigeria*, an Emory Law School report indicated that, among the Hausa, a divorced woman maintains custody of children only until they reach the age of seven (Emory Law School 2002). Among the Fulani, it is the husband who decides who will have custody of the children following a divorce, according to a 2002 publication on Islamic Family Law (*Islamic Family Law in a Changing World* 2002, 291)… information obtained from the Visa Section of the British High Commission … stated that, following a divorce, children remain with the father if that is his wish. The woman may contest this arrangement through the court, but this is rarely done and she is unlikely to be successful.

"However, the report further cited information obtained from BAOBAB for Women's Human Rights, indicating that, following a divorce, child custody belongs to the mother, or a female relative of the mother if she is unable to care for the children. Any child born outside of the marriage remains in the custody of the mother.

"BAOBAB for Women's Human Rights also noted that it is possible for a mother to lose custody of her children following a divorce if she lives more than 48 kilometres away from the father's residence, if she is seen to be living an 'immoral' life, or if she neglects the child." **[38l]**

See sections on Customary law and Children

VIOLENCE AGAINST WOMEN

24.32 The Amnesty International *World Report 2011*, published 13 May 2011, stated that "Violence against women remained pervasive, including domestic violence, rape and other forms of sexual violence by state officials and private individuals. The authorities consistently failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity." **[12e]**

24.33 The Social Institutions and Gender Index (SIGI) profile for Nigeria (undated but accessed 14 October 2011) noted that: "Women's physical integrity is not sufficiently protected in Nigeria. Only one Nigerian state has a law in place to address violence against women, and the country's Penal Code grants husbands permission to beat their wives, provided the violence does not result in serious injury. Domestic violence is common, particularly in polygamous families, and affects one-fifth of couples." **[68]**

24.34 A Global Press Institute article of 10 November 2010, *Domestic Violence Rates Soar in Nigeria, Women Describe Culture of Silence*, reported:

"More than two thirds of Nigerian women are believed to experience physical, sexual and psychological abuse in their villages. More than 50 percent say they have experienced domestic violence at the hands of their husbands. The Press Institute interviewed women at all levels of society – from university professors to market stall keepers and each reported domestic violence and admitted to living in a culture that requires service and silence from its women. A new small-scale study conducted in the Lagos and Oyo states revealed that nearly 65 percent of educated women said they had been beaten by a partner, boyfriend or husband, while 56 percent of lower-income market women experienced similar violence. In Nigeria, the social context of violence against women is based on the traditional patriarchal structure that defines gender here. When a woman is married, she surrenders to her husband. She is required to provide 'sex and obedience' to her husband." **[129]**

24.35 According to Nigeria's [Federal Ministry of Health] *Demographic and Health Survey* [November] *2008* (NDHS), of 21,468 women surveyed about domestic violence, 28 per cent reported experiencing physical violence since the age of 15 years; 15 per cent had experienced violence within the previous twelve months. However, the NDHS report also stated that collecting information about domestic violence "… is challenging because many women may not disclose their experiences out of shame or fear". The report further states that interviewers were provided training on gender-based violence to help them collect survey information. **[9] (p 261, 262)**

24.36 The Institute for Policy Studies project Foreign Policy in Focus, in a report of 1 December 2010, *Assessing Women's Rights in Nigeria*, recorded:

"The protocol [The Protocol to the Africa Charter on Human and Peoples' Rights on the Rights of Women in Africa] guarantees women freedom from violence. In reality, there is a prevalence of violence against women in our society. Violence takes several forms, including domestic violence, early and forced marriages, female genital mutilation, widow torture and inheritance related violence. There are also direct forms of violence against women in Nigeria. For instance, in discussing the impact of the activities of militias, cults and security forces on women in the Niger Delta, [the author] states, '… When a culture of armed gang violence takes root in a society that does not recognise and respect women's rights, the result is a higher level of gender-based violence against women. In this case, the proliferation of guns in the Niger Delta has increased the risk that girls and women will be targets of sexual assault.' In another section of the same article, [it was] stated that, 'The consequence has been disastrous, as women have suffered massive massacre, rape, sexual abuse, social psychological trauma … aggravated poverty, unemployment, hunger, anger, low self esteem, bitterness, frustration, desperation, fear, tension and more conflicts.'

"Some violence is performed by law enforcement agents. This can be direct or indirect. Direct assault by security officers is becoming prevalent. For instance, a case was brought before the Gwagwalada High Court in Abuja in which a police man raped two girls. In the Odioma community of Brass Local Government in the Niger Delta, Amnesty International reported a case where a rape victim described how she was raped alongside her mother by security officers. Two-months pregnant at the time, she lost her baby." **[64]**

24.37 The United Nations Human Rights Council noted in a report entitled *Report of the Special Rapporteur on violence against women, its causes and consequences*, published on 23 April 2010, that the United Nations Special Rapporteur noted a case where a Nigerian women had been gang raped (she subsequently died from her injuries) for 'dressing inappropriately' in khaki trousers. The Special Rapporteur noted what "… some perceive as a pattern of increasing vigilante action enforcing vague notions of feminine decency and appropriate dress codes, which encourage various forms and manifestations of discrimination and violence against women, and foster a climate of impunity." **[97]**

24.38 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report*, published in July 2008 stated:

"About one-third of … woman in Nigeria has at one time or the other been a victim of violence in its diverse form. Violence against women is mostly perpetrated by husbands, fathers, and relatives (basically people known to the women who suffer the violence). It is further reinforced by the culture of silence about violence against women especially the domestic type and other types perpetrated by family members. Most women are not aware of the fact that an act of violence against them is a form of human rights violation. Some who are aware are afraid of stigma and, consequently, they tolerate violence and suffer in silence. Most cultural and traditional belief systems of the various ethnic groups in Nigeria assign and [sic)]inferior role to women and further promote violence against women. As there are no laws on some very prominent forms of violence against women in Nigeria, most acts of violence against women are justified on the grounds of some women's actions or inactions. Some women, especially in the Northern part of the country, are of the opinion that the husband can punish the wife if she neglects some of

her duties such as taking good care of the children or not putting the husband's food on the table in good time." **[31]**

24.39 The same CEDAW report noted:

"The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws. Generally, most victims of violence against women in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought in the Eastern part of the country due to the stigma attached to divorced women)." **[31]**

24.40 The same CEDAW report recorded:

"Series of cases in which husbands beat their wives to death are often reported in the media, but the end result of investigation of the police into such cases are usually unknown as they are not reported. Other several cases of violence against women go unreported because the victims suffer in silence. The absence of a gender disaggregated data on violence against women makes it impossible to determine how many women suffer violence and to what extent in Nigeria. The data that are usually relied on are those received from some field study and or research of some NGOs. The non-governmental organisations that have mandates around women issues are also known for carrying out various campaign activities on violence against women…The only two shelters available to survivors of domestic violence in Nigeria are also owned by non-governmental organisations with funds raised from international donour [sic] agencies: the Nigerian government gives no provision for that. 'The killing of women by husbands and intimate partners is frequently reported in the news media and by human rights defenders, lawyers, journalists, care workers and medical professionals. However, it is often difficult to obtain information about the outcome of any investigation by the police into such cases, sometimes because of the difficulties experienced by the press in obtaining information from the police. There is widespread lack of confidence in the capacity or resources of the police to carry out thorough investigations, for example in the collecting and preserving of evidence.'" **[31]**

24.41 The same spurce stated: "The statutory, religious and customary laws in Nigeria allows [sic] for violence against women as they give some provisions in support of such. The penal code [section 55(4)], which is applicable in the Northern part of the country, allows the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous hurt. This encourages wife battering, and diverse forms of violence against women." **[31]**

24.42 An article in *Vanguard* of 23 November 2011, *Adefulire tasks NASS on domestic violence law*, noted:

"Deputy governor of Lagos State, Mrs Adejoke Orelope-Adefulire, has called on the National Assembly to expedite action in passing the bill on domestic violence into law. Adefulire made the call during a two-day discussion and training session on domestic

violence law and implementation modalities organised by United Nations and Ministry of Women Affairs and Poverty Alleviation for senior security officers in Lagos State.

"The deputy governor, who was represented, by an assistant director in the ministry, Adefunke Odutola, regretted that the bill, even after passing through the second reading on the floor of the National Assembly, was still being delayed by the lawmakers, while the incidence of domestic violence abounds. She said the passage of the bill into law had become imperative, in view of the increasing rate of domestic violence in the country, which allows the perpetrators to go unpunished because of the absence of the enabling laws that could empower law enforcement agents to prosecute offenders.

"She also urged the Federal Government to emulate Lagos State in taking issues of domestic violence and abuse of human rights serious [sic], which she said had since 2007 passed a law guiding such misconducts [sic]…She blamed the police for not paying adequate attention to complains [sic] and cases brought to them by victims of DV and urged them to play their role in arresting and arraigning of offenders before the law court. 'In handling any situation on domestic violence, police is key because it has a dual role of welcoming the victims and referring them to counseling centres. It is evidenced that most police are ignorant of the law in respect of domestic violence,' she said. According to her, the new Lagos state law is very relevant and does not assume the position of the nation's criminal law." **[29h]**

Rape and sexual abuse

24.43 The USSD *2010 Human Rights Report* stated:

"The law criminalizes rape and provides penalties of 10 years' to life imprisonment, as well as fines of 200,000 naira ($1,330) for those convicted of rape, but societal pressure and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions." **[3a] (section 6)**

24.44 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report*, published in July 2008 stated:

"The requirement of corroboration in establishing the case of rape is another legal and judicial backing for inequality before the law. In the case of State v Akingbade where, according to the court, the accused committed the rape and that the 'act does not call for corroboration' the court was still unable to convict the accused. In the case of Uphar v. State (2003) 6 NWLR Pt 816, 230, the court of appeal not only insisted on corroboration but also widened the quality and scope of corroboration, which the prosecution is to establish before an accused can be convicted of rape. The Court of appeal stated that the nature and content of the corroborative evidence must not only support the claim of the prosecutrix that the accused raped her by penetrating into her vagina; it must also unequivocally implicate the accused. The traditional presumption of innocence until guilt is proven does not extend to the rape survivor by the combined operation of S.210 of the Evidence Act, which makes character evidence of the survivor of rape admissible in evidence and the requirement of proving the innocence and non complicity of the victim in the commission of the crime." **[31]**

24.45 The same report also noted:

"There is also the omission of marital rape from the definition of rape under the penal legislation applicable in the North as well as under the criminal code applicable in the southern part of the country. Hence, in every part of the country, marital rape is not recognised by legislation and is, therefore, not a crime. The customary laws are not progressive: as most customs (uncodified) do not recognise martial [sic] rape as a form of rape." **[31]**

24.46 The Human Rights Watch report of August 2010, *Everyone's in on the Game'- Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"The police sometimes use the threat of rape and other forms of sexual assault as a means to extort money from women stopped at checkpoints, accosted by the police in public places, or detained in police custody. In some cases, women are told they have the 'option' of providing sex in lieu of payment. In a number of cases documented by Human Rights Watch and Nigerian human rights groups, police officers carried out their threats and subjected their victims to rape and other forms sexual assault, particularly when women who had been detained refused to pay all or part of the demanded sum. Although human rights groups have documented numerous cases of sexual assault, the police officers who commit these crimes are rarely held accountable. …

"Human Rights Watch interviewed seven female sex workers in Lagos who described being frequently subjected to police raids and threats of sexual assault or rape by police officers. Sex workers may be particularly vulnerable because the police can detain them under the pretext of cracking down on prostitution, which is illegal in Nigeria. The police's actions appear to have little to do with enforcing the law, however; sex workers are rarely charged with prostitution offenses." **[22c]**

24.47 An Open Society Justice Initiative report of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, recorded:

"Rape and sexual abuse – especially of female suspects and detainees – is a routine but unspoken aspect of policing in Nigeria. The report of the second Presidential Committee on Police Reform in 2008 acknowledged rape to be one of the 'forms police brutality' committed by personnel of the NPF [Nigeria Police Force] … In Nigeria, victims of rape have few incentives to report the crime. They face social and cultural pressures to refrain from bringing shame to their families by going on record with their ordeal. The police lack both the skills and sensitivity to investigate this most intrusive of crimes. Victims lack access to medical, psychological, and emotional support services. Where rape is perpetrated by the police, the victims additionally face real threats of intimidation or reprisal if they report their experience to the authorities." **[81]**

See section 8: Security Forces for more information on abuses by the police and military

24.48 An article of 21 September 2011 in the *Huffington Post*, *Nigeria Rape Video: Footage of Brutal Attack On Woman Outrages Nation*, reported:

"In the grainy video, a Nigerian woman repeatedly asks her attackers to kill her as they take turns raping her at a university dormitory…Local authorities have dismissed the 10-minute video, which has ricocheted around the Internet in recent days. But Nigeria's youth minister is calling for police to prosecute the men. Some Internet users disturbed

by it are even offering rewards for information. Activists in Nigeria say the video exposes an underreported epidemic of rape in Africa's most populous nation, and they plan to march in the coming days to draw attention to the case…Rape is rarely reported to authorities in Nigeria – only 1,952 cases in 2009, according to federal police statistics posted on a website called Nigeria Police Watch. However, a 2006 Amnesty International report said those numbers are believed to 'be sporadic, piecemeal and inconsistent' in a nation of 150 million people." **[125b]**

24.49 A Nigeria Human Rights Commission report of 27 September 2011, *Abia Gang-Rape*, observed:

"The National Human Rights Commission welcomes the progress recorded in the investigation of the alleged gang rape of an unidentified female victim in Uturu, Abia State, and urges the Police to conclude their investigations quickly and arraign the suspects before a court of competent jurisdiction… The Commission's Acting Executive Secretary…expressed shock and disbelief over the incident welcomed the reported arrest of two suspects and said '…police protection and medical care for the victim as well as diligent prosecution of the suspects are critical issues to be addressed at this point.'… The Police in Abia had initially dismissed the matter as 'a rumour' without any formal investigations." **[130]**

Female Genital Mutilation (FGM)

24.50 The Federal Ministry of Health (FMoH) *2008 National Demographic and Health Survey* (NDHS) stated:

"Female genital cutting (FGC), also known as female circumcision or female genital mutilation (FGM) is practiced in many societies in Nigeria and is present throughout the country. In many cultures, FGC is a recognised and accepted practice that is considered important for the socialisation of women, curbing their sexual appetites, and preparing them for marriage. Despite its cultural importance, FGC has drawn considerable criticism because of the potential for both short- and longterm medical complications, as well as harm to reproductive health and infringement on women's rights." **[9] (p299)**

24.51 The same FMoH 2008 NDHS noted that 30 per cent of females in the country had been subjected to FGM. While practiced in all parts of the country, FGM was most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM, was infrequently practiced in northern states but common in the south. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, most women were subjected to FGM before their first birthday. **[9] (chapter 18)**

24.52 A Landinfo August 2010 report on FGM summarised the position in the country:

"Female genital mutilation (FGM) is a phenomenon found in large parts of Nigeria, but there is great variation in how it is practised. There is a clear tendency that the share of girls and young women subjected to FGM is decreasing with every generation. FGM is practised by all larger ethnic groups in Nigeria, but other social factors influence the practise and cause great variation within these ethnic groups. FGM is a criminal offence in a number of Nigerian states, but no cases of legal prosecution of people who have subjected girls or women to FGM have been recorded. Projects against FGM, run by

both state authorities and NGOs, focus on information to the general public and consciousness building…Differentials in the prevalence of female circumcision by age indicate that the practice has become less common over time. Women age 45-49 are nearly twice as likely as women age 15-19 to have been circumcised (38 percent compared with 22 percent)." **[97b](page 3)**

24.53 A December 2010 article in the Journal of Medicine and Medical Sciences, *A review of determinants of female genital mutilation in Nigeria*, provided some cultural and social background:

"Socio-cultural determinant is the major determinant of FGM. It also influences lifestyle and behavior. Many people continue FGM because it is part of the societal norms handed down by their mothers and grandmothers and any attempt to discontinue the practice is met with societal pressure and risk of isolation…FGM creates a tribal identity especially in a multi-tribal country like Nigeria, where different tribes have different reasons and timing for FGM…Among the Uhrobos and Ketu-Yorubas of Southwestern Nigeria, FGM is done just before marriage as a 'fertility rite'…When done in the first pregnancy by some Yorubas, it is mostly done to prevent contact of the baby's head with the clitoris, which is believed to cause death of the baby during childbirth…One of the reasons for FGM is to ensure respectability of a woman, thus enhancing her chances of marriage and getting a better 'bride price'. This is more important in Southern Nigeria where FGM is linked with preservation of virginity. In Nigeria…FGM practice reduced as social status and level of education increased." **[131] (pages 511, 512)**

24.54 The Federal Republic of Nigeria's 4th Periodic Country Report on the Implementation of the African Charter on Human and People's Rights in Nigeria, published in August of 2011, noted that "Bills prohibiting Female Genital Mutilation have been passed in eleven states such as Edo, Ebonyi, Enugu, Cross-River and Bayelsa States." And the same report recorded that the state of Edo "bans the practice of FGM and prescribes the punishment of N1000 fine or six months imprisonment for its violation." **[33] (page 27)**

24.55 The USSD *2010 report* observed:

"The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of 50,000 naira (approximately $332), one year's imprisonment, or both for a first offense and doubled penalties for a second conviction.

"The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable impediments that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and local levels. Twelve states banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the local government 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; however, underfunding and logistical obstacles limited their contact with health care workers.

"FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. The absence of treatment greatly reduced prospects for work and family life, and women affected were often left to rely on charity." **[3a] (Section 6)**

24.56 A 2011 Fistula Care profile of Nigeria noted:

"USAID-supported fistula services in Nigeria began in 2007. Fistula Care works with six hospitals to prevent and repair fistula and/or to train health professionals about fistula case management:

"Faridat Yakubu General Hospital, Zamfara State

"Maryam Abacha Women and Children's Hospital (MAWCH), Sokoto State

"Birnin Kebbi Specialist Fistula Center, Kebbi State

"Laure Fistula Center at Murtala Mohammed Specialist Hospital, Kano State

"Babbar Ruga Hospital, Katsina State

"The Southeast VVF Center, Ebonyi State.

"As of September 2011 (since October 2007):

"A total of 6,581 fistula repair surgeries supported.

"35 doctors and 93 nurses were trained in fistula repair surgery, with two surgeons reaching 'advanced trainer' status.

"As many as 8,165 women accepted a family planning method through the project." **[142]**

See also Children, subsection Female Genital Mutilation

FREEDOM OF MOVEMENT

24.57 An undated report on Nigeria in the *Social Institutions and Gender Index* (accessed 4 February 2011) observed that:

"Nigerian women face severe limitations in the exercise of their civil liberties…The practice of purdah, whereby women are secluded from public observation, prevails within the Muslim community in some northern areas. Women in purdah cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress." **[68]**

24.58 The British-Danish *2008 Fact Finding Mission Report* stated:

"WACOL [women's NGO] explained that internal relocation is possible for any adult woman irrespective of whether the case is about FGM, domestic violence or forced marriage. It is possible for adult women to relocate and look for jobs to sustain themselves, however, FGM and forced marriage cases very often involve underage girls. WRAPA (Women's Rights Advancement and Protection Alternative) advised that internal relocation is legally possible, based on the right to freedom of movement as guaranteed by the 1999 Nigerian Constitution, for adult women seeking to escape domestic violence, FGM, forced marriage, and adult women seeking to protect their daughters against FGM. WRAPA considered that internal relocation is a realistic option for such women … the United Nations Development Fund for Women (UNIFEM) found that in theory, it is not difficult for a woman to relocate within Nigeria and in this way find physical safety….

"UNIFEM added that [while seeking to relocate] attractive young, single women, in particular, are very vulnerable to abuse, harassment and trafficking when relocating to another area without economic means or family networks." **[20] (p9)**

24.59 The same source noted that: "According to UNIFEM, the sheer size of the country and its large population means that it would be very difficult for a husband, or other family members, to locate a woman who has escaped FGM, a forced marriage, or is a victim of domestic violence. UNIFEM believed that, should a husband know where his wife has fled to, there is a high risk that he would try to contact her or force her to return home." However, economic constraints may mean that women wishing to relocate may be required to seek assistance from relatives. In addition, social and cultural constraints may leave women stigmatised in their new communities. "BAOBAB further added that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers" **[20] (p10 & 21)**

BAOBAB For Women's Human Rights is a non-governmental women's human rights organization.

24.60 As regards shelter facilities for women who internally relocate, the British-Danish *2008 FFM Report* stated:

"… women prefer to go to friends or relatives, rather than to a shelter. The general perception amongst Nigerians is that shelters hide battered women and women with many problems who have no relatives to turn to. Many women, even victims of violence themselves, do not want to be associated with such women. Moreover, women relocating from their homes are seen as violators of their own culture and may feel ashamed as a result. However, when there are no other alternatives women will seek protection in a shelter.

"Project Alert confirms that the shelter option is often sought as a last resort when all other options [have been exhausted] …WACOL explained that it only knew of one shelter in Nigeria run by the government. This shelter is located in Abuja and the Federal Ministry of Women's Affairs and Social Development administer it. However, WACOL had no further knowledge of this shelter, as it had never referred any woman to it. In addition to the governmental shelter in Abuja, there is also a NGO shelter that is run by the NGO Daughters of Abraham. This shelter is mainly reserved for victims of trafficking and prostitutes.

"WACOL added that the physical safety of a woman is guaranteed in its shelter in Enugu, and WACOL was of the opinion that if a woman needs physical protection in Abuja, she can go to the Federal Ministry of Women's Affairs and Social Development. The Ministry would definitely take such cases seriously and offer protection to the women concerned. However, WACOL has never encountered cases in Abuja where this has been necessary … it was emphasized by WRAPA that because of the existence of LACVAW, more than 50 organizations are always able to refer a woman in need to an available shelter in Nigeria. In addition, WRAPA can also contact a Social Welfare Office or the Federal Ministry of Women's Affairs and Social Development in Abuja, which now runs its own shelter.

"UNIFEM explained that, in September 2007, the Federal Ministry of Women's Affairs and Social Development opened a shelter in Abuja for battered women and accompanying children. The shelter has the capacity to accommodate 15 women at any given time and is modelled after the shelters of NGOs. Its location is kept secret for the safety of the women." **[20] (p11)**

See section on Violence against women

24.61 The report continued:

"Regarding shelter facilities, BAOBAB stated that it was not aware of government shelters at local, state or federal level to accommodate and protect a woman who does not wish to return to her husband or family. However, the NGO Project Alert on Violence against Women (Project Alert) runs a shelter in Lagos. BAOBAB at times refers women to this shelter. Project Alert often tries to mediate in the cases. It was added that WACOL runs a similar shelter in Enugu … according to UNIFEM, Project Alert has the only NGO shelter for battered women in Lagos State. It has the capacity to provide shelter for only about 20 women at any given time and has been successful in keeping the identities of their clients' secret and providing security for them. Women NGOs only provide shelter for a limited period of time, i.e. for a few weeks … according to Project Alert … [However, the source noted that]… some of the women stayed beyond the official maximum four weeks duration …" **[20] (p12)**

24.62 The report further added:

"It was emphasized that women NGOs throughout Nigeria can refer any woman who needs shelter to the shelter in Abuja. Women can stay in the shelter for up to four or five months. During this time the women receive counselling from a department in the Ministry and attempts will be made to mediate between the women and the perpetrators. If reconciliation is not possible, the Ministry can offer the women legal assistance in taking their cases to the courts. There is not yet a budget in place to offer vocational training or education to the women who are staying in the shelter." **[20] (p13)**

24.63 Regarding social and humanitarian constraints on women who internally relocate, the British-Danish *2008 FFM Report* stated:

"Representatives of a UN organisation explained that there are a number of social and humanitarian constraints on women who consider relocating in Nigeria. These constraints include:

"Lack of information on the part of the women themselves.

"Level of empowerment.

"Fear of leaving their own environment and to be seen as defiant of their own cultural norms and practices.

"Lack of accommodation and job opportunities. Fear of losing her own social network.

"Poverty.

"WACOL believed that, in general, it would be difficult for a girl or a woman to relocate in Nigeria without relations who can assist her. … Furthermore, regarding forced marriage it was emphasized that internal relocation might be much more difficult for a daughter/woman of an influential family than for a daughter/woman of an ordinary family. A daughter/woman from an influential family might find it more difficult to find a location in the country where she would not be recognised and maybe returned to her family or husband." **[20] (p21)**

24.64 The report further stated:

"Regarding ethnic affiliation and job opportunities, WACOL considered that this might play a significant role in some rural locations, but not in the larger cities. … Ethnic affiliation has almost no bearing regarding internal relocation to Lagos or Abuja. …

"UNIFEM considered that, in practical terms, if a woman chooses to relocate she could face a number of economic and social constraints depending on her situation. … [However, noted that a] … single woman might even be in a better position to acquire a job than a married woman, as a single woman is more flexible and free, and is seen as a more effective work resource in the eyes of employers." **[20] (p22)**

See Freedom of movement

HEALTH AND WELFARE

See also socio-economic statistics referred to in Socio-economic rights above.

24.65 An undated profile of the country by the Centre for Development and Population Studies, accessed on 18 October 2011, noted that "Women and girls in Nigeria face daily challenges in leading healthy, fully productive lives. Nigeria has a 40 percent rate of illiteracy among women, one of the highest infant and maternal mortality rates in the world, and the third largest number of HIV infections." **[105]**

24.66 An Inter Press Service (IPS) News Agency article of 2 September 2009, *Health-Nigeria: Maternal Mortality, a Rural Community's Example*, noted:

"Sidiki Coulibaly, the United Nation's Population Fund (UNFPA) representative in Nigeria, described maternal mortality rate in Nigeria as 'unacceptably high' and stressed the need for active collaboration between all stakeholders to reduce the trend. Nigeria makes up about two percent of the global population, but bears ten percent of the global burden of maternal mortality, according to UNFPA. [A local medical officer] explained that maternal and infant mortality, especially in rural areas, is the result mainly of lack of health facilities, and where there are such facilities, poor management of them and the

people's suspicious attitude to healthcare delivery. Statistics show that close to 80 percent of Nigeria's population are rural dwellers who do not have access to adequate healthcare delivery.

"'In places where health centres do exist, there is a lack of funds to provide the necessary drugs. As a result, some people have decided to adopt spiritualism instead of seeking a medical solution to their health problems,' [the local medical officer] said. The situation is compounded by the fact that many health workers have left Nigeria seeking better prospects due to the ailing economy and inadequate remuneration for health workers at home. The cost of healthcare is another obstacle. 'My experience in this environment is that most people are poor and cannot afford to see a doctor. That is why this present state administration has made it mandatory that free healthcare facilities should be spread across rural areas.'" **[69e]**

24.67 An Integrated Regional Information Networks (IRIN) article of 3 June 2009, *Nigeria: Childbirth still deadly*, observed:

"'Nigeria's maternal mortality rate is still comparable to those countries at war or [just emerging from war],' [the] chair [of] the Nigerian senate health committee, told IRIN. Half of Nigeria's maternal deaths are due to postpartum haemorrhaging, which unskilled health workers lack the know-how or equipment to stop, said [a] maternal health expert… Many Nigerian women, particularly in the conservative north, give birth in their teenage years. But reducing early pregnancy can be tough given women's disadvantaged social position." **[21b]**

24.68 An undated entry on the avert.org website (accessed 18 October 2011), on the issue of HIV in women, stated:

"…Nigeria's programme to prevent the transmission of HIV from mother to child (PMTCT) started in July 2002. Despite efforts to strengthen PMTCT interventions, by 2007 only 5.3 percent of HIV positive women were receiving antiretroviral drugs to reduce the risk of mother-to-child transmission. This figure had risen to almost 22 percent by 2010, but still remains far short of universal access targets which aim for 80 percent coverage." **[28]**

For more general information on healthcare see Medical Issues

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25. CHILDREN

OVERVIEW

25.01 Save the Children, in its *Country Brief (2008/2009)* for Nigeria (undated but accessed 19 October 2011), noted that: "Children and young people make up 60% of the population. Maternal, newborn, and child mortality rates in Northern Nigeria are unacceptably high. One in five children dies before their fifth birthday. Many don't have enough to eat and can't get treatment when they are ill. Some 40% of children miss out on school and have to work to survive. Nearly 2 million children have lost one or both parents to an AIDS-related disease." **[75]**

25.02 The *Nigeria Overview* on the United Nations Children's Fund (UNICEF) website, undated, accessed on 18 October 2011, provided information about children in the country:

"Health, health care and general living conditions in Nigeria are poor, especially for children and women. Infant and under-five mortality rates are high. The weakened Public Health Care (PHC) system with low coverage of key interventions has resulted in the persistence of high disease burden.

"HIV/AIDS remains a major issue of concern among children, young people and women in Nigeria with a prevalence rate of 4.4 per cent. An estimated 2.9 million Nigerians (mostly females) are living with the virus. The epidemic is also increasing the population of orphans in the country, which is already estimated at 7 million.

"Nigeria's education system is also in a state of neglect largely due to decaying institutional infrastructure. 66 per cent of the population is literate, and at 75 per cent, the rate for men is higher than that for women which is 57 per cent." **[19b]**

25.03 A report published by the World Organization Against Torture) for the 38th session of the United Nations Committee on *the Rights of the Child in 2005* stated:

"Nigeria ratified the Convention on the Rights of the Child (thereafter the CRC) on April 16th 1991 and has ratified other international instruments that generally affect the rights of the child, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Convenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, Nigeria ratified regional instruments such as the Africa Charter on Human Rights and People's Rights. Further, it signed but did not ratify the Optional Protocol on children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography and the African Charter on the Rights and Welfare of the Child … A first Bill on Children's rights had already been elaborated in 1993, but could not be passed into law because of opposition from religious groups and traditionalists … [but was finally] adopted in September 2003." **[39] (p8-10)**

25.04 The British-Danish *2008 Fact Finding Mission Report* stated: "Chino Obiagwu, the National Co-ordinator of the Legal Defence and Assistance Project (LEDAP), stated that the Childs Rights Act [2003] governed the welfare of children in Nigeria. The comprehensive provisions of the Child Rights Act supersedes all other legislation that has a bearing on the rights of the child. The Act which has been passed is a federal law applicable throughout Nigeria." **[20] (p29)**

25.05 An article in *Vanguard* of 29 June 2010, *Nigeria: Child and the Child Rights Act*, on the subject of the 2003 Act, stated that: "The Act is a legal document that sets out the rights and responsibilities of a child in Nigeria and provides for a system of child justice administration. However, more than seven years after, only 24 States in the country have passed the Act for onward enforcement. These include; Abia, Akwa Ibom, Anambra, Benue, Cross River, Delta, , Edo, Ekiti, Imo, Jigawa, Kwara, Kogi, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, and Taraba." **[29b]**

25.06 A *Nigerian Tribune* article of 8 March 2010, *Child rights act and the problem of implementation*, observed that "The attitude of the family and by extension, the society to the idea of a child having any rights at all is to a great extent contributing to the non implementation of the Act. Also the role of the State's Welfare Services that cater for children is dwindling…" **[114d]**

See also Women

Basic legal information

25.07 A report published by the OMCT (World Organization Against Torture) for the 38th session of the United Nations Committee on *the Rights of the Child in 2005* stated that:

"The Child Right's Act 2003, passed into law in the Federal Capital Territory (Abuja), defines a child as a person who has not attained the age of eighteen years. However, according to Art. 2 of Children and Young Persons Act, enacted in Eastern, Western and Northern regions, a 'child' means [a] person under the age of fourteen years, while 'young person' means a person who has attained the age of fourteen years and is under the age of seventeen years.'

"Furthermore, the Immigration Act stipulates that any person below 16 years is a minor, whereas the Matrimonial Causes Act puts the age of maturity at 21. The latter act becomes irrelevant in practice, since the individual states state their own age for marriage. As for penal responsibility, art. 50 of the Penal Code (North) states: 'No act is an offense which is done by a child under seven years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.

"These are … examples of different ages enshrined in a multitude of legal texts and in customary law all over the country. The official report admits that laws affecting children continue to be 'scattered in different legislations' and … that the 'perception of Age as a definition of a Child depends on who is defining." **[39]**

25.08 The United Nations Convention on the Rights of the Child, Committee on the Rights of the Child, Concluding Observations, published 11 June 2010, noted:

"While noting that the Child Rights Act defines the child in accordance with the Convention and establishes the legal minimum age of marriage at 18 years, the Committee notes with serious concern that the definition of the child in some legislation domesticating the Child Rights Act at state level sets the age at 16 years (Akwa-Ibom state) or defines the child not by age but by "puberty" (Jigwa state), reportedly for the purposes of early marriages. The Committee also reiterates the earlier concern expressed in 2005 about the wide variety of minimum ages that are very low at state level." **[146](page 6)**

25.09 Persons in Nigeria have the vote from age 18. Military service is voluntary from the age of 18. (Central Intelligence Agency (CIA) *World Factbook* updated 8 November 2011) **[52]** The age of consent is 13. (*Avert*, undated, accessed 12 November 2011) **[28]**

25.10 The United States Department of Labor (USDoL) 2010 Report, *Findings on the Worst Forms of Child Labor*, published 11 September 2011, stated:

"The Government of Nigeria has the authority to establish labor standards, though legislative power to protect children is reserved to the states. The Federal Labor Act sets a minimum age of employment at 12 and is in force in all 36 states of Nigeria. Nigeria's Labor Act establishes an exception to its minimum age law, permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture."

"The Federal 2003 Child Rights Act, which codifies the rights of all children in Nigeria, raises the minimum age to 14 and supersedes the Labor Act. However, each state is required to implement the provisions of the Child Rights Act in its territory. During the reporting period, Niger State adopted the Child Rights Act, bringing the number of states that have adopted it to 24

"The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and use of children for prostitution or in armed conflict. Additionally, it prohibits the use of children, including the almajirai, in street hawking and begging. The Child Rights Act imposes strict penalties for abuses, creates family courts and effectively raises Nigeria's child rights law to international standards." **[77] (page 572)**

25.11 Amnesty International's Report of 14 October 2011, *Nigeria: Human Rights Agenda 2011-2015*, stated:

"Nigeria reflected the provisions of the Convention on the Rights of the Child in its Child's Rights Act (2003); however, the Act is yet to be enacted in 12 states of the Federation. Moreover, in most states, the Child's Rights Act is not fully implemented. In June 2010, the UN Committee on the Rights of the Child recommended that the Child's Rights Act should be included in the concurrent list of legislation in the Constitution to ensure that both the Federal and state authorities would have legislative powers. In 2005, the Committee on the Rights of the Child expressed its concern that existing legislation at federal, state and local levels, in particular the religious and customary laws, did not fully comply with the principles and provisions of the Convention on the Rights of the Child.

"Contrary to the definition of a child under the Child's Rights Act as a person under the age of 18, the Nigerian Criminal Procedure Act defines a child as 'any person who has not attained the age of 14 years' and a juvenile offender is defined as 'an offender who has not attained the age of 17 years'. If the alleged crime is a capital offence, and the suspect cannot prove that he or she was under the age of 14 at the time it was committed, it is common practice to assume that the accused is an adult." **[12h] (pages 60 and 61)**

LEGAL RIGHTS

Domestic legislation

25.12 A UNICEF document of July 2008 on Nigeria in relation to the Child's Rights Act (CRA) of 2003 set out the basic provisions of the CRA as:

"Freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion; and it is stated categorically that the dignity of the child shall be respected at all times.

"No Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on his/her honor or reputation.

"Every Nigerian child is entitled to rest, leisure and enjoyment of the best attainable state of physical, mental and spiritual health.

"Every government in Nigeria shall strive to reduce infant mortality rate, provide medical and health care, adequate nutrition and safe drinking water, hygienic and sanitized environments, combat diseases and malnutrition, support and mobilize through local and community resources, the development of primary health care for children.

"Provisions for children in need of special protection measures (mentally, physically challenged, or street children); they are protected in a manner that would enable them to achieve their fullest possible social integration, and moral development.

"Expectant and nursing mothers shall be catered for, and every parent or guardian having legal custody of a child under the age of two years shall ensure its immunization against diseases, or face judicial penalties.

"Betrothal and marriage of children are prohibited.

"Causing tattoos or marks, and female genital mutilation are made punishable offences under the Act; and so also is the exposure to pornographic materials, trafficking of children, their use of narcotic drugs, or the use of children in any criminal activities, abduction and unlawful removal or transfer from lawful custody, and employment of children as domestic helps outside their own home or family environment.

"Child abduction and forced exploitative labor (which is not of a light nature) or in an industrial undertaking are also stated to be offences. The exceptions to these provisions are where the child is employed by a family member, in work that is of an agricultural or horticultural or domestic in nature, and if such child is not required to carry or move anything heavy that is likely to adversely affect its moral, mental, physical, spiritual or social development.

"Buying, selling, hiring, or otherwise dealing in children for purpose of begging, hawking, prostitution or for unlawful immoral purposes are made punishable by long terms of imprisonment. Other offences considered grave include sexual abuse, general exploitation which is prejudicial to the welfare of the child, recruitment into the armed forces and the importation/exposure of children to harmful publications. It further preserves the continued application of all criminal law provisions securing the protection of the child whether born or unborn." **[19c]**

25.13 The United Nations Convention on the Rights of the Child, *Committee on the Rights of the Child, Concluding Observations,* published 11 June 2010, noted:

"The Committee welcomes the ongoing constitutional review in the State party and, in this context, the proposal to place the Child Rights Act (CRA) in the concurrent list of legislation which would make it automatically applicable in all states of the federation. The Committee remains concerned, however, that most northern states of the State party have not yet domesticated the CRA and about reports that some states that have passed such legislation have adopted a definition of the child which is not in compliance

with that of the Convention. Furthermore, the Committee regrets that a comprehensive review on the compatibility of the existing statutory, religious (Sharia) and customary laws with the Convention and the Child Rights Act has not been carried out." **[146](pages 2 and 3)**

25.14 With regard to labour rights the United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011 (USSD 2010 Report), stated that:

"The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to November the Ministry reported 12,040 labor inspections with 441 officers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Victims or their guardians rarely made complaints due to intimidation and fear of losing their jobs. Labor inspections were mostly random but occasionally occurred when there was suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. The NAPTIP [National Association for the Prevention of Trafficking in People] bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

"The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is responsible for enforcing labor laws. The ministry reported that no training programs were held in 2010 due to budget constraints.

"The federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. A total of 24 states, plus the FCT [Federal Capital Territory], have passed the Act. The remaining states are in the north, where Sharia law is in effect. UNICEF continued to advocate passage and enforcement in all other states.

"Private and government initiatives to eliminate child labor continued but remained mostly ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor Sustainable Tree Crop Program in the cocoa and other agricultural subsectors, a component of which sensitized farmers to issues relating to hazardous child labor and child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year." **[3a] (Section 6d)**

Judicial and penal rights

25.15 A UNICEF information sheet, dated August 2007, on the Child Rights Act 2003 noted: "The Act makes provisions for the establishment of 'Family Courts'. The courts which will operate at the High Court and Magistrate Court levels …The Act has provided for Child Justice Administration … The provisions prohibit the subjection of any child to the criminal justice process … It has prohibited the use of capital punishment, use of imprisonment and use of corporal punishment for children under 18 years." **[19c]**

25.16 The United Nations Convention on the Rights of the Child, *Committee on the Rights of the Child, Concluding Observations*, published 11 June 2010, noted:

"The Committee appreciates the introduction in the new Child Rights Act of a chapter dedicated to children in conflict with the law and welcomes the establishment of family courts to deal with juvenile offenders, while noting with regret that these have only been established in eight states to date. It also notes the increased training for judges, magistrates and law enforcement officers concerned with juvenile justice and the establishment of specialized police units in charge of children. However, the Committee recalls its serious concern at the existence of the death penalty to persons below 18 under Sharia law…and expresses great concern over information indicating that there is not a minimum age for criminal responsibility and that children younger than 18 years of age can be tried and deprived of their liberty in rehabilitation centres or even in detention facilities. The Committee is also concerned at the remaining number of children in adult jails and ill-treatment of children in custody by police, including in pre-trial detention, and the absence of penal procedural rules during their trial before the family courts." **[146](pages 26 and 27)**

25.17 The USSD 2010 Report stated that "Although the law precludes the imprisonment of children, in 2008 more than 300 children lived in the country's prisons, many of whom were born there. Despite a government order to identify and release such children and their mothers, authorities had not solved the problem by year's end." **[3a] (Section 1c)**

See section on Prison conditions

VIOLENCE AGAINST CHILDREN

25.18 An undated section on *Violence against children* in the Nigeria section of UNICEF's website, accessed 12 November 2011, noted:

"Physical and psychological violence against children occur both in schools and within families – not to mention violence that affect children living on the streets or exploited by adults. Although educational institutions should have the capacity to train and socialise children without exposing them to violence, corporal punishment is still considered as a positive educational tool.

"Reliable data on violence against children in Nigeria is scarce because violence is often not reported as it occurs mostly within the context where it is regarded as 'normal' such as within the family circle or behind the privacy of homes. The predominant cultural belief is that children must be submissive to elders therefore behaviour not in conformity with this is punished. The Committee on the Rights of the Child noted with concern that there is a generally high level of acceptance of domestic violence even amongst law enforcement officers and court personnel." **[19f]**

25.19 The USSD *2010 Human Rights Report* noted that:

"Child abuse was common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent 'indecency' associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north." **[3a] (Section 6)**

25.20 Amnesty International's Report of 14 October 2011, *Nigeria: Human Rights Agenda 2011-2015*, stated:

"Violence against children, including child trafficking, child labour, sexual exploitation and harmful traditional practices continue to take place in Nigeria. In Akwa Ibom state, children believed to be witches continue to be subjected to torture and other cruel and degrading treatment by non-state actors, sometimes resulting in death. The National Action Plan for the Promotion and Protection of Human Rights in Nigeria recognizes the challenge of 'Protecting children from physical and sexual assaults, particularly when children are detained in police cells or Borstal institutions'. However, in practice government provisions for homeless and vulnerable children are inadequate." **[12h] (page60)**

Female Genital Mutilation (FGM)

25.21 The USSD *2010 Human Rights Report* noted that "While practiced in all parts of the country, FGM was most prevalent in the southern region among the Yoruba and Igbo." **[3a] (Section 6)** An undated section (accessed 12 November 2011) on violence against children in the country on UNICEF's website noted that "Another disturbing trend is the high prevalence rate of Female Genital Mutilation (FGM) in Nigeria despite the various policies and legislations that have been put in place against the practice. Consequences of this practice include infibulations, shock due to severe bleeding, intense pain due to the traditional methods usually used, risk of HIV/AIDS and death in some cases." **[19f]**

25.22 The United Nations Convention on the Rights of the Child, Committee on the Rights of the Child, Concluding Observations, published 11 June 2010, noted:

"…While noting the multidisciplinary approach adopted by the State party to raise awareness and promote attitudinal change with respect to female genital mutilation (FGM), and that cutting tattoos or marks and female genital mutilation are made punishable offences in the Child Rights Act, the Committee is concerned about the high percentage of women who have undergone female genital mutilation. The Committee regrets the lack of up-to-date information on measures taken by the State party to prevent and eliminate harmful traditional practices…" **[146](page 18)**

For more details and a fuller picture on FGM see the section on FGM, Women

Witchcraft

25.23 A United Nations High Commissioner for Refugees (UNHCR) research paper of January 2011, *Breaking the spell: responding to witchcraft allegations against children*, noted:

"Witchcraft allegations against children have become the focus of increased international attention in recent years. Recent reports by … the United Nations, Stepping Stones Nigeria, UNHCR and UNICEF have all highlighted increasing concerns regarding violence and abuse towards children accused of witchcraft.

"Accusations of witchcraft cause direct violations of children's rights. Children are isolated or even rejected from their family and community, end up living on the streets, become victims of different forms of trafficking, suffer from physical and mental health problems and trauma due to the abuses they have experienced ... Already vulnerable children become even more vulnerable as a result of witchcraft accusations. Cases of

children being harmed, abused or killed due to accusations of being a witch or for the purpose of witchcraft have been documented in many countries around the world, though the vast majority of cases investigated to date have been African." **[76]**

25.24 A report by Stepping Stones Nigeria of December 2009, *Witchcraft Stigmatisation and Children's Rights in Nigeria*, stated:

"The belief in child witches is widespread throughout Nigeria and children are particularly vulnerable to accusations of witchcraft and the resulting stigmatization. There have been reports of child witchcraft stigmatization from many areas of Nigeria including Akwa Ibom, Abia, Cross Rivers, Delta, Bauchi, Edo and Kaduna States, which demonstrates that this problem is not just confined to one area. The general belief is that certain people possess a mystical power which enables them to separate their soul from their physical body whilst asleep at night and enter into the spirit or witchcraft world. In this world it is thought that the soul takes the form of an animal where it will then cause all manner of unimaginable horrors and destruction. It is also believed that witchcraft spells are transferred between children, often passed through food or sweets.

"In these modern-day accusations of witchcraft, Christian teachings combine with traditional beliefs and practices. Pastors of a minority of churches including both Pentecostal Revivalist churches and more mainstream denominations are frequent perpetrators of witchcraft-related abuse, often stigmatising children during services and then charging parents large sums of money to extract a 'confession' from the child and exorcise their 'possession'. Such exorcisms and confessions often entail subjecting children to horrific abuse, which at times amounts to torture." **[71]**

25.25 A UNICEF study of April 2010, *Children Accused of Witchcraft*, noted:

"All the 'spiritual' treatments offered by pastors and prophets belonging to Pentecostal, revivalist and other churches require some form of payment …The earnings from a deliverance ceremony, and also during a regular service when the collection plate goes around, are not insignificant. Consequently, a number of pastor‐prophets, including women, have found their calling in the anti‐witch hunt, as is the case with Prophet Helen Ukpabio in Nigeria. She founded the Liberty Foundation Gospel Ministries, whose primary goal has become the detection and deliverance of child witches. For these pastor‐prophets, 'detecting' child witches brings not only money, but also a certain social status and popularity that draws new members and 'clients', and leads to yet more income. Accusations against children therefore form part of this vicious circle of the prophets' 'business' and their status." **[76]**

25.26 The Stepping Stones Nigeria report of December 2009, *Witchcraft Stigmatisation and Children's Rights in Nigeria*, noted:

"Some prominent churches have produced a number of publications about witchcraft. One book includes advice for parents on how to identify whether or not their child is a witch, saying 'a child under two years of age that cries at night and deteriorates in health is an agent of Satan'. These sorts of writings foster a climate of fear and doubt which immediately puts children in a vulnerable position. Some 'Nollywood' (the Nigerian domestic film industry) films, which are immensely popular in Nigeria, also disseminate and promote the belief in child witches. Some Pentecostal churches are involved in the production of these films; for example, one church produced perhaps the most well-known movie of this genre entitled 'End of the Wicked'. There have been

instances of other countries noting the influence of Nollywood films and linking this to an increase in the practice of witchcraft accusations and abuse." **[71]**

25.27 The same *Stepping Stones* Nigeria report added:

"… in December 2008 the Akwa Ibom State Government both enacted the [Child Rights Act] CRA and added a clause to the CRA making it illegal to stigmatise children as witches. This additional clause makes this punishable with an imprisonment of 10 to 15 years without any option of a fine. This is particularly welcome as Akwa Ibom is a state which has seen a large number of witchcraft accusations made against children in recent years … Evidence from national NGOs suggests that these abuses are not isolated incidents but are the result of a wider systemic failure to protect and uphold the rights of children who have been stigmatised as witches. The Child Rights and Rehabilitation Network (CRARN), working in Akwa Ibom State, are currently full to capacity with over 200 children, the majority of whom have been stigmatized as witches, in their care. They receive new cases on an almost daily basis. CRARN estimate that 4-6 children each day are abandoned or abused due to the belief that they are witches or wizards." **[71]**

25.28 The *Stepping Stones* Nigeria report also commented on health issues for children accused of witchcraft:

"Children stigmatised as witches frequently experience psychological, emotional and spiritual abuse as well as physical suffering. They are rejected by their families and communities … Often children are forced into making confessions of witchcraft which distorts their notion of truth and weakens their trust in adults. They therefore require specialist rehabilitation in addition to shelter, food and medicine.

"It is clear that child witchcraft stigmatisation and abuse both results from and is causative of mental and physical disabilities … Certain medical conditions, because they are not properly understood, are often considered to be evidence of witchcraft. For example, there is a high prevalence of autism in Nigeria, yet this condition is not widely acknowledged. In consequence, the particular behaviour of autistic children is often interpreted as witchcraft. … Accusing a child of witchcraft can also lead to the onset of mental illness and physical disability. Some children are permanently damaged by the abuse that they have suffered. They may be so traumatised from the extent of their pain that they never fully recover. By way of example, Stepping Stones Nigeria has previously found children in a distressed state at a church where they were chained up. They had been deprived of food and were manifesting signs of mental illness. Stepping Stones Nigeria has also witnessed cases of physical disability due to child witness stigmatisation, including a child who was found roaming the streets after having a nail driven into her head." **[71]**

25.29 The online publication Next published an article on 21 July 2011, *Activists demand the release of witchcraft accusation commission's report*, which recorded:

"A coalition of international and Nigerian child rights organisations has called upon the Akwa Ibom State government to publicly release the findings of its Commission of Inquiry on Witchcraft Accusations. The Commission, which was inaugurated in November 2010 to investigate the prevalence of witchcraft accusations in Akwa Ibom State, interviewed religious and traditional leaders, as well as activist groups locally and in the United Kingdom.

"Chairman of the Commission, Godwin Abraham, said a total of 34 memoranda from individuals, NGOS, government, faith-based organisations and other institutions were received, and evidences were heard from over 70 witnesses. Amongst these were presentations from the UNICEF, the Federal Government and the Catholic Church, which highlighted evidence of high rates of child abuse in Akwa Ibom State due to witchcraft belief.

"…The coalition had previously commended Mr Akpabio for establishing the commission and for confirming the responsibility of government to take action to protect the rights of children who were brutalised after being called witches. Edjo Okonubin, Advocacy Officer of Stepping Stones Nigeria Child Empowerment Foundation, also said a release of the findings into the public domain would enhance its objectivity. 'We know that international agencies such as Human Rights Watch, the BBC and the UK government are monitoring this situation,' said Mr Okonubin. 'If the findings are not released, people will think there is something to hide.'" **[78e]**

Child marriage

25.30 The British-Danish *2008 FFM Report* stated:

"United Nations [International] Children's [Emergency] Fund (UNICEF) officials based in Abuja explained that the definition of a child (especially relating to age) is not universal in Nigeria. According to the Convention for the Rights of the Child and the Child Rights Act in Nigeria, a child is defined as a person who is under 18 years of age. For many people - especially in the north of the country - a child is ready for marriage at the moment puberty starts. Some states in the country have passed legislation prohibiting child marriage. There is a clear relation between child marriage and the Islamic faith." **[20] (p29)**

25.31 The OMCT report for the 38th session of the United Nations Committee on *the Rights of the Child* in 2005 stated:

"In Nigeria, due to inconsistencies in legislation and the absence of any stipulation of a minimum age for marriage before the adoption of the Child Rights Act 2003, early marriages continue to take place, in many cases as a means to preserve chastity. Section 18 of the Marriage Act allows persons under the age of 21 to get married, provided that parental consent is given. The State report [Second Periodic Report by Nigeria to the CRC] admits that 'the age of marriage is a highly controversial issue and varies from place to place. Whereas in the North West and North Central Nigeria, 14 years is the age of marriage, in the North Central part the age of marriage is between the 2nd and 3rd menstruation, while in the Southern States it varies from between 16 to 18 years.' The federal authorities seek however to make 18 the minimum age of marriage, not only in law, but also in practice.

"Nevertheless, customarily positions on that issue and important parts of the population are still not aware of the negative effects early marriages can have on girls. In most cases, it limits the opportunities for girls to accede to education, putting them in a disadvantaged position. Indeed, 36 million Nigerian women and girls are not educated. But, even more worrying, early marriage can also be detrimental to [a] girl's physical, mental and emotional health: apart from the fact that it deprives girls from their right to have control over their body and reproductive health, it puts them in a position of complete dependency from their husband." **[39] (p17-18)**

25.32 The United Nations Convention on the Rights of the Child, *Committee on the Rights of the Child, Concluding Observations*, published 11 June 2010, noted that "The Committee expresses serious concern about the extremely high prevalence of early marriages among girls in the northern states and its impact on their enjoyment of other human rights, especially the right to education. In this context, the Committee notes with appreciation the adoption by some states of laws prohibiting the withdrawal of girls from school because of marriage." **[146](page 18)**

25.33 An article of 28 November 2008 regarding a Channel 4 television programme on the effects of child marriage and pregnancy in Nigeria referred to nearly half of all girls in the country's northern states being married by the age of 15, often to much older men. The article also noted that "Nigeria has one of the highest rates of child marriage and pregnancy in the world and the federal government has tried to ban marriage under the age of 18 by passing the Child Rights Act 2003. However, five years later, only one northern state has adopted the act and even then replaced the age of 18 with puberty." **[5]**

25.34 A Plan UK report of 27 June 2011, *Breaking Vows: Early and Forced Marriage and Girls' Education*, noted statistics indicating that 25 to 49 per cent of Nigerian females aged 20 to 24 were married by the age of 18 although the report also noted that "in states in Nigeria that have legislation abolishing early marriage there is much more awareness amongst girls in the last year of primary school of the importance of abolishing early marriage." **[132]**

Trafficking

25.35 A *Daily Trust* article of 29 June 2010, *Poverty Blamed for Child Trafficking*, noted that "[the] Inspector General of Police…yesterday said poverty and evil religious practices are some of the factors that promote child trafficking." **[56b]**

25.36 The United Nations Convention on the Rights of the Child, Committee on the Rights of the Child, Concluding Observations, published 11 June 2010, noted:

"The Committee welcomes the legislative, administrative and educational efforts taken by the State party to address child trafficking…including the establishment of anti-trafficking units within the law enforcement agencies, including the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the increase in rescued victims of child trafficking and the investigation, prosecution and conviction of perpetrators and the adoption of a national action plan on trafficking in persons (2006). The Committee remains concerned however at the widespread character of child trafficking and that the State party remains a source, transit and destination country for trafficking of children. It notes with particular concern that the overwhelming majority of rescued victims of trafficking is girls for purposes of sexual exploitation and that successful prosecutions remain low. The Committee is also concerned that the link between human trafficking and international protection obligations are inadequate, particularly concerning children trafficked over international borders." **[146](page 25)**

25.37 The United States Department of Labor (USDoL) 2010 Report, *Findings on the Worst Forms of Child Labor* (covering the period from January 2010 to July 2011), published 27 September 2011, stated:

"Nigeria is a source, transit and destination country for child trafficking. Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling and begging. Children are also trafficked from Nigeria for work in the worst forms of child labor in West and Central Africa as well as to the U.K. and Saudi Arabia. Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending and mining. They are trafficked from Togo for the same jobs and for commercial sexual exploitation. Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor. Beninese boys are also trafficked into Nigeria to work in granite mines and gravel quarries." **[77] (page 498)**

25.38 An article of 27 July 2010 in the publication Leadership (Abuja), *Child Labour or Child Favour*, noted:

"It is no news that a huge percentage of Nigerian children within schooling age are not in school, owing to the fact that their parents do not have the luxury of sponsoring them through school, hence, such parents are left with little or no choice but to abuse the rights of their kids by labouring them, in a manner that is morally unacceptable, in order to raise funds for the upkeep of the household. The desperation of some of these parents make them susceptible to the lies and deceitful schemes of relatives and so-called well wishers, who offer to sponsor one or two of their kids through school, usually in another state, for no price. These kids are subsequently trafficked - traded illegally - and made to undertake hard tasks by their new masters, for income generating purposes. The females are often groomed to be sex workers against their will as the alternative option was to return to their parents' homes of which they may be incapable of doing, may be, because of their age or financial status. Child trafficking can be very lucrative, which explains why some people are willing to travel across countries on foot to ensure that those who need the services of these children get them and provide payment in advance, including travel expenses. The parents of these children are often oblivious of these happenings, holding the belief that their sons and daughters are somewhere being productive. When they do find out, however, the true whereabouts of their kids, there is usually very little or nothing they can do to salvage the situation." **[79b]**

25.39 The United States Department of Labor (USDoL) 2010 Report, *Findings on the Worst Forms of Child Labor* (covering the period from January 2010 to July 2011), published 27 September 2011, stated:

"The Government of Nigeria has a 2008 National Plan of Action on Trafficking in Persons, which provides government entities and NGOs a coordination framework for research, protection, prevention and prosecution. Along with this plan, the Government has a national policy on protection and assistance to trafficked persons in Nigeria, which provides for services to trafficking victims such as protection and rehabilitation. Policies concerning the trafficking of children for exploitative labor were strengthened during the reporting period by the adoption of the ECOWAS [Economic Community of West African States] Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on specific sectors, such as child begging." **[77] (page 498)**

See also Women, Child marriage, and Trafficking

CHILDCARE AND PROTECTION

Orphans and vulnerable children

25.40 An article of 20 December 2010 in the online publication Leadership (Abuja), *Nigeria: How well are orphans and vulnerable children provided for*, noted:

> "The phenomenon of orphans and vulnerable children (OVC) in Nigeria is rapidly on the increase, stated the Head of OVC division in the Child Development Department of the Federal Ministry of Women Affairs and Social Development … [There is according to a report] … carried out in 2008 … 1.75 million OVC in the country cutting across households, homeless children and institutions. Though the health-related MDGs report for Nigeria states that the number of AIDS orphans in Nigeria remains on the decline, children and young persons, particularly, orphans and vulnerable children are especially susceptible to HIV/AIDS infection and its impact." **[79b]**

25.41 The same Leadership (Abuja) article added:

> "The Head of OVC Unit, FMoW [Federal Ministry of Women] explained that orphans and vulnerable children, most especially those orphaned or made vulnerable by HIV/AIDS face multiple challenges such as low access to health care, education, nutrition, and psycho-social support. In addition, she says, in communities where stigma and discrimination prevail, this group of children tends to fare more poorly than those orphaned by other causes. …. 'Care and support for OVC is imperative because most of these children, as a result of their conditions, are exposed to problems such as sex abuse, exploitative child labour like street hawking, house-help syndrome etc. It is disheartening to note that most of these children do not go to schools while the girls are forced into early marriage.' At the 2010 World AIDS Day, President, Dr Goodluck Jonathan, said the effect of the AIDS pandemic such as stigmatization, discrimination, increase in children orphaned by it, drop in life expectancy and generally, the drawback on the country's economic growth constitute serious challenges for Nigerians as communities and as a nation. President Jonathan said that the goal of his government was to give attention to orphans and vulnerable children (OVC) considering the fact that Nigeria is one of the countries with the highest number of AIDS orphans worldwide." **[79b]**

25.42 The same Leadership (Abuja) article continued:

> "Though there are many efforts actually channelled [sic] towards providing relief for OVC and children from indigent [poor] parents, there still remains a great lacuna . Christ Embassy Ministries, through its outreach arm, Inner city Mission is providing care and support, scholarship and even feeding to them and children born of indigent parents. Philanthropic individuals running NGOs guided towards taking care of these OVCs are also not finding it easy shouldering the burden alone. One of such is Vantaged Teens Centre situated at Bwari, a municipal of the Federal Capital Territory and founded by Rotarian Rhoda Bassey. At the graduation/empowerment of her wards recently, she called on well-meaning Nigerians to come to her aid." **[79b]**

25.43 The same Leadership (Abuja) article noted that churches and NGOs have provided assistance to OVC. One venue referred to is Vantaged Teens Centre situated at Bwari, a municipal of the Federal Capital Territory. **[79b]**

25.44 A subsequent Leadership article of 21 October 2011, *Responding to Needs of Vulnerable Children*, noted that:

"Response to the needs of vulnerable children in Nigeria, especially in such vital areas as education, health, shelter and care, legal protection, food and nutrition, psychosocial support and household economic strengthening has been quit [sic] ineffective. This has made communities and households providing the safety net to these children live in perpetual struggle to cope with the high burden of care required by such vulnerable children. Contributions to the response to vulnerable children needs have been largely driven by the civil society organisations (composed largely of non-governmental organisations, community based organisations and faith-based organisations) with gaps in the quality and consistency of care provided.

"As part of effort to bring succour to the over 17.5 million orphans and vulnerable children in Nigeria, the global fund on its round 9 consolidated grant through Association for Reproductive and Family health (ARFH) and Association for Orphans and Vulnerable Children in Nigeria (AONN) supported the process of identifying and selecting 1400 vulnerable children across the 17 southern states of the country who are in dire need of support (especially those infected or affected with HIV/AIDS). To successfully complete this process and arrive at acceptable results, methods were employed with the use of standardised tools such as the orphans and vulnerable children Index (OVI) and child status index (CSI). Direct interviews with selected vulnerable children and their caregivers was conducted and also administration of the tools and other interpersonal interaction with members of the household or community gate keepers." **[79a]**

25.45 A *Vanguard* article of 11 July 2011, *USAID donates $35m to support orphans in Nigeria*, noted that "The United States Agency for International Development, USAID, allocates over $35 million annually for the provision of comprehensive care and support services to orphans and vulnerable children in Nigeria." **[29g]**

The Directory of Development Organisations, Nigeria, provided a list of organisations operating in this field in the country.

EDUCATION

25.46 The Nigeria section of Europa World accessed 12 November 2011, undated, stated that primary education begins at six years of age and lasts for six years. Secondary education begins at 12 years of age and lasts for a further six years. Education to junior secondary level (from six to 15 years of age) is free and compulsory. **[1]**

25.47 An undated section on *Children's education* on the UNICEF website (accessed 12 November 2011) stated:

"Forty per cent of Nigerian children aged 6-11 do not attend any primary school with the Northern region recording the lowest school attendance rate in the country, particularly for girls. Despite a significant increase in net enrollment rates in recent years, it is estimated that about 4.7 million children of primary school age are still not in school. Increased enrollment rates have also created challenges in ensuring quality education and satisfactory learning achievement as resources are spread more thinly across a growing number of students. It is not rare to see cases of 100 pupils per teacher or students sitting under trees outside the school building because of the lack of classrooms.

"This situation is being addressed by current efforts of the Nigerian Government with the implementation of the Basic Education scheme. The compulsory, free Universal Basic Education (UBE) Act was passed into law in 2004 and represents the Government's strategy to fight illiteracy and extend basic education opportunities to all children in the country. However the number of schools, facilities and teachers available for basic education remain inadequate for the eligible number of children and youths. This is more so in urban areas where there is population pressure. Under these conditions, teaching and learning cannot be effective; hence the outcomes are usually below expectation." **[19g]**

25.48 The same UNICEF report added:

"Another challenge in Nigeria is the issue of girls' education. In the North particularly, the gender gap remains particularly wide and the proportion of girls to boys in school ranges from 1 girl to 2 boys to 1 to 3 in some States. Many children do not attend school because their labour is needed to either help at home or to bring additional income into the family. Many families cannot afford the associated costs of sending their children to school such as uniforms and textbooks. For others, the distance to the nearest school is a major hindrance. Another cause of low enrolment, especially in the North, is cultural bias. Most parents do not send their children, especially girls, to school and prefer to send them to Qur'anic schools rather than formal schools. Even when children enrol in schools, many do not complete the primary cycle. According to current data, 30% of pupils drop out of primary school and only 54% transit to Junior Secondary Schools. Reasons for this low completion rate include child labour, economic hardship and early marriage for girls.

"In the last few years, especially since the launching of the Universal Basic Education Act, much has been achieved in the reconstruction of dilapidated school buildings and construction of new ones, supply of desks and other needed furniture as well as the provision of toilet facilities. However, the child friendly school concept, which UNICEF is advocating for, is not comprehensively adopted by the various States in Nigeria. A majority of primary schools, especially in rural areas, lack water, electricity and toilet facilities. For example, on average, there is only one toilet for 600 pupils in the primary school system. Despite political commitment to trying to reverse years of neglect in the education sector and a significant increase of the Federal funding, investment in basic education is still low compared to other Sub-Saharan countries." **[19g]**

25.49 The USSD *2010 Human Rights Report* stated:

"Public schools remained substandard, 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 to age 12. However, compulsory primary education rarely was provided, and there were numerous mandatory school fees. Most educational funding came from the federal government, with state governments required to pay a share; however, not all state governments released their funding share. It was estimated that up to 10 million children were outside the conventional school system. As a result of the government's failure to pay them for months at a time, primary, secondary, and university teachers were frequently on strike. 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 children to school, many girls were redirected into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding

which children to enroll in elementary and secondary schools. According to UNICEF, for every 10 girls in school, there were more than 22 boys. For young persons between the ages of 17 and 25 years, 25 percent had fewer than two years of education." **[3a] (Section 6)**

25.50 The US Department of Labor (USDoL) 2010 Report, *Findings on the Worst Forms of Child Labor*, published 27 September 2011, stated:

"In Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component. While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter. Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations. The number of *almajirai* in urban areas is reportedly on the rise." **[77]**

HEALTH AND WELFARE

25.51 An undated section of the UNICEF website (accessed 14 November 2011) on *Maternal and child welfare* noted:

"Preventable or treatable infectious diseases such as malaria, pneumonia, diarrhoea, measles and HIV/AIDS account for more than 70 per cent of the estimated one million under-five deaths in Nigeria. Malnutrition is the underlying cause of morbidity and mortality of a large proportion of children under-5 in Nigeria. It accounts for more than 50 per cent of deaths of children in this age bracket.

"The deaths of newborn babies in Nigeria represent a quarter of the total number of deaths of children under-five. The majority of these occur within the first week of life, mainly due to complications during pregnancy and delivery reflecting the intimate link between newborn survival and the quality of maternal care. Main causes of neonatal deaths are birth asphyxia, severe infection including tetanus and premature birth." **[19e]**

See also Medical Issues, Women, and Children: Overview

25.52 The United Nations Convention on the Rights of the Child, *Committee on the Rights of the Child, Concluding Observations*, published 11 June 2010, noted:

"The Committee notes with appreciation the significant efforts of the State party in the field of health, notably the adoption of the National Health Policy (2005), the Integrated Maternal, Newborn and Child Health (IMNCH) Strategy (2007), immunization programmes, including the revised guidelines for distribution of funds for the effective use of the Global Alliance on Vaccine for Immunization (GAVI) fund, and improved access to safe drinking water. The Committee also notes with appreciation the provision of free maternal and child health services in eighteen northern states as well as the significant progress in halting polio last year, subsequent to action taken by local leaders in rural areas of the northern states. It further welcomes the adoption of the National Strategic Health Development Plan in March 2010 and indications that the Government intends to increase its allocation to the health sector (currently 4% in the 2010 budget proposal).

"The Committee nevertheless remains seriously concerned at the continued high rate of infant, child and maternal mortality (the second highest in the world) and the high

incidences of preventable diseases such as malaria, HIV/AIDS and diarrhoea. It expresses its utmost concern at the significant geographical disparity between the northern and southern regions of the State party in terms of the coverage of vaccination, the very low percentage of children who received full immunization, the rate of malnourishment, and incidences of child diseases, and the strong correlation between access to health care (including pre- and post-natal care) and the level of education and income." **[146](page 16)**

25.53 A Federal Ministry of Health (FMoH) report of January 2011, *Saving Newborn Lives in Nigeria*, stated that:

"While some progress has been made to reduce deaths *after* the first month of life (the post-neonatal period), there has been no measurable progress in reducing neonatal deaths over the past decade. About 5.9 million babies are born in Nigeria every year, and nearly one million children die before the age of five years. One quarter of all underfive deaths are newborns – 241,000 babies each year. Many deaths occur at home and are therefore unseen and uncounted in official statistics." **[9b] (p15)**

25.54 The same FMoH report also noted in relation to girls that: "Secondary school attendance among females is at less than half. A quarter of girls are married before age 15 (a dramatic increase from 15% in 2003). Use of modern contraceptives among girls aged 15–19 is just 11%. Immunisations, such as tetanus toxoid (TT), to school-age females are not routine. Female genital cutting, which has a prevalence rate as high as 80% in some states of the country, poses significant reproductive health challenges." **[9b] (page 18)**

See section on FGM-women

25.55 The same FMoH report observed that

"Birth registration is basic to ensuring a child's legal status and, thus, basic rights and services. In Nigeria, vital registration of births is generally low despite the Births, Deaths Compulsory Registration decree which came into effect 1 December 1992 … [it was] reported that only 30% of under-five children had their births registered, and this represented little increase from previous surveys … The National Bureau of Statistics reported an adult female literacy of 57%, compared with 75% among males. However, these rates vary widely: there are lower literacy rates in the rural areas and in the northern part of the country." **[9b]**

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26. TRAFFICKING

OVERVIEW

26.01 The United States State Department (USSD) *Trafficking in Persons Report 2011*, published 27 June 2011, stated:

"Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerian women and children are recruited from rural, and to a lesser extent urban, areas within the country's borders − women and girls for domestic servitude and sex trafficking, and boys for forced labor in street

vending, domestic servitude, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, including Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, the Central African Republic, and The Gambia, as well as South Africa, for the same purposes. During the year, reports indicated significant numbers of Nigerian women are living in situations of forced prostitution in Mali and Cote d'Ivoire. Children from West African countries, primarily Benin, Togo, and Ghana, are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are taken to Italy for forced prostitution, and others are taken to Spain, the Netherlands, Germany, Turkey, Belgium, Denmark, France, Sweden, Switzerland, Norway, Ireland, Greece, and Russia for the same purposes. Nigerian women and children are recruited and transported to destinations in North Africa and the Middle East, including Saudi Arabia, the United Arab Emirates, Lebanon, Egypt, Libya, and Morocco, where they are held captive in the sex trade or situations of forced labor. During the reporting period, traffickers decreasingly relied on air travel to transport trafficking victims, and more often utilized land and sea routes, for example by forcing victims to cross the desert on foot to reach Europe." **[3d]**

26.02 The same USSD *Trafficking in Persons report* continued:

"The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the Nigerian government sustained a modest number of trafficking prosecutions as well as the provision of assistance to several hundred trafficking victims, but did not demonstrate an increase in its anti-trafficking law enforcement efforts. Although the government claimed to have increased its budget allocation to the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP), which was forecasted to receive an estimated $7 million last year, the government did not disclose actual disbursements to NAPTIP. An apparent increase in referrals to NAPTIP of cases involving non-trafficking crimes against children – such as pedophilia and baby selling – appears to have burdened the organization. Longstanding plans to relocate NAPTIP's flagship shelter for victims – in a Lagos building abandoned by the national security service – were not fulfilled. Other victims' shelters operated below their full capacity, offered limited reintegration services, and were not always well maintained. Despite the documented magnitude of the problem of Nigerian trafficking victims in countries around the world, the government inconsistently employed measures to provide services to repatriated victims, and did not make public the number of victims it repatriated during the year. In September 2010, senior NAPTIP officials traveled to Mali where they investigated reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution; despite identifying a considerable number of such victims, officials took no apparent action to engage Malian government counterparts to rescue victims or arrest traffickers in the subsequent six months before the close of the reporting period. It is of concern that senior NAPTIP officials' regular travel abroad during the year did not yield discernible results in terms of arrests of traffickers or rescues of victims." **[3d]**

26.03 An interview with Joy Ngozi Ezeilo, the current United Nations Special Rapporteur on Trafficking in Persons, recorded in an article of 23 July 2011 in Vanguard, *Human trafficking is growing in Nigeria-Ngozi Ezeilo*, noted:

"There is international trafficking involving Nigeria and even within Nigeria, there is trafficking in women and children. Nigeria is a source country from where women and children are taken away to other countries and it is also a destination country and that

really makes the situation bad in Nigeria. I can tell you in my capacity as UN Special Rapporteur that in most counties I have traveled to, Nigerians are highly involved in Human Trafficking. They are involved internationally and locally. Internally, thousands of Nigerians are being traded in every year. Although the situation is bad, I'm also aware that the Nigerian government is working very hard to curtail that and that was why NAPTIP was established and NAPTIP also access the situation in other countries. The establishment is doing well but I know it can do better. I think the law enforcement agencies should do more to increase public awareness on this and using technology to tackle this problem.

"The government should also do more because the factors that contribute to this problem is lack of jobs, growing unemployment, gender inequality, gender discrimination and violence against women but the issue of growing poverty is the major cause. When people are insecure and have no means of livelihood, without a decent income, they feel insecure and could do anything to earn a living. In the state of their insecurity in search of basic necessities of life, they could do anything and some turn to traffickers of women and children. And many don't see it as a crime. In major cities within Nigeria, teenage girls as young as twelve or thirteen are seen around brothels and they have people they report to and account to, yet, nothing is seen to be done about them. These are the people who are exploiting their sexuality, they are the people exploiting their labour and their prostitution. Those are also the people the security agencies need to go after." **[29i]**

TRAFFICKING OF WOMEN

26.04 The International Organisation for Migration (IOM) report, *Migration in Nigeria, A Country Profile, 2009, published in 2010*, noted that: "Most of the trafficked women in Europe are believed to be from the State of Edo, with Italy being the most important destination for trafficked persons from Nigeria." **[44c]**

26.05 The United Nations Office on Drugs and Crime (UNODC) report, *Transnational Trafficking and the Rule of Law in West Africa*, of July 2009, in a section on victims of trafficking for sexual exploitation from West Africa to Europe, stated:

"It appears that the modern European market for trafficked women from West Africa began in Italy in the 1980s and in The Netherlands in the early 1990s. Women of the Edo ethnic group from Benin City in Nigeria (colloquially known as 'Binis') began to migrate to Europe in search of work, and found a market for sexual services. They began to recruit other women from their region, fronting the money for travel and creating a system of debt bondage that evolved into human trafficking. Remarkably, it appears that this market has remained in the control of Edo traffickers, and Nigerians remain the predominant African nationality in prostitution across Europe … According to an INTERPOL report from 2000, about 90% of the Nigerian prostitutes trafficked to Europe were from Benin City and the countryside around it. Similarly, Italian repatriation data indicate that mainly Edo victims were trafficked at that time. More recently, traffickers have tried to widen the area of recruitment, and victims of trafficking now include Nigerians from other states (Akwa-Ibom, Cross River, and Delta)." **[91]**

26.06 An article in Blueprint of 19 October 2011, *Nigerians constitute 60% of prostitutes in Italy-NAPTIP*, noted:

"Statistics available to the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) has indicated that 60 percent of the prostitutes in Turin, Italy and Antwerp in Belgium are Nigerian girls. This is even as the House of Representatives has promised to strengthen anti- trafficking laws and put pressure on the Executive to domesticate international immigration policy.

"Executive Secretary of NAPTIP, Mrs. Beatrice Jedy-Agba, who disclosed this yesterday at an interactive session with the House of Representatives committee on Diaspora, also said over 50,000 girls aged between 9 and 17 years have been trafficked for sexual exploitation from the country. Mrs. Jedy-Agba explained that the statistics were generated by TAMPEP, an Italian non-governmental organisation working on anti trafficking reports, adding that about five of these girls die every quarter under explicable circumstances traced to 'tavern brawls, mafia terrorist groups, extortionist madams, serial killers and location fights and race quarrels, HIV/AIDS and drug abuse'.

"She revealed that a recent fact finding mission conducted by the agency confirmed the existence of many brothels in Bamako, Mopti, Kayes, Sikasso, Gao all in mali populated by young Nigerian girls who are mostly between the ages of 14 and 17." **[133]**

26.07 An article in the *Independent* of 27 September 2011, *Italian and Nigerian gangs: a deadly alliance*, observed:

"An uneasy partnership between Italian and Nigerian gangs has led to a boom in human trafficking and the drugs trade…Benin City, the Nigerian city that has now become the main hub for sex trafficking between West Africa and Europe…Nigerian gangs are now increasing their power in the country where most of these trafficked women end up being forced into prostitution: Italy…According to UNICRI, the UN's inter-regional crime and justice research centre, Italy is the destination of more than 10,000 Nigerian prostitutes, trafficked from Benin City to the European hub of Nigerian criminals, the Domitiana, a long road that connects Naples to the Italian capital, Rome." **[134]**

INTERNAL AND EXTERNAL TRAFFICKING

26.08 A European Journal of Scientific Research (EJSR) article of 2008, *Combating Trafficking in Persons: A Case Study of Nigeria*, noted on internal trafficking:

"Internal trafficking occurs within the country from one state to the other, through a job placement network or through family relation. Internal movement of children for trafficking usually occurs during festive periods and other cultural activities (March, April and December) ... The victims of trafficking serve as maids, cleaners, beggars, street vendors, farm workers, prostitutes or are used in the country for other purposes. Koranic schools are the source of supply of street children engaged in begging and are often used as human shields during religious conflicts or as agents to provoke social unrest. The payment for the children's service often never reaches the poor parents, since the middlemen do not allow the children to settle in one place. In Nigeria, women are trafficked from Shaki in Oyo state, many parts of Akwa-Ibom, Cross River, Ebonyi, Imo, Benue and Kwara states to cities like Lagos, Abeokuta, Ibadan, Kano, Calabar and Port-Harcourt." **[92]**

26.09 The same EJSR article listed some common routes for external trafficking:

"• Nigeria – Cotonou – Togo- Morocco by road – Europe (by air)

- Nigeria – Ghana- Morocco – Libya – Spain (by road)
- Kano, Kwara, Kaduna – Saudi Arabia (by air)
- Abuja – Maiduguri – Chad – Libya – Spain (by road)
- Akwa-Ibom – Cameroun – Gabon (by road and by sea)
- Lagos – Spain – Germany (by air)
- Lagos – Liberia (by air)
- Lagos – Cote D'Ivoire (by air)
- Lagos – US/London (by air)
- Shaki (Oyo) – Guinea – Mali – Cote D'Ivoire (by road)
- Edo – Italy (by air)
- Kano – Niger (by road)." **[92]**

26.10 The United Nations Office on Drugs and Crime (UNODC) report, *Transnational Trafficking and the Rule of Law in West Africa*, of July 2009, in a section on victims of trafficking for sexual exploitation from West Africa to Europe, stated:

"Air routes include direct flights from Lagos to the final destination, or to a transit country within Europe. Ghana is another popular embarkation point. Some victims are diverted to transit points farther afield, including Ethiopia and South Africa. Victims may be even be flown to Moscow or Istanbul, and trafficked by land through East or South-East Europe. Victims may be exploited en route at several points before reaching their final destination. Victims trafficked to the United Kingdom generally fly direct, whereas those trafficked to Norway have generally spent time in Spain or Italy. Land and sea transport clearly follow the same routes adopted for the irregular migrants; from West Africa through the Sahara desert to North Africa, and to the Canary Islands, south Spain or Italy. Italy is frequently mentioned as the primary destination for these victims." **[91]**

26.11 A Human Rights Watch (HRW) report of 21 August 2010, *Cote d'Ivoire/Nigeria: Combat Trafficking for Prostitution*, stated:

"In July 2010, Human Rights Watch traveled to three Ivorian towns and met with groups totaling around 30 Nigerian women believed to have been trafficked for prostitution. Eight victims were interviewed individually. Scores of similar cases involving Nigerian women and girls were documented by interviews with Ivorian officials, United Nations personnel, and Nigerian embassy staff. Many victims were either between the ages of 15 and 17 or had been minors when brought to Côte d'Ivoire … In two small towns in central Côte d'Ivoire, with populations of about 40,000 and 50,000, respectively, Human Rights Watch documented the presence of five separate brothels of Nigerian women and girls. A gendarme in one of the towns estimated that at least 100 Nigerian women were working there as prostitutes. Human Rights Watch investigations indicated that the majority of them were likely to have been trafficked." **[22h]**

26.12 The same HRW report added:

"All of the women and girls interviewed by Human Rights Watch described being deceived into migrating with promises of work as apprentice hairdressers or tailors, or to work in other businesses elsewhere in West Africa or in Europe. They said that Nigerian women recruited and transported them overland through Benin, Togo, Ghana, and Burkina Faso. The majority of victims told both Human Rights Watch and the Nigerian embassy that they came from Delta and Edo States in southern Nigeria. Nigerian embassy staff in Abidjan told Human Rights Watch that they have repatriated scores of women trafficked for prostitution, including dozens this year alone, and noted that the problem is on the rise." **[22h]**

GOVERNMENT RESPONSE

26.13 The USSD *Trafficking in Persons Report 2011*, published 27 June 2011, stated:

"The Government of Nigeria did not demonstrate progress in its anti-trafficking law enforcement efforts to combat trafficking during the last year. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law's prescribed penalties of five years' imprisonment, a $645 fine, or both for labor trafficking, are sufficiently stringent, but the law is written to allow convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes 10 to 15 years' imprisonment for sex trafficking offenses; these penalties are sufficiently stringent, and commensurate with penalties prescribed for other serious crimes, such as rape. NAPTIP reported initiating 262 new investigations – but did not specify how many of these were trafficking cases – which led to 12 prosecutions and convictions for trafficking crimes, all prosecuted under articles within the Trafficking in Persons Law Enforcement and Administration Act. Only three of the successful prosecutions involved forced labor, although more than half of the victims identified during the year were victims of forced labor. Sentences that imposed prison time ranged from two months' to 14 years' imprisonment. Four offenders – three convicted of attempted sex trafficking and one convicted of forcing three children with disabilities to beg for money in Saudi Arabia – paid only fines and did not serve a prison sentence. Despite a reported government appropriation of more than $7 million in funding to NAPTIP, the organization's inadequate operational capacity suggested a significant disparity between projected funds and actual disbursements to the agency. Throughout the year, investigators often were not provided funding for travel or access to a vehicle to investigate trafficking cases, and the agency relied almost entirely on foreign donor funding for training its staff." **[3d]**

26.14 The United States State Department *Country Report on Human Rights Practices 2009*, *Nigeria*, released on 26 March 2010 (USSD 2009 Report), noted:

"NAPTIP, a 555-employee agency with 175 investigators and 32 prosecutors nationwide, has primary responsibility for combating trafficking. The NPF [Nigerian Police Force] and the Nigerian Immigration Service also had antitrafficking units…The NPF Antitrafficking Task Force staffed 22 units in states with the worst trafficking problems. Officials complained of insufficient funding to support investigative field work…State-level antitrafficking committees, consisting of immigration officials, civil society organizations, law enforcement agents, and federal ministries, operated in 26 states, but not all were active. These groups coordinated actions in trafficking cases between their respective organizations." **[3h] (section 6, Trafficking in Persons)**

26.15 The USSD *Trafficking in Persons Report 2011*, published 27 June 2011, stated:

"The Government of Nigeria did not demonstrate appreciable progress in its efforts to protect trafficking victims during the year, despite the government's considerable resources. The government continued to lack a formal system for identifying victims among vulnerable populations, such as women in prostitution, and authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. Furthermore, some police reportedly extorted women in prostitution for money. The government maintained a database of trafficking victims identified by the government and NGOs; it reported a total of 932 trafficking victims identified by NGOs and the government during the year. Of this total, 540 were victims of forced labor and 392 were victims of sex trafficking; approximately half were children. In September 2010, senior NAPTIP officials traveled to Mali to investigate reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution. Despite identifying significant numbers of such victims, and pledging a commitment to pursue action, Nigerian authorities have not taken steps to rescue these victims." **[3d]**

See section on Security forces

Government shelters

26.16 The National Association for the Prohibition of Trafficking in Persons (NAPTIP) website (accessed 11 November 2011) referred to the running of "seven shelters across the country with the capacity to accommodate the following number of victims at a time in each of the shelters: Abuja – 50, Lagos – 120, Benin – 50, Uyo – 50, Enugu – 50, Kano – 50, Sokoto – 50." The same website stated that "[The] Medical unit is responsible for the medical welfare of the victims. Each of the seven NAPTIP shelters is attached with qualified medical personnel in charge of the Agency's mini-clinics. Also the unit is working hand in hand with private hospitals and government hospitals to take care of complex, and emergency medical cases. Voluntary HIV test is administered on victims of sexual exploitation after medical counseling." **[93a]**

26.17 The Danish Immigration Service fact-finding mission report, published in April 2008, *Protection of Victims of Trafficking in Nigeria* noted on the subject of government assistance:

"It was also emphasized that any victim of trafficking who is ready to cooperate would be assisted in Nigeria with the following:

"• Security and protection arrangements, if necessary for instance if the victim has testified against the trafficker

"• Counselling regarding her oath and assistance to understand that *ju-ju* is not a real thing

"• Family reunification

"• Rehabilitation and reintegration

"• Avoiding being re-trafficked." **[5]**

NGO ASSISTANCE

26.18 The Danish Immigration Service fact-finding mission report, published in April 2008, *Protection of Victims of Trafficking in Nigeria* noted that:

"A number of NGOs are assisting victims of trafficking in Nigeria. Among the most prominent of those are GPI [Girls' Power Initiative], COSUDOW [Committee for the Support and Dignity of Women], IRRRAG [International Reproductive Research Rights Action Group], WOCON [Women's Consortium of Nigeria], WOTCLEF [Women Trafficking and Child Labour Eradication Foundation], AWEG [African Women's Empowerment Guild], Idia Renaissance and the Catholic Secretariat of Nigeria/Caritas Nigeria." **[5]**

26.19 The same Danish report noted that WOTCLEF ran a shelter for victims of trafficking in Abuja. The report also referred to COSUDOW having opened a shelter in Benin City. In addition, the report noted the existence of other NGO shelters for women that were not reserved for victims of trafficking: these shelters were in Abuja, Lagos, Abeokuta, Akwa Ibom and Kano. **[5]**

26.20 A report published by Womensshelter noted in an undated report (created on 5 September 2008) that there were a number of faith based non-governmental organisations in Nigeria that provide shelters for women in crises situations. **[93b]**

NGOs operating in this field include Women Trafficking & Child Labour Eradication Foundation and Committee Of The Support Of Dignity Of Women (Cosudow)

See also Children, subsection on Trafficking

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27. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

27.01 The International Organisation for Migration (IOM) *IRRiCO Country Sheet for Nigeria*, last updated 13 November 2009, stated:

"The principal arm of Government in health care delivery is the Federal Ministry of Health. The Ministry is charged with coordinating all health activities throughout the Federation. Medical and health services are also the responsibility of the state governments, which maintain hospitals in the large cities and towns. Most of the state capitals have public and private hospitals, as well as specialised hospitals. Each city also has a university teaching hospital financed by the Federal Ministry of Health.

"*Public (State-owned) Hospitals*: These consist of general hospitals, as well as university teaching and specialist hospitals. Charges are moderate but some of them lack equipment and adequate amenities. There are often delays and the large number of patients means that they may not be attended to promptly. Consultation and registration fees in government-owned hospitals are N500 (€2.30). Laboratory tests cost between N700-N1,200 (€3.21-€6).

"*Private Hospitals*: These are standard-sized hospitals. While some have adequate hospital equipment, others do not and have to refer patients to bigger hospitals for laboratory tests and X-rays. They are generally more expensive but are accessible to

anyone who can afford their services. Consultation fees in private hospitals range from N4,000-N6,000 (€18.35-€28). Laboratory tests cost between N1,000-N1,500 (€5-€7) per test." **[44b]**

27.02 The same IOM *IRRiCO Country Sheet* observed:

"Drugs are available but may be expensive … There are many pharmacies throughout Nigeria. The National Agency for Food and Drug Administration and Control (NAFDAC) has worked hard to ensure that these pharmacies are regulated and sell genuine medicines to the Nigerian public. But, data obtained from a study in 36 countries from all World Health Organisation (WHO) geographical regions, and covering World Bank income groups, has revealed an alarming lack of essential medicines in the public sector. The study, which included Nigeria, shows that this is driving patients to pay higher prices in the private sector, or go without any. Results show an average public sector availability of medicines of only 38% across surveys. This forces patients to buy medicines from the private sector where treatments are more expensive and often unaffordable." **[44b]**

27.03 The British-Danish *2008 Fact Finding Mission report in Nigeria (FFM),* dated October 2008, stated that:

"The FFM delegation interviewed a Nigerian medical doctor at the National Hospital in Abuja to obtain information about health care services in Nigeria. Additional information was obtained from another Nigerian doctor in March 2008 who also corroborated the information obtained from the first doctor consulted.

"The doctor at the National Hospital stated that, in general, Nigerian hospitals suffer from poor funding, a lack of qualified medical staff, a lack of drugs and a lack of medical equipment. The federal government and state governments do not provide free medical services, but the new national health insurance system which started in January 2007, will help to take care of health expenses for many people. Under the scheme, employers pay in money on behalf of their employees, while the self-employed are expected to take out their own health insurance. Nigeria has 250,000 doctors serving a nation of 140 million people (2006 Nigerian Census). Doctors and nurses, and other medical professionals, are poorly paid and many accept postings abroad where they can earn a lot more than they do in Nigeria." **[20]**

27.04 The British-Danish *2008 FFM report* continued:

"The doctor added that there are teaching hospitals which train all kinds of medical staff, and federal and state nurse training schools. There are training centres for laboratory and radiology staff, and staff who deal with medical records. There are also two post-graduate medical colleges which train and certify specialists. The federal government runs some public hospitals, which it maintains and funds, and also pays the salaries of the medical staff who work in them. Some public hospitals in Nigeria are run by state governments which maintain and fund them. In the Federal Capital Territory area, the federal government runs several general hospitals. There are no restrictive health care control measures in Nigeria which means that patients are free to go to any hospital in any state for treatment. Despite the limitations of Nigeria's health care system, a large number of diseases and conditions can be treated including heart conditions, high blood pressure, polio, meningitis, HIV/AIDS, hepatitis, sickle cell anaemia, diabetes, cancer and tuberculosis." **[20]**

27.05 The British-Danish *2008 FFM report* recorded that:

"The doctor added further that medical care provided in public and teaching hospitals, including investigations and any drugs prescribed or administered, have to be paid for, even in medical emergencies. If a person, however, arrives at a hospital and requests or needs medical treatment but does not have the money to pay for it in advance, it is possible that medical treatment will still be provided but only on condition that the person concerned or his relatives makes a payment as soon as possible after the first 24 hours, or provides an acceptable guarantor. If no payment or guarantor can be provided at all by the person concerned or his relatives, medical treatment is refused. Private hospitals exist in Nigeria and provide a higher standard of medical care than public sector hospitals, but charge their patients a lot more money. All the Nigerian teaching hospitals and a few specialist and private hospitals have intensive care units but not all of them are well equipped.

"The doctor stated that food is provided in some public sector hospitals but has to be paid for. Public sector hospitals usually include the cost of food and water in the fees they charge to their patients. In the parts of the country where public sector hospitals do not provide food and water, the relatives of the patient are expected to provide them with these provisions. According to another Nigerian doctor, consulted in March 2008, water provided in public sector hospitals is usually given free of charge." **[20] (p38)**

27.06 The British-Danish 2008 FFM report observed:

"The doctor stated that road traffic accidents are common in Nigeria and can result in serious injuries and death for the people involved. General ambulance services for medical emergencies and people who are acutely ill are few and far between in Nigeria. Also, there are very few general public mobile paramedic services available to treat people at the location where they happen to be ill or injured. In general, people who have sustained serious injuries at home, at their place of employment or at a road traffic accident, have to arrange for their own transport to hospital, or rely on other people to arrange this for them. Some general, teaching, specialist and private hospitals, however, have ambulance services and often respond to requests from the general public for a small fee. Ambulance and paramedic services are mostly provided by private companies, the armed forces for military personnel, and by foreign embassies for their staff." **[20] (p39)**

27.07 An article of 7 November 2011 in the online version of Leadership, *Declare State Of Emergency In Health Sector*, noted:

"A former deputy Vice chancellor of the Enugu-campus of the University of Nigeria,(UNN), Prof. Sam Ohaegbulam, has called for the declaration of a state of emergency in the health sector. He said that it was an international embarrassment that Nigeria has no government hospital with the state of the art equipment despite the fact it was ranked among the richest oil producing countries of the world. In a paper entitled 'your future in your hands' which he presented at the swearing-in ceremony of medical graduands of the faculty of medicine, university of Nigeria, Enugu Campus at the weekend, Prof. Ohaegbulam, expressed regret that some neighbouring countries not as richly blessed like Nigeria have state of the art medical facilities. He insisted that unless the federal government took urgent steps to improve the remuneration of medical doctors and equip the hospitals with modern facilities to enhance their

performance, the brain drain that has hit the nation's health sector in recent years, would continue." **[79c]**

27.08 In his 2011 published book, *Nigeria: Dancing on the Brink*, former US ambassador in Nigeria, John Campbell stated that "Access to medical treatment is…bad. Emergency care does not exist in many parts of the country. Shortages of pharmaceutical and medical supplies are endemic. In 2010, the chairman of the Pharmaceutical Society of Nigeria's Lagos branch complained that, according to UN statistics the Nigeria health system ranked 187 out of 191 nations." **[123] (page 13)**

The Federal Ministry of Health has produced a Standard Treatment Guidelines 2008 and there is an Essential Drugs List of 2003, both of which contain details of drugs and treatments that should be available in the country. The US Embassy in Nigeria provides basic information about medical services available and a list of many of the hospitals in the country http://nigeria.usembassy.gov/medical_information.html

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

27.09 *Avert.org*, in its undated *HIV and AIDS in Nigeria* section (accessed 11 November 2011), recorded:

"In Nigeria, an estimated 3.6 percent of the population are living with HIV and AIDS. Although HIV prevalence is much lower in Nigeria than in other African countries such as South Africa and Zambia, the size of Nigeria's population (around 149 million) meant that by the end of 2009, there were almost 3 million people living with HIV.

"Approximately 192,000 people died from AIDS in 2009. With AIDS claiming so many lives, Nigeria's life expectancy has declined significantly. In 1991 the average life expectancy was 54 years for women and 53 years for men. In 2009 these figures had fallen to 48 for women and 46 for men." **[28]**

27.10 The US State Department *Country Report on Human Rights Practices 2010*, *Nigeria,* released on 8 April 2011, (USSD 2010 Human Rights Report) observed:

"There was widespread discrimination against persons with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons with HIV/AIDS often lost their jobs or were denied health care services. Authorities and NGOs implemented public education campaigns to reduce the stigma and change perceptions.

"In 2008 the Bauchi State Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to accept or reject a suggested partner. As of March 2009, 94 HIV positive couples were matched and had married. The Joint UN Program on HIV/AIDS voiced concern over the plan due to the increased risk of passing the virus on to any children born, and the possibility of leaving the children orphaned." **[3a] (Section 6)**

27.11 *Avert.org*, in its undated *HIV and AIDS in Nigeria* section (accessed 11 November 2011), continued:

"… in 2006 Nigeria opened up 41 new AIDS treatment centres and started handing out free ARVs to those who needed them. Treatment scale-up between 2006-7 was

impressive, rising from 81,000 people (15% of those in need) to 198,000 (26%) by the end of 2007.

"Resources needed to provide sufficient treatment and care for those living with HIV in Nigeria are seriously lacking. A study of health care providers found many had not received sufficient training on HIV prevention and treatment and many of the health facilities had a shortage of medications, equipment and materials.

"The government's National HIV/AIDS Strategic Framework for 2005 to 2009 set out to provide ARVs to 80 percent of adults and children with advanced HIV infection and to 80 percent of HIV-positive pregnant women, all by 2010. However, only 34 percent of people with advanced HIV infection were receiving ARVs in 2010. In the revised framework (from 2010 to 2015), the treatment goals were set back to 2015." **[28]**

27.12 The American Project for Supply Chain Management System has been successful in supplying Nigeria with anti-retroviral drugs as its website (accessed 11 November 2011) explained: "As of the end of 2009, 312.000 of an estimated 3 million adults and children in Nigeria living with HIV/AIDS received antiretroviral therapy (ART). The Government of Nigeria has an ambitious goal to provide antiretroviral (ARV) treatment to 694,000 recipients by the end of 2011. Strengthening the country's supply chain system for ARVs is essential to making this happen." **[49]**

27.13 The UNAIDS 2010 report on *the Global AIDS Epidemic* noted that HIV incidence has fallen by more than 25% between 2001 and 2009 in a number of sub-Saharan African countries, including Nigeria. **[94] (page 8)**

27.14 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in July 2011 indicated that the following antiretroviral medications were available in Nigeria at the time:- ….

Abacavir, Didanosine, Emtricitabine, Lamivudine, Stavudine, Tenofovir, Zidovudine;

Efavirenz, Nevirapine;

Indinavir; Lopinavir/Ritonavir (=Kaletra);

Efavirenz+Emtricitabine+Tenofovir(=Atripla); Zidovudine+Lamivudine(=Combivir); Abacavir+Lamivudine(=Epzicom); Abacavir+Zidovudine+Lamivudine(=Trizivir); Tenofovir+Emtricitabine(=Truvada). **[135]** Reference for this enquiry: BMA no: NG-2065-2011

CANCER TREATMENT

27.15 An article in *Business Day* of 21 October 2011, *Experts make case for cancer care and management in Nigeria*, noted:

"Remi Ajekigbe, consultant radiotherapist and oncologist, Lagos University Teaching Hospital, Idi-araba, disclosed that there is growing incidence of cancer globally, with developing countries bearing about 80 percent of the global cancer burden. Ajekigbe noted that the incidence of cancer is not unconnected with lack of awareness, changing lifestyles with increasing obesity, smoking habits and increase in alcohol consumption, which have further increased the risk of cancer, particularly the three commonest in Nigeria: breast, cervical and prostate cancer. According to the oncologist, 'Presently, there are about 2million cancer cases recorded in Nigeria with 100,000 new cases

recorded annually. Out of this number, 10 percent or about 200,000 have access to hospitals with radiotherapy facilities. About 5 percent of this number i.e. 10,000 have resources to go abroad where they pay between $10,000 - $15,000 per patient for a 3-5weeks course of radiotherapy which translates to about $100,000,000 (a hundred million dollars) per annum in foreign exchange drain. 'About 27 percent of the 2 million cases are breast cancer, while about 25 percent are cancer of the cervix. In Nigeria, our mortality and morbidity statistics for cancer are high, due to the 'late presentation syndrome' involving 83-87 percent of cancer patients; running up bills of N150,000 to N350,000 every 3 weeks, for as long as the patient survives . This is because the awareness level of Nigerians, especially the women is very low, even this is dogged by superstition/cultural restraints.'" **[136]**

27.16 The same *Business Day* article continued:

"Corroborating his view, Innocent Ujah, Director- General of Nigerian Institute for Medical Research (NIMR), Yaba Lagos, stated that the current estimate of new cases of cancer diagnosed annually in Nigeria is far from the true cancer crisis in Nigeria. The DG stated that a large number of cancers are not detected as majority of Nigerians are poor and live in rural areas, far removed from health facilities. He further stated that the attitude of Nigerians who deny the possibility of them having cancer because of faith and belief systems, also leaves large cases undetected until they become full blown, adding that with inadequate research, the problem is even more complicated… 'as we know that majority of Nigerians live in rural areas, largely poor, far from health facilities and unable to access the facilities. Cancer awareness efforts and screening methods to enhance early detection, do not seem to have had much impact on the nation,' Ujah explained… Taking a look at cancer management in Nigeria , the problems of impeded access to health care, ignorance, poverty and lack of co-ordination of issues of health education complicates issues. Worse still, imaging facilities for staging patients with cancer, such as computerised tomography (CT) and Magnetic Resonance Imaging (MRI) are difficult to come by, and when available, the cost of such studies put them out of reach of the average citizen. Even of more concern is the fact that clinical services for cancer are grossly inadequate and poorly distributed. Only a few centers have functioning radiotherapy equipment. Radiologic services are generally available, but access is seriously limited by high cost. The same argument of high cost applies to chemotherapy. While pathology services are generally available, the scope of services is limited." **[136]**

27.17 An article of 6 April 2010 in the *Daily Independent (Lagos*) (via AllAfrica.com), *Nigeria: It's Shameful to Treat Cancer Abroad*, stated that: "… radiotherapy facilities used in this country are limited. Currently … the functional ones are in LUTH, Lagos, UCH Ibadan, National Hospital in Abuja and Ahmadu Bello University Teaching Hospital, Zaria." **[54a]**

27.18 A *Punch* (Nigerian newspaper) report, dated 24 September 2008, about cancer in Nigeria, stated:

"… only six hospitals - the Lagos University Teaching Hospital, University College Hospital, Ibadan, National Hospital, Abuja, Ahmadu Bello University Teaching Hospital, Zaria, University of Maiduguri Teaching Hospital, and the University of Nigeria Teaching Hospital, Enugu - have some facilities to treat cancer. Tertiary hospitals in Benin, Sokoto and Gombe are still struggling to develop facilities for the ailment.

"Besides [a] lack of facilities, there is the dearth of adequately trained personnel in the field of oncology. Oncologists are doctors who specialise in cancer treatment. Less than 13 surgical oncologists serve the country's 140 million population …" **[51a]**

27.19 The British-Danish *2008 FFM report* added that: "Surgical procedures and operations [in cancer cases] can be carried out if necessary but are not widely done in Nigerian hospitals. Radiotherapy for the treatment of bone cancer can be done but bone grafting can only be carried out abroad. Tumours in the brain can be removed, mostly in private hospitals, but this type of operation is not widely available." **[20] (p40)**

27.20 An article of 23 February 2010 in *Nigerian Compass*, *Nigeria: Overcoming the cancer challenge*, noted that: "… experts say that only 20 per cent of cancer patients in Nigeria and Africa get medication." **[70]**

KIDNEY DIALYSIS

27.21 An article in the *Daily Champion* of 25 March 2010, *Dangote Donates Dialysis Machines to Lagos Hospital*, noted the donation of two machines and funding the cost for the running of such. The article also stated that "… recent estimates put the number of dialysis units in Nigeria at about 27." **[95a]**

27.22 The *Daily Champion* (via AllAfrica.com), in an article of July 2011, reported:

"Going by the figure declared by the president of the association (the National Association of Nephrology), Dr. Chinwuba Ijeoma, at the recent 23rd general meeting and scientific conference of the International Society of Nephrology (ISN) in Benin City, Edo State, no less than 20 per cent of Nigerians have kidney problems… the nation's ailing health care system cannot provide adequate facilities for the management of the disease,.. In most hospitals, there is an acute shortage of equipment for diagnosis and because dialysis machines required to manage the disease are very few in the country, the cost is beyond what an average Nigerian patient can afford. For instance, one dialysis session is said to cost about N30,000 and a patient requires about two sessions per week. Thus, dialysis, a procedure put in place as substitute for many of the normal duties of the kidneys, is only available for a few rich patients. Also, as very few hospitals in the country do kidney transplant, which is the last resort for patients, many Nigerian patients have had to find themselves in different hospitals abroad, particularly in India, for the transplants." **[95c]**

27.23 The Nigerian Association of Nephrology provides details of kidney dialysis facilities available in different parts of the country on its website.

MALARIA

27.24 The WHO *World Malaria Report 2010*, in relation to Nigeria (published December 2010), observed:

"Malaria transmission in Nigeria takes place all year round in the south but is more seasonal in the northern regions. About 25% of all estimated malaria cases in the WHO African Region occur in Nigeria, Almost all cases are caused by P. falciparum, but only a small fraction is tested parasitologically. The NMCP reported 4.3 million suspected

malaria cases in 2009 (42% increase compared to 2000), representing only a fraction of the real malaria burden due to underreporting. The programme reported 660000 malaria admissions and 7500 deaths in 2009, both numbers fluctuating over the years and still reflecting only a fraction of the actual inpatient malaria cases and deaths in the country. About 29.2 million LLINs were delivered during 2007–2009, covering nearly 35% of the population at risk, a significant increase from previous years. Approximately 12 million treatment courses of ACT were delivered in 2008 and 9.2 million 2009; these quantities correspond to treatment of only a small fraction of the estimated number of cases, but a much greater amount than needed for the number of reported cases. Funding for malaria control has increased from US$ 17 million in 2005 to nearly US$ 100 million in 2008 and US$ 131 million in 2009, provided mainly by the Global Fund, World Bank, PMI, WHO, and NGOs. The government provided US$ 200 000 in 2009." **[32b]**

27.25 The Ministry of Health's National Malaria Control Programme Anti Malarial Policy document from 2005 stated that "current drugs for treatment of uncomplicated malaria are Artemisinin based combination therapies." Such drugs included in the therapies were Artemether and Lumefantrine. **[87] (Pages 13, 14 and 15)**

27.26 In relation to disease intervention, the [US] President's Malaria Initiative country profile of April 2011 noted that "More than 35 million long-lasting ITNs [insecticide treated nets] have been distributed between 2009 and mid-2011 to 22 of Nigeria's 37 states. This represents 57 percent of the total 63 million long-lasting ITNs needed to reach the target of two long-lasting ITNs for each household nationwide. The remaining ITNs will be distributed by 2012." **[137]**

HEART DISEASE

27.27 The British-Danish *2008 FFM report* stated that:

"The doctor stated that the most common type of cardiovascular disease that Nigerians suffer from is hypertension (high blood pressure), with 8%-10% of Nigerians suffering from the condition. Drugs that can reduce blood pressure are available but are very expensive and are not affordable by the majority of the population. There are no specialist cardiovascular or cardiothoracic centres in Nigeria, but treatment is available for a wide variety of cardiovascular conditions and diseases, including congenital heart conditions. People suffering from coronary heart disease or people who have had heart attacks can be treated, in general, but coronary artery by-pass and angioplasty operations are not available in Nigerian hospitals. In general, invasive heart operations are not available but heart valve defects, atrial septal defects, and aneurysms can be treated. Pacemakers can be installed and therefore patients with certain types of arrhythmias (abnormal heart rhythm) can be treated. There is inadequate treatment available in Nigerian hospitals for people suffering from primary cardiomyopathy (enlargement of the heart cavity). This condition in its end-stage can be cured through the use of a heart transplant but heart transplant operations are not yet available in Nigerian hospitals." **[20] (p40)**

27.28 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in July 2011 indicated that treatment for heart disease was available in Lagos and Abuja, and the following cardiovascular medications were available in the country at the time:

Atenolol; Captopril; Nifedipine; Hydrochlorothiazide; Furosemide; Spironolacton; Losartan; Irbesartan; Methyldopa; Hydralazine; Atropine;

Digoxine; Lidocaine; Epinephrine; Amiodaron;

Isosorbide-5-mononitrate; Nitroglycerine; Isosorbide-di-nitrate;

Acetylsalicyc acid; Coumarine derivatives such as Acenocoumarol/Sintrom. **[135]**
(References for this enquiry: BMA no: NG-2065-2011; NG-2064-2011)

See the websites of the Nigeria Heart Foundation and Nigeria Cardiac Society for more information.

SICKLE CELL DISEASE

27.29 An article in *Vanguard* of 23 February 2010, *Eradication of Sickle Cell Disorder is Fallacy, Says Akinyanju*, contained an interview with the Director of the Sickle Cell Foundation Nigeria who stated that the foundation was able to run a number of "… clinical services with donor supports." In addition to Sickle Cell clinics, it was able to provide free drugs "… and some equipment in a few States in Nigeria. In Lagos we support Massey Children Hospital and Gbagada General Hospital with some funds from MTN Foundation which also applies to Benin Sickle Cell Anaemia Centres. General Hospital Okwe in Asaba, Muritala Mohammed hospital in Kano." **[29c]**

27.30 The Ministry of Health's National Malaria Control Programme Anti Malarial Policy document from 2005 stated that: "Individuals, both children and adults, with sickle cell anaemia are widely recognised to be at increased risk of sickle cell crisis from malaria infections. It is recommended that children with known sickle cell anaemia be given chemoprophylaxis. The most common prophylactic agent is proguanil. The recommended dose is 100mg daily for children or 200mg for adults." **[87] (page 17)**

27.31 A *Daily Independent* article (via AllAfrica.com) of 24 June 2010, *We Rank Highest in Sickle Cell Disease-Minister*, observed:

"Nigeria ranks first as the sickle cell endemic country in the world with an annual infant death of 100,000, representing 8 per cent of infant mortality in the country…data from the World Health Organisation (WHO) showed that an average of 150,000 infants are born with the sickle cell disease in Nigeria…The ministry has collaborated with many organisations to improve the management of SCD in Nigeria. The collaboration with the London Focus Sickle Cell Africa (based in Zankli Clinic, Abuja) has led to accurate screening and diagnosis of sickle cell disease variants and other forms of haemoglobin abnormalities, both in adult and newborn." **[54b]**

See the website of the Sickle Cell Foundation Nigeria for more information.

MENTAL HEALTH

27.32 The World Health Organisation *2005 Mental Health Atlas* stated:

"Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level. However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each

state has a school of Health Technologists for [the] training of primary care professionals including health care workers.

"There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers…" **[32]**

27.33 *Facts on mental health in Nigeria*, an article published by the news website Next on 4 April 2009 reported,

"Recent studies found that only around 10% of those with severe mental illnesses like schizophrenia received treatment. Annual expenditure on health in Nigeria is less than 3% of Gross Domestic Product, amounting to $7 per capita. Mental health services receive only a very small part of this total health budget. The majority of the expense of care is paid by patients and families. This is usually difficult as mental illness can last for many years.

"There are only 4 psychiatric hospital beds per 100,000 people in Nigeria. Very few of these are accessible outside the major cities. Even though the Federal and University hospitals see many patients, the majority of the population in the rural areas cannot access the care they offer. For most patients and families, the first point of call is the traditional healer or prayer house. In many cases, owners of these facilities are not aware of which cases they should refer on." **[78a]**

27.34 An article of 14 November 2010 in Nigerian Newsworld, *Contending with Mental Disorder in Nigeria*, noted that:

"So far, the federal government has not come up with a policy to expand health care facilities that will cover a large number of patients. The World Health Organisation, WHO recommends five percent of a country's GDP to be set aside for mental health care. But in Nigeria, less than one percent is allocated to mental health. Treatment for the illness is equally expensive. The National Health Insurance Scheme, NHIS does not cover mental illness." **[96]**

27.35 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in July 2011 indicated that the following mental health drugs were available in the country at the time:

Chloropromazine; Fluphenazine; Haloperidol; Broomperidol; Risperidon; Olanzapine; Quetiapine; Clozapine; Thioridazine;

Amitriptyline; Nortryptiline; Fluoxetine; Venlafaxine; Paroxetine; Sertraline; Citalopram; Clomipramine; Duloxetine;

Diazepam; Oxazepam; Nitrazepam;

Lithium carbonate. **[135]** (References for this enquiry: BMA no: NG-2065-2011; NG-2064-2011)

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28. FREEDOM OF MOVEMENT

28.01 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011 (USSD 2010 Human Rights Report), stated that:

"The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, security officials restricted freedom of movement at times by enforcing curfews in areas experiencing ethno-religious violence and routinely set up roadblocks and checkpoints to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks, which were sometimes maintained every few miles." **[3a] (Section 2d)**

28.02 Freedom House's *Countries at the Crossroads* report 2010, released 7 April 2010, stated:

"All Nigerians have the right to own property under the constitution. However, under the 1978 Land Use Act, all land ownership is effectively vested in the state governments, which have the power to license all land within their jurisdiction and make it available to individuals through an elaborate land-use application process. This normally culminates with the governor of the state issuing the applicant a certificate of occupancy, and only after the granting of such a certificate can an individual legally make use of landed property. Given that the application process can take many years, individuals living on land without a certificate are often subjected to undue hardship because they cannot legally sell or develop it. This policy also allows the government, whether at the federal or state level, to arbitrarily seize land or revoke property rights without regard to due process. According to a Joint Senate Committee on the Federal Capital Territory (FCT) and Housing, this policy was invoked arbitrarily and with impunity by then minister of the FCT Mallam Ahmad Nasir el-Rufai, who served from July 2003 through May 2007. Most revocations were done under the guise of clearing illegal structures from around Abuja. The committee also reported the allocation of 3,645 plots of land in the final two weeks of the Obasanjo administration under questionable circumstances. Even after el-Rufai's departure, widespread destruction of community housing in Abuja continued into 2009. In early May 2009, Yar'Adua sent draft legislation to the National Assembly to reform the Land Use Act. The legislature has not yet acted on this bill." **[30a]**

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29. INTERNALLY DISPLACED PERSONS (IDPS)

29.01 An Internal Displacement Monitoring Centre (IDMC) report of 3 December 2010, *Simmering Tensions Cause New Displacement in the 'Middle Belt'*, noted:

"Displacement across the country is a common result of both communal violence and internal armed conflict. While some of the conflicts appear to be caused by religious or ethnic differences, benefits of a political, social and economic nature are generally behind the violence in a country with endemic poverty, low levels of education and a huge and alienated youth population. Nigeria also regularly experiences displacement as a consequence of natural disasters such as flooding or soil erosion. The government has not yet adopted a national IDP [internally displaced persons] policy, and national, international and local agencies have only assisted IDPs on an ad-hoc or selective basis. The signing of the African Union's IDP convention in October 2009 may indicate the government's intention to address internal displacement in a more consistent and coherent manner." **[7a]**

29.02 The same IDMC report observed that: "Nigeria has been affected by recurrent internal conflicts and generalised violence since the end of military rule and the return to democracy in 1999. The systematic and overlapping patterns of inequality in the country have been described as 'breeding grounds' for conflict. As a result, the country is faced with the ongoing challenge of responding to a fluctuating but always sizeable internally displaced population." **[7a]**

29.03 The IDMC report stated:

"There are no official IDP camps of a long-lasting nature in the country. Temporary shelter is normally provided in army or police barracks, schools or hospitals but they serve as IDP camps only for a limited period. The vast majority of displaced people in Nigeria reportedly seek refuge with family, friends or host communities in areas where their ethnic or religious group is in the majority. Many appear to return to their homes or resettle near their home areas soon after the violence which forced them to leave has subsided, but an unknown number also resettle in other areas of the country." **[7a]**

29.04 The IDMC report added:

"There is no national legislation upholding the rights of IDPs in Nigeria. A national IDP policy has been planned since the creation of the Nigerian Presidential Committee on IDPs in January 2004, but it was yet to be approved by the Federal Executive Council in November 2010. At the end of October 2009, however, Nigeria signed the African Union's Convention for the Protection and Assistance of Internally Displaced Persons. Its ratification could provide an opportunity for Nigeria to adopt a comprehensive approach to the continuing internal displacement situations in the country." **[7a]**

29.05 The same source added:

"Most internal displacement situations are managed on an ad-hoc basis and only in the emergency phase. The Nigerian Red Cross (NRC), the most prominent humanitarian organisation, has the structure and the personnel to respond at very short notice, and often provides immediate assistance ahead of the local governments. Although it is not in their mandate, the military has also been called on several occasions to respond to IDPs' needs especially when military barracks serve as temporary IDP camps. While faith-based organisations play an important role in both immediate relief and longterm support to IDPs of their religion, international organisations have also responded on a case-by case basis, most often without coordination." **[7a]**

29.06 More recent events were stateded in an IDMC news alert of 7 October 2011, *Fear of violence displaces thousands in the north*, observed:

"Increasingly violent attacks against civilians, reportedly linked to members of the Boko Haram Islamist sect or other criminal groups, have continued to cause death, destruction of property and displacement in northern Nigeria. Thousands of people have fled the city of Maiduguri in recent months in fear of further violence. On 2 October, 19 people were killed and houses burnt in a raid by a gang of robbers in Zamfara State. Joint military-police teams have been deployed to the area to quell the violence.

"At the end of September the head of police in Bauchi State accused IDPs from Borno and Plateau States of contributing to the growing insecurity in the area. The National

Emergency Management Agency (NEMA) had suggested that up to a million IDPs had found refuge in Bauchi, but after widespread controversy, NEMA clarified that the figure referred to the number of people displaced over the years since 2001." **[7b]**

29.07 A NigeriaNewsWire.net article of 4 October 2011, *Nema Clears Air On 1 Million IDPs in Bauchi Camps*, referred to "Magama, Toro, Boto, Lere and Tafawa Balewa" camps in Bauchi. **[122b]**

FORCED EVICTIONS

29.08 The Amnesty International report of 15 March 2011, *Homes Demolished, Hopes Shattered: Forced Evictions in Nigeria*, noted:

"Lagos is home to over 10 million people. Every day more people arrive in search of work and somewhere to live. For many, this means a home in one of Lagos' slums, which are some of the largest in Africa. Here, people live in unsafe buildings in floodprone areas, without access to clean water, electricity or toilets, adequate health care or education for their children. Lagos' growing population also means interest from property developers who want to build offices and houses on land occupied by slums. As a result, many slum dwellers are forcibly evicted to make way for these projects, which are available largely to the wealthy. These forced evictions take place outside of any legal framework, without compensation and without the government providing adequate alternative housing for the people living there. More than 2 million people have been forcibly evicted from their homes across Nigeria since 2000 in Lagos, Abuja and Port Harcourt." **[12o]**

29.09 Amnesty International's *World Report 2011*, published 13 May 2011, observed:

"Forced evictions continued throughout Nigeria. They were carried out without genuine consultation, adequate notice and compensation or alternative accommodation. More than 200,000 people remained at risk of forced eviction in Port Harcourt, Rivers state, as a result of the state government's plans to demolish the city's waterfront communities.

"On 23 December, at least one person died and several others were injured when armed police officers opened fire during a forced eviction in Makoko community in Lagos. The police were accompanying Lagos state's Environmental Task Force, the Kick Against Indiscipline (KAI) Brigade, to demolish structures in the area. This was the second time in 2010 that Makoko residents faced eviction from their homes. In April, the KAI had forcibly evicted hundreds of people from their homes in Makoko." **[12e]**

29.10 An Amnesty International report of 3 October 2010, *'Just move them', Forced evictions in Port Harcourt, Nigeria*, stated:

"[The] Njemanze informal settlement in Port Harcourt, Rivers State, Nigeria, was demolished as part of the state authorities' urban renewal programme for the city. It is estimated that between 13,800 and 19,000 people were forcibly evicted from their homes. These evictions were carried out without prior and genuine consultation with residents and without the provision of adequate notice, compensation or alternative accommodation and legal remedies. Thousands of people, including children, women and the elderly were left homeless and vulnerable to other human rights violations." **[12n]**

29.11 The Centre on Housing Rights and Evictions (COHRE) observed in an undated section of its website on Nigeria (accessed 4 November 2011):

"Forced evictions by government agents are rife throughout Nigeria, often carried out with brutality. Thousands fear for their homes on a daily basis in Nigeria. Hundreds of thousands of families are affected by such evictions every year. Families forcibly evicted from their homes are rarely, if ever, provided compensation or alternative housing.

"More than 800,000 residents were forcibly evicted from informal settlements in Nigeria's capital, Abuja, between 2003 and 2007 as government authorities implemented the 'Abuja Master Plan' of urban development. Similar evictions are taking place in Nigeria's (and Africa's) largest city, Lagos, as the government implements a 'beautification project'. Millions are at risk of forced eviction, with nowhere to go. Thousands of residents of Port Harcourt also face mass forced eviction, as authorities attempt to clear the city's waterfront property for leisure and other developments." **[139]**

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30. FOREIGN REFUGEES

30.01 The United States State Department *Country Report on Human Rights Practices 2010*, *Nigeria*, released on 8 April 2011 (USSD 2010 Human Rights Report) stated that:

"The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

"According to the UNHCR, the country had 8,747 refugees at year's end, most of whom were from Liberia, Cameroon, and the Democratic Republic of Congo. At year's end 5,316 Liberian refugees remained near Lagos, waiting either for repatriation, resettlement, or local integration. In addition, the UNHCR provided for 1,120 refugees from the Democratic Republic of Congo, Sudan, Chad, and other West African nations. There were 1,994 Nigerians who had been living on the Cameroonian side of the new border and were now settled in Bakassi, Cross River State, who are not considered refugees. Also 1,815 persons had requested asylum, 66 percent of them from the Democratic Republic of Congo.

"The NCFR established a camp in a remote area of Taraba State for refugees from Cameroon. An office operated by the NCFR in Maiduguri, Borno State, assisted refugees from Chad, but there was no official camp in that location.

"Refugee status for persons displaced by the civil war in Sierra Leone terminated in January 2009, when the camps were closed. Subsequently, 553 persons were repatriated to Sierra Leone. Another 240 refugees who requested residency were provided two-year residency permits and help in obtaining passports from Sierra Leone; the refugees also received job training and small grants from the UNHCR to begin their lives in the country.

"As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. The camp at Oru, near Lagos, was decommissioned,

although refugees continued to occupy buildings without permission. The UNHCR provided food, education, and job skills training, and refugees were able to move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

"The government also provided temporary protection to a few hundred individuals who may not qualify as refugees" **[3a] (Section 2d)**

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31. CITIZENSHIP AND NATIONALITY

31.01 Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent. **[6]**

31.02 The Constitution in Article 25(1) states that Nigerian citizenship can be acquired by any person:

"born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria

"born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen

"born outside Nigeria provided one parent is a Nigerian citizen." **[6]**

31.03 Article 26(1) of the Constitution states that Nigerian citizenship can be obtained by registration by any person provided:

"he is of good character;

he has shown a clear intention of his desire to be domiciled in Nigeria; and

he has taken the oath of allegiance as prescribed in … the Constitution.

"(2) the provisions of this section shall apply to:

… any woman who is or has been married to a citizen of Nigeria; or

… every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria." **[6]**

31.04 The Constitution states that Nigerian citizenship can be obtained by naturalisation by any person provided:

– he is of full age (over 18)

– he has resided in Nigeria for at least 15 years and plans to remain in Nigeria

– he is of good character

– he is familiar with Nigerian culture and customs and can support himself

– he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the Constitution. **[6]**

31.05 A Brookings Institution report of 28 April 2011, *Elections and Violence in Nigeria: The Question of Citizenship in Sub-Saharan Africa*, observed on the issue of citizenship in the country:

"Nigerian legal philosopher Olufemi Taiwo argues that although post-independence politicians have sought to create a common citizenship, they have neglected to engage the people in a discussion of citizenship and 'what citizenship involves in terms of rights, duties, immunities, privileges and forbearances for its bearers.' As observed by Taiwo, for citizenship to be meaningful and have any value, 'it must prevail over the entire territory of the country for which it exists, without regard to how many nationalities and ethnicities are to be found therein.'

"Nigeria's constitution prescribes three ways through which an individual can acquire Nigerian citizenship: by birth, by registration and by naturalization. Yet as evidenced by recent chaos in Nigeria, citizenship outside one's ancestral land is insecure and can be stripped arbitrarily. Many Nigerians believe that various geographic parts of the country should be left exclusively for the benefit of the so-called 'indigenes' or 'native sons' or 'sons of the soil.' In essence, the idea of a shared common citizenship that goes beyond one's ethnic group and place of birth in line with the constitution is deficient. As a result, the concept of internal exit – the right to locate oneself anywhere within the geographic boundaries of Nigeria and have one's person and property protected by both national and local laws – really does not exist in the country today. For example, while a Yoruba from Lagos State can migrate to Kaduna, he is likely to encounter serious opposition from indigenes if the new migrant (or stranger in local jargon) attempts to run for public office or purchase property in the state." **[140]**

NATIONAL IDENTITY CARDS

31.06 An Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) of 5 August 2008, *The issuance of national identity cards after 2003 …,* recorded:

"In February 2003, the Nigerian government launched a registration process for obtaining a national identity card; however, distribution of the cards reportedly did not begin until 2004. Those eligible to register included Nigerians aged eighteen years and older.

"With respect to the application procedure for the card, an October 2004 report on a fact-finding trip to Nigeria by the Norwegian Directorate of Immigration states the following:

"'The applicant is interviewed, and photograph and fingerprints taken. The interview is meant to clarify national/ethnic and geographic origin, among other means by asking control questions and assessing the applicant's language, dialect and accent. Relevant information given in the application form and during the interview is registered electronically. Significantly, the applicants are *not* asked to submit any official documents for identification.'

166 The main text of this COI Report contains the most up to date publicly available information as at 15 December 2011. Further brief information on recent events and reports has been provided in the Latest News section to 3 January 2012.

"Application forms for the card reportedly request the following information from applicants: birth date and place (state and local government area), place of residence, birth place of father, profession and religion." **[38f]**

31.07 The same CIRB RIR continued:

"In a 29 July 2008 telephone interview, an official at the Nigeria High Commission in Ottawa provided a similar description of the application process for the national identity card. The Official said that an applicant must show up in person for an interview, complete a registration form and pay a processing fee. The individual must also have his or her picture and fingerprints taken.

"Contrary to information provided in the report by the Norwegian Directorate of Information, the Official at the Nigeria High Commission indicated that applicants are required to submit official documents for identification. These documents include a birth certificate or a 'certificate of origin' (which the Official also referred to as a 'local government area certificate' or a 'letter of identification from local government'). According to the Official, the certificate of origin confirms that a person was born in Nigeria and is from a certain local government area in a particular state. The certificate can be obtained from an individual's local government administrative headquarters, after someone from the individual's neighbourhood attests that he or she is from that particular area. This certificate ensures that individuals from surrounding countries, such as Benin or Cameroon, do not try to claim Nigerian nationality.

"According to the Official at the Nigeria High Commission, national identity cards are issued in Nigeria; the embassy does not issue them." **[38f]**

31.08 The same CIRB RIR noted:

"Between 2003 and 2007, more than 30 million national identity cards were distributed in Nigeria …The Nigerian national identity card is a synthetic (polycarbonate) card, measuring approximately 3.4 by 2.1 inches. The card has no expiry date. The front of the card has a clear, holographic laminate. At the top of the card, the words 'Federal Republic of Nigeria National Identity Card' are written in block letters. Below this title, on the left hand side, is the Nigerian coat of arms, and below the coat of arms, is the cardholder's digital photograph. Below the title on the right hand side of the card is the Nigerian flag. In the bottom right corner of the card is a form in the shape of Nigeria. An image of the Nigerian coat of arms is found in the background of the front of the card.

"The following cardholder information is also found on the front of the card: surname; first name; middle name; maiden name; date of birth; height; sex; occupation; blood group; applicant's residence, including address, town/village, LGA [local government area], state, 'Ward' and 'PU' number.

"The back of the national identity card contains 'particulars of next of kin', including surname, first name, middle name and address. It also holds information on the applicant's origin (place and state), as well as the date and place of issue of the ID card. Three number[s] also appear on the back of the card: the 'Seq Number' (sequence number) and the 'ID Form Number', which are numerical, and the 'Personal Number', which is alphanumerical. A barcode is found at the bottom of the back of the card." **[38f]**

31.09 The same CIRB RIR stated:

"Cited in a 19 February 2003 British Broadcasting Corporation (BBC) article, Nigeria's Deputy Interior Minister stated that the government had taken 'foolproof' measures to prevent fraud, double registration and foreigners from obtaining the card. However, according to a 2 July 2008 article in the Lagos-based newspaper 'This Day', Nigeria's identity card scheme has apparently been 'riddled with fraud'. Irregularities associated with the card have included double registration, 'wrong documentation', applications made by individuals who were under the age of eighteen, and errors on the cards. On 10 August 2006, 'This Day' reported that seven million national identity cards had been cancelled due to such 'irregularities'.

"According to a 16 October 2007 article in 'Business Day', … the national ID card is 'difficult to authenticate because it lacks serial numbers." **[38f]**

31.10 The same CIRB RIR observed:

"Several news sources consulted … indicate that Nigeria plans to introduce a new national identity card …The new card will replace the existing one … Unlike the existing card, which ahs [sic] been optional, the new card will be compulsory. Various news sources indicate that the card may be used for multiple purposes, including registration for voting, payment of taxes, credit transactions, access to health insurance, access to pension and social security, purchase of land, and for the issuance of passports and the opening of bank accounts … According to a 16 October 2007 'BusinessDay' article, the new card will hold biometric data, but will only display 'routine information' about the cardholder; more detailed information about the individual will reportedly be stored in a central database. The National Identity Management Commission (NIMC), a newly established government agency, will be responsible for maintaining the database, as well as registering individuals and issuing the cards. The official website of the NIMC indicates that the database, which will use biometrics and unique numbers for every individual, will hold the following information:

"Personal information i.e. names, date of birth, place of birth, gender, disability, residential address and other addresses

"Identification information i.e. photograph, signature, fingerprints and other biological data (biometrics)

"Residence reference numbers such as ID number, insurance, immigration, passport, driver's license numbers etc.

"History i.e. relationship with others such as parents, spouses etc. and their records

"Registration and ID card history covering date of application, modification, particulars for Multipurpose ID card etc.

"Validation information such as personal identification numbers, password, question and answers for identification

"Records of provision of information.

"While the current card has been issued free of charge, it is anticipated that Nigerians could have to pay up to 10,000 Nigerian Naira to obtain the new card. However, the card will reportedly be free for the unemployed and for those under the age of eighteen. According to the Lagos-based 'This Day', the new identity card system is expected to be

implemented by the end of 2008. In a 29 July 2008 telephone interview, the Nigerian High Commission Official said that although there are plans for the issuance of a new national identity card, nothing has yet been implemented. The Official also indicated that the Nigerian government is still issuing the current version of the card." **[38f]**

31.11 An article in the *Daily Trust* of 6 January 2009, *Nigeria: 14 Million National ID Cards Have Inaccurate Data*, stated:

"The Director General of the National Identity Commission, Mr Chris Onyemenam has said that about 14 million national identity cards have errors in them. Onyemenam stated this yesterday in a budget performance and defence session organised for his commission by the House of Representatives' Committee on Interior. He pointed out that the errors in the data of card carriers was just one of the problems faced by his commission, just as he added that 37.9 million entries were correctly done.

"According to him, over two third [sic] of the population are yet to be captured by the National Identity Cards scheme while revealing that as at the time his team took over the Commission, the cards from six states had not been done. He said that the lack of cards by the six states pointed to the fact that millions of Nigerians are denied access to national identity cards. 'Even I, as the Director General of the Commission do not have a copy of my own identity card' he added. … While admitting that personal information management in the country was still very poor, Onyemenam explained that his commission is embarking on plans to improve the situation by constructing 13 offices in some states at the proposed cost on N22.5 million each so that data centres can be warehoused in those places. He lamented that 'anywhere anyone is registered, if they want to access the data of that person, they have to come to Wuse Zone 5 (Abuja). We want to change that. He maintained that if direct online personal information was available to Banks, establishments and security agencies, the incidence of fraud and financial scams would be reduced." **[56a]**

31.12 A *Nigerian Tribune* article of 22 October 2011, *New National ID Card Scheme: Another Multibillion Naira White Elephant Project?*, noted:

"About two weeks ago, the Federal Executive Council (FEC) approved N30.066 billion for the implementation of the first phase of a Unified Identity Management System for Nigerians from 18 years and above. This sparked off various reactions from Nigerians, with the Federal House of Representatives urging stay of action on the project…The last attempt by the Federal Government to make available National Identity cards for all Nigerians, from age 18 and above, ended in a huge financial scandal that rocked the execution of the project…The scam that trailed the National Identity card project which was initiated by former President Olusegun Obasanjo-led administration between 1999 and 2007, is still much fresh in the mind of an average Nigerian. Apart from the fact that till date, substantial number of Nigerians were unable to get the ID cards, the old cards issued failed to meet the modern requirement for electronic identity verification which is the in-thing…the new integrated data system would capture all Nigerians from the ages of 18 and above, and would also bring down the cost of data processing and storage by different agencies in the country, noting that the project would be managed by the National Identity Management Commission (NIMC) and executed in conjunction with different agencies of government which currently keep their own separate identity data. The agencies include Independent National Electoral Commission (INEC), Federal Road Safety Commission (FRSC) and National Health Insurance Scheme (NHIS), among others." **[114e]**

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32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

32.01 The International Organization for Migration report *Migration, Human Smuggling and Trafficking from Nigeria to Europe*, published in 2006, stated that:

"The widespread corruption and crime in Nigeria is also evident in connection with emigration. It is relatively easy to get genuine documents with partially or completely wrong information as long as one is willing to pay. In addition, there is a well-developed industry [which has] specialized in altering data in documents already issued. Weaknesses in Nigeria's public administration also result in weak quality control of documents being issued even when there is no corruption involved. Nigerian passports are often produced only based on birth certificates, and birth certificates may be issued based on the information provided by the applicants themselves (Norwegian Directorate of Immigration, 2004)…the most central document in connection with emigration, the passport, is misused mainly in three ways:

"● Original passports are altered, e.g. by replacing the photograph of the visa with another one.

"● Genuine passports are issued with false information by means of bribes.

"● Several persons use the same passport one after the other.

"Especially when a passport has a valid Schengen visa, it is often sent back to Nigeria as soon as the first holder has arrived in Europe, so that as many people as possible can enter with the same visa. Depending on which method is used to get the passport and the visa, the cost is usually between US$ 500 and US$ 3,000. Since Nigerian passports tend to raise suspicion, false passports from West African countries are frequently used, e.g. from Benin, Ghana, Togo and Senegal … even those who do use their own passport with correct information may use falsified additional information in visa applications, for instance about work and income. The embassy staff at the European embassies in Abuja note that different forms of fraud to obtain a Schengen visa are very widespread (Norwegian Directorate of Immigration, 2004). However, the forgeries and the suspicion they create may also affect bona fide applicants who are then also unjustly suspected of submitting incorrect documentation." **[44] (p23)**

32.02 The British-Danish *2008 Fact-Finding Mission (FFM) Report,* dated October 2008, stated:

"The FFM delegation interviewed the Deputy Director for West Africa, UK Visas, British Deputy High Commission, Lagos, about documentation and forgery issues. He stated that corruption is endemic in Nigeria and the use of forged documents is widespread. Any printed official document can be forged. Genuine official documents such as birth, marriage, divorce, and death certificates, ID cards, driving licences and passports can be obtained from officials by bribery. Furthermore, information contained in genuine official documents is often false, inaccurate or cannot be relied upon. Documents that are submitted in support of UK visa applications have to be rigorously examined and checked.

"An Entry Clearance Officer (ECO), based at the British Deputy High Commission in Lagos, was also interviewed about documentation and forgery issues. (ECOs are officials who have the authority to issue visas). He reiterated the fact that corruption is endemic in Nigeria and that any kind of printed official document can be forged. He also stated that documents submitted in support of visa applications, as noted above, have to be rigorously examined and checked." **[20] (p46)**

32.03 The US State Department *Country Report on Human Rights Practices 2008*, Nigeria, released on 25 February 2009, noted that: "The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking … employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation." **[3a] (Section 5)**

See section on Trafficking

32.04 The Immigration and Refugee Board of Canada (CIRB) response to information request of 27 July 2010, *False documents available in Nigeria and from Nigeria*, noted:

"Information on false documents available in and from Nigeria was scarce among the sources consulted by the Research Directorate.

"Two sources consulted by the Research Directorate indicate that, following his research conducted on illegal immigration to Europe, a Radio France internationale (RFI) correspondent in Mali stated that Lagos, a major city in Nigeria, is a centre for false document manufacturing (*Jeune Afrique* 11 Feb. 2008; *Le Potentiel* 10 Sept. 2009). According to an article published in *Jeune Afrique* on 11 February 2008, the RFI Correspondent discovered that two [translation] 'factories that manufacture passports' in Lagos were behind the circulation of false passports, particularly Cameroonian and Malian passports.

"False documents in Nigeria have been reported by the media in the following specific instances: referring to the dismantling of a Nigerian prostitution ring in the French cities of Bordeaux, Limoges and Paris, a 24 October 2009 article published by *Le Nouvel Observateur*, a Parisian magazine, indicated that Nigerian prostitutes exploited by this ring had used [translation] 'false documents' to enter France. Another prostitution ring controlled by Nigerians and dismantled in the city of Trieste, Italy, also provided false documents to the Nigerian women it exploited (France24 21 Nov. 2008). According to a 4 January 2010 article published by Agence France-Presse (AFP), a Nigerian soccer player was allegedly arrested with two fake passports in the Netherlands." **[38j]**

32.05 The same CIRB response to information request continued:

"According to an article published by Interpol's National Central Bureau in Dakar, during operations conducted in 2008 in certain neighbourhoods of Dakar, police officers allegedly uncovered a network of Nigerians who produce false documents, such as [translation] 'fake refugee cards, fake money transfers and a fake letter from the head of the international promotion department at Microsoft, ensuring a potential victim … a gain of 25 million dollars American' for seeking assistance on the Internet in order to make fake transfers of funds (7 Aug. 2008). In addition, according to a 29 January 2009 article published by the Swiss magazine *l'Hebdo*, insurers cite Nigeria, among others, as a source country for fake receipts that are presented in order to obtain reimbursements.

"In a report on mass marketing fraud in Canada and in the United States (US) published in March 2008, the authors report that to achieve the trust of their victims, three members of a gang of Nigerian swindlers who were arrested in the Netherlands and extradited to the US during the course of an investigation on Internet fraud operating from the Netherlands, sent false documents to their potential victims, including [English version] 'a 'Letter of Authority' or a 'Certificate of Deposit'' (Canada/US Mar. 2008, 32)." **[38j]**

32.06 In a book by John Campbell (former US ambassador in Nigeria), published in 2011, *Nigeria: Dancing on the Brink*, he noted that "…many Nigerian immigrant and nonimmigrant visa applicants procure fraudulent documents to strengthen their case. Benin City is a center of the engraving industry, and practically any falsified document can be procured there, from birth certificates to diplomas." **[123] (page 122)**

See section on Corruption

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33. EXIT AND RETURN

33.01 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response, dated 16 August 2005, about exit and re-entry procedures for Nigerian nationals, and the maximum length of stay to which a foreign national would be entitled, and whether such an individual would be allowed to work in Nigeria. According to the research response, a minister from the Nigerian High Commission in Ottawa and the UNHCR [United Nations High Commissioner for Refugees] in Lagos both stated that there are no exit and re-entry regulations for Nigerian nationals wishing to leave and re-enter Nigeria. Nigerian nationals can leave and re-enter Nigeria freely and as many times as they wish. Individual Nigerian nationals returning to Nigeria who are wanted by the Nigerian authorities, however, will be arrested or detained. **[38b]**

See also Corruption and National Identity Cards

FAILED ASYLUM SEEKERS

33.02 The British-Danish *Fact-Finding Mission report*, published in October 2008, stated:

"The FFM delegation interviewed Jason Ivory, Head of the Visa Section at the British High Commission in Abuja, about the treatment of returned failed asylum seekers by the Nigerian authorities. He stated that it is not illegal for Nigerians to travel abroad and apply for asylum. Therefore, the Nigerian Immigration Service and the police would have no legal basis to detain and arrest a returned failed asylum seeker. Officials at the British High Commission in Abuja have regular contact with Nigerian NGOs and none of these NGOs have reported to them that returned failed asylum seekers have suffered human rights abuses. He was also not aware of any reports in the Nigerian media to indicate that returned failed asylum seekers have been ill-treated or suffered from any form of persecution from the Nigerian authorities.

"The Head of the Visa Section explained that Nigerian failed asylum seekers return back to Nigeria with temporary travel documents. These documents are checked by immigration officials and the person concerned is then interviewed. The purpose of the

interview is to verify the person's identity and nationality and to ascertain why the person arrived back in Nigeria with a temporary travel document. This is simply a formality and part of the standard procedures carried out by immigration officials. Once the immigration officials have verified the person's identity and nationality, he is then let through the immigration control section of the airport and is free to continue his journey." **[15] (p45)**

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34. EMPLOYMENT RIGHTS

34.01 The United States State Department *Country Report on Human Rights Practices 2010*, Nigeria, released on 8 April 2011 (USSD 2010 Human Rights Report) stated that:

"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; while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Under the Trade Unions Act, labor unions must be registered with the government and must have a minimum of 50 members. The law's intent was to prevent a proliferation of small unions.

"Workers, except members of the armed forces and employees designated under the Trade Union Act as essential public sector workers, may join trade unions. Essential workers included government employees in the police, prison service, the immigration and customs departments, the mint, and the Central Bank." **[3a] (Section 7a)**

34.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD *2010 Human Rights* report:

"Workers not defined as 'essential' had the right to strike, although they had to provide advance notice. Workers under collective bargaining agreements cannot participate in strikes unless their unions complied with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers can bring labor grievances to the judicial system for review; however, courts do not ensure due process in protecting workers' rights. Laws prohibit workers from forcing persons to join strikes, closing airports, or obstructing public by-ways, with violations subject to stiff fines and possible prison sentences. There were no known arrests during the year." **[3a] (Section 7a)**

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Annex A

CHRONOLOGY OF MAJOR EVENTS

(This information has been obtained largely from the BBC Timeline on Nigeria and Europa)

1914 The British dependencies of Northern and Southern Nigeria are merged into a single territory. **[1]**

1922 Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate. **[8d]**

1947 The UK introduces a new Nigerian constitution which establishes a federal system of government based in three regions. **[1]**

1954 The Federation of Nigeria becomes self-governing. **[1]**

1960 On 1 October, Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government. **[8d][17a]**

1963 On 1 October, a revised constitution is adopted and the country is renamed the Federal Republic of Nigeria but the country remains a part of the British Commonwealth. **[1]**

1964 In December, the first national House of Representatives election after independence is held. **[1]**

1966

January Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration. **[1]**

July Aguiyi-Ironsi is killed in a counter-coup, and is replaced by Lieutenant-Colonel Yakubu Gowon. **[1]**

1967

May Gowon institutes 12-state system, six in the north and six in the south. **[17a]**

July Three eastern states secede as the Republic of Biafra, which sparks off a civil war called the Biafran War. **[8d] [17a]**

1970

January Biafran leaders surrender. Former Biafran regions reintegrate into the country. **[8d] [17a]**

1975 Gowon is overthrown and flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja. **[8d]**

1976 Mohammed is assassinated in a coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution. **[8d]**

1979 Elections bring Alhaji Shehu Shagari to power. **[8d]**

1983	
August – September	Local government, state and federal elections take place. Shagari wins the presidential election and begins a second presidential term. **[1]**
December	Major-General Muhammad Buhari seizes power in bloodless coup. The government is replaced by a Supreme Military Council; the National Assembly is dissolved, and all political parties are banned. **[1]**
1985	In August, Ibrahim Babangida seizes power in a bloodless military coup and curtails political activity. **[8d]**
1989	
May	New constitution is promulgated. Babangida announces the end of the prohibition of political parties. **[1]**
1990	
April	A coup attempt led by Major Gideon Orkar is suppressed. Some 160 members of the armed forces are subsequently arrested. **[1]**
July	Following their conviction by a military tribunal on charges of conspiring to commit treason, 69 prisoners, including Orcar, are executed. **[1]**
1991	In December, the seat of the federal government is formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place. **[1]**
1992	
July	National Assembly elections take place. **[1]**
December	National assembly is formally convened. **[1]**
1993	
June	The military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola. **[1]**
November	Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha. **[1]**
1994	Chief Moshod Abiola is arrested after proclaiming himself president. **[8d]**
1995	
March	Olusegun Obasanjo and others are jailed for alleged coup plotting. **[17a]**
November	Ken Saro-Wiwa, writer and campaigner against oil industry damage to his Ogoni homeland, and eight other activists from the Movement for the Survival of the Ogoni People (MOSOP), are executed following a trial. In protest, the European Union imposes sanctions until 1998, and the British Commonwealth suspends Nigeria's Commonwealth membership until 1998. **[8d][17a]**
1998	Abacha dies and is succeeded by Major-General Abdulsalami Abubakar. **[8d]**
1999	
February	National legislative elections are held on 20 February. In those elections, the PDP wins 215 seats in the 360-member House of Representatives and 66 seats

	in the 109-member Senate. A presidential election is held on 27 February, which is won by Olusegun Obasanjo. [1]
May	Obasanjo is formally inaugurated as President of Nigeria on 29 May. A new constitution was formally promulgated on 5 May, and comes into force on 29 May. [1]
2000	Adoption of Shari'a law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims. [8d]
2001	In October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers. [8d]
2002	
February	Some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly Islamic north and ethnic Yorubas from the predominantly Christian south west. [8d]
March	An appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death. [8d]
October	The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. [8d]
November	More than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain. [8d]
2003	
12 April	First legislative elections since end of military rule in 1999. Polling marked by delays and allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority. [1]
19 April	First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 per cent of the vote. Opposition parties reject result. [1]
September	An Islamic appeals court in the northern state of Katsina acquits a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. [1]
2004	
April	Suspected coup attempt. President Olusegun Obasanjo's Government announce that some 20 army officials had been arrested following the discovery of a conspiracy to seize power, believed to be instigated by Major Hama al-Mustapha. [1]
May	Communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor is suspended. [9]
October	Major Hama al-Mustapha and three senior military officers, are charged in connection with a coup attempt that reportedly took place in March 2004. [1]
November	State of emergency lifted in Plateau State. The suspended state governor is reinstated. [1]

2006

February	More than 100 people are killed when inter-religious violence flares in mainly Muslim towns in northern Nigeria and in the southern city of Onitsha. **[8d]**
May	The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third presidential term in 2007. **[8d]**
August	Nigeria hands over the disputed Bakassi peninsula to Cameroon under the terms of a 2002 International Court of Justice ruling. **[8d]**
December	The National Population Commission publishes provisional results of the 2006 national census which indicates that the national population was 140 million. **[43a]**

2007

April	Gubernatorial, National Assembly and presidential elections take place. **[46]**
May	On 29 May 2007, Umaru Yar'Adua is formally inaugurated as President of the Federal Republic of Nigeria. The new President, in his inaugural address, declares that he will be a servant leader to the Nigerian people. He also makes many pledges, amongst these is to improve the standard of education and the country's infrastructure, and strengthen the rule of law. **[43c]**

2008

February	A tribunal upholds the 2007 presidential election results following a challenge by political rivals who wanted the vote annulled. President Yar'Adua remains president. **[8d]**
April	Two former health ministers and a daughter of former president Olusegun Obasanjo, as well as other government officials, are charged with embezzling around 470m Naira of government funds. **[8d]**
August	The Nigerian government formally hands over the Bakassi Peninsula territory to Cameroon, in accordance with an international court ruling, ending a long-standing dispute over the territory. **[8h]**
August	Iran agrees to share nuclear technology with Nigeria to help it increase its generation of electricity. **[8d]**
September	Up to 100,000 Nigerians from Bakassi become displaced and shelter in makeshift camps in the state of Akwa Ibom. The influx of the displaced people overwhelms Akwa Ibom's local authorities. **[21c]**
September	Militants in the Niger Delta step up their attacks on oil installations, in response to what they describe as unprovoked attacks by the military on their bases. **[8d]**
October	The government announces major budget cuts following steep falls in the price of oil. **[8d]**
November	At least 200 people are killed during clashes between Christians and Muslims in the central Nigerian town of Jos. **[8d]**
December	Nigeria's Supreme Court has rejected the final challenge to last year's election of President Umaru Yar'Adua. **[8i]**

2009

January	Islamic authorities in the northern Nigerian city of Kano informed organisers of a planned protest by divorced women to cancel the event. **[8j]**
January	The main militant group in Niger Delta, MEND, calls off four month cease-fire after army attacks camp of an allied group. **[8d]**
February	At least four people have been killed and 28 injured after clashes broke out in the Northern Nigerian city of Bauchi. Violence flared following an argument

	between Muslim and Christian communities. Churches, mosques and houses were set on fire. **[8k]**
March	Nigerian gay rights activists have told the country's lawmakers that a new bill to outlaw same sex marriage would lead to widespread human rights abuses. The new law would mean prison sentences for gay people who live together, and anyone who 'aids and abets' them. The plea by activists was made to a public committee of the National Assembly which is discussing the bill. **[8l]**
March	Nineteen opposition parties unite to form a 'mega-party' to compete against the governing People's Democratic Party in elections due in 2011. **[8d]**
May	Niger Delta militant group Mend rejects government offer of amnesty and declares "all-out war" on Nigerian military. **[8d]**
July	Hundreds die in northeastern Nigeria after the Boko Haram Islamist movement launches a campaign of violence in a bid to have Sharia law imposed on the entire country. Security forces storm Boko Haram's stronghold and kill the movement's leader. **[8d]**
August	Two-month offer of a government amnesty for Niger Delta militants comes into force. **[8d]**
October	Nigeria's main armed group in the oil-rich Delta region has announced a new, indefinite ceasefire. The Movement for the Emancipation of the Niger Delta (MEND) said it had been encouraged by the government's 'readiness to engage' in serious talks. **[8q]**
November	President Yar'Adua travels to Saudi Arabia to be treated for a heart condition. His extended absence triggers a constitutional crisis and leads to calls for him to step down.
2010	
January	At least 149 people are killed during two days of violence between Christian and Muslim gangs in the central city of Jos.
February	Parliament votes to transfer power to Vice-President Goodluck Jonathan until Mr Yar'Adua is able to resume presidency. Mr Yar'Adua returns to Nigeria but does not return to work.
March	More than 120 people are killed in clashes between Muslims and Christians in the flashpoint city of Jos. Acting president Goodluck Jonathan sacks entire cabinet in a bid to consolidate his grip on power.
April	Acting president Goodluck Jonathan swears in a new cabinet.
May	President Umaru Yar'Adua dies after a long illness. His vice-president, Goodluck Jonathan, already acting in Yar'Adua's stead, succeeds him. **[8d]**
September	Presidential elections set for 22 January 2011.
October	Nigeria marks 50 years of independence. Celebrations in Abuja marred by deadly bomb blasts.
November	Nigeria intercepts arms shipment from Iran, reports find to UN Security Council. Presidential elections scheduled for January 2011 pushed back until April.
December	Christmas Eve bomb attacks near central city of Jos kill more than 30 people. **[8d]**
2011	
March	Goodluck Jonathan wins presidential elections.
July	President Jonathan says he will ask parliament to amend the constitution so that presidents will serve a single, longer term in office. Government says it wants to start negotiating with the Boko Haram Islamist group blamed for a series of recent attacks across northern Nigeria.

178 The main text of this COI Report contains the most up to date publicly available information as at 15 December 2011. Further brief information on recent events and reports has been provided in the Latest News section to 3 January 2012.

August	Suicide bomb attack on UN headquarters in Abuja kills 23 people. Radical Islamist group Boko Haram claims responsibility. **[8d]**
November	At least 63 people are killed in bomb and gun attacks in north-eastern town of Damaturu. Boko Haram claims responsibility.
	President Jonathan sacks the head of Nigeria's anti-corruption agency, saying that the body has failed to get to grips with graft during her tenure.
December	Nearly 70 people are killed in days of fighting between security forces and Boko Haram militants in north-eastern states of Yobe and Borno.
	Christmas Day bomb attacks kill about 40 people. Boko Haram claims responsibility. **[8d]**

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Annex B

POLITICAL ORGANISATIONS

(This list consists mainly of registered political parties but also includes the names of other political organisations that have political objectives or are political in nature obtained largely from the Independent National Electoral Commission)

Accord [18]
Registered political party. National Chairman – Hon. Mohammad Lawal Malado

Action Alliance [18]
Registered political party. Based in Abuja. National Chairman – Senator Suleiman Salawu.

Action Congress [18]
Registered political party. Based in Abuja. National Chairman – Chief Adebisi Bamidele Akande

Action Party of Nigeria [18]
Registered political party. National Chairman – Alhaji Lateef Kayode Jakande

Advanced Congress of Democrats [18]
Registered political party. National Chairman – Yusuf Buba

African Democratic Congress [18]
Registered political party. National Chairman – Chief Ralph Okey Nwosu.

African Liberation Party [18]
Registered political party. National Chairman – Chief E.O. Okereke

African Political System [18]
Registered political party. National Chairman – Sir Lawrence Famakinde Adedoyin

African Renaissance Party [18]
Registered political party. Based in Abuja. National Chairman – Alh.Yahaya E. Ndu

All Nigeria's People's Party [18]
Registered political party. Based in Abuja. National Chairman – Chief Okey Nwosu

All Progressives Grand Alliance [18]
Registered political party. Based in Abuja.

Alliance for Democracy [18]
Registered political party. Based in Abuja.

Allied Congress Party of Nigeria [18]
Registered political party. National Chairman – Alhaji Moh Sanusi

Better Nigeria Progressive Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Iheanyichukwu G. Nnaji.

Change Advocacy Party [18]

Registered political party. Based in Abuja. National Chairman – Abah Lewis Elaigwu

Citizens Popular Party [18]
Registered political party. National Chairman – Barr. Maxi Okwu.

Community Party of Nigeria [18]
Registered political party. Based in Abuja. National Chairman - Alhaji Musa Bukar Sani.

Congress for Democratic Change [18]
Registered political party. National Chairman – Edozie Madu.

Congress for Progressive Change [18]
Registered political party. National Chairman – Senator Rufai Hanga

Democratic Alternative [18]
Registered political party. National Chairman – Dr. Abayomi Ferreira.

Democratic Front for People's Federation [18]
Registered political party. Based in Abuja. National Chairman – Prof. Wole Soyinka

Democratic People's Alliance [18]
Registered political party. National Chairman – Chief S.O. Falae.

Democratic People's Party [18]
Registered political party. Based in Abuja. National Chairman – General J.T. Useni (Rtd.)

Freedom Party of Nigeria
Registered political party. Based in Abuja. National Chairman – Frank Ohwopa

Fresh Democratic Party [18]
Registered political party. Based in Abuja. National Chairman – Rev. Chris Okotie.

Hope Democratic Party [18]
Registered political party. National Chairman – Chief Barr. Ambrose A. Owuru

Justice Party [18]
Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Kowa Party
Registered political party. Based in Abuja. National Chairman – Alh. Umar Mustapha

Labour Party [18]
Registered political party. Based in Abuja. Chairman – Barr. Dan Nwanyanwu.

Liberal Democratic Party [18]
Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria [18]
Registered political party. Chairman – Barr. Edreez Alibi

Mega Progressive Peoples Party [18]
Registered political party. Based in Abuja. National Chairman – Hon. Aderemi Banjo

Movement for Democracy and Justice [18]
Registered political party. Based in Abuja. National Chairman – Chief J.O. Osula.

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Registered political party. Based in Abuja. National Chairman – Alh. Mohammadu A. Gambo.

National Action Council [18]
Registered political party. Based in Abuja. National Chairman – Dr. Olapede Agoro.

National Conscience Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Osagie Obayuwana.

National Democratic Liberty Party [18]
Registered political party. Based in Abuja. National Chairman – Alh. Umaru Mohammed Maizabura

National Democratic Party [18]
Registered political party. National Chairman – Alh. Habu Fari.

National Majority Democratic Party [18]
Registered political party. National Chairman – Prince Solomon Akpona.

National Movement of Progressive Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. I U C Atiana

National Reformation Party [18]
Registered political party. Based in Abuja. National Chairman - Chief Anthony Enahoro.

National Solidarity Democratic Party [18]
Registered political party. National Chairman – Chief Udemba Chukwudolue

National Transformation Party [18]
Registered political party. Based in Abuja. National Chairman – Mok Emmanuel

National Unity Party [18]
Registered political party. National Chairman – Chief Perry C. Opara.

New Democrats [18]
Registered political party. Based in Abuja. National Chairman – Professor Isa Odidi.

New Nigeria People's Party [18]
Registered political party. National Chairman - Dr B.O. Aniebonam.

Nigeria Advance Party [18]
Registered political party. National Chairman – Dr. Olatunji Braithwaite

Nigeria Elements Progressive Party [18]
Registered political party. National Chairman – Amb. Y. Mamman.

Nigeria People's Congress [18]

Registered political party. Based in Abuja. National Chairman – Ngozi Emioma.

O'odua People's Congress (OPC) [1]
Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

People for Democratic Change [18]
Registered political party. Based in Abuja. National Chairman – Abdulrahman Mohammed

People's Democratic Party [1][18]
Registered political party. Based in Abuja. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election, and was re-elected as President at the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections.
The 2007 presidential election was won by the PDP's presidential candidate, Umaru Yar'Adua.

People's Mandate Party [18]
Registered political party. Based in Abuja. National Chairman – Prof. Edward Oparaoji.

Peoples Party of Nigeria [18]
Registered political party. Based in Abuja. National Chairman – Prince Abiodun Odusanya

People's Progressive Party [18]
Registered political party. National Chairman – Solomon Iyabosa Edebiri

People's Redemption Party [18]
Registered political party. Based in Abuja. National Chairman – Alh. Abdulkadir B. Musa.

People's Salvation Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Junaidu Mohammed.

Progressive Action Congress [18]
Registered political party. Based in Abuja. National Chairman – Chief Agadenyi Charles Nwodo.

Progressive Peoples' Alliance [1]
Registered political party. Based in Abuja. National Chairman – Clement Ebri.

Republican Party of Nigeria [18]
Registered political party. National Chairman – Shittu Mohammed.

Social Democratic Mega Party [18]
Registered political party.

United Democratic Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United National Party for Development [18]
Registered political party. Chief (Mrs) Ebiti Jegede

United Nigeria People's Party [18]
Registered political party. Based in Abuja. National Chairman – Mallam Selah Jambo.

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Annex C

PROMINENT PEOPLE

CIA *World Factbook*, *World Leaders*, as at November 2011

President	Goodluck JONATHAN
Vice President	Namadi SAMBO
Minister of Agriculture	Ahmed ABDULLAH
Minister of Aviation	Stella ODUAH-OGIEMWONYI
Minister of Communication Technology	Omobola Johnson OLUBUSOLA
Minister of Culture & Tourism	Edem DUKE
Minister of Defense	Bello MOHAMMED
Minister of Education	Raqayyatu Ahmed RUFAI
Minister of Environment	Hadiza Ibrahim MAILAFA
Minister of the Federal Capital Territory	Bala MOHAMMED
Minister of Finance	Ngozi OKONJO-IWEALA
Minister of Foreign Affairs	Olugbenga ASHIRU
Minister of Health	Onyebuchi CHUKWU
Minister of Information & Communications	Labaran Maku
Minister of Interior	Abba MORO
Minister of Justice	Mohammed Bello ADOKE
Minister of the Niger Delta Affairs	Peter Godsday ORUBEBE
Minister of Police Affairs	Caleb OLUBOLADE
Minister of Women's Affairs	Zainab MAINA

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PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

Abacha, General Sani **[1]**
Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

Abubakar, Abdusalam **[1]**
He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

Aguiyi-Ironsi, General Johnson [1]
He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

Asari, Alhaji Dokubo [22d]
Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

Babangida, Ibrahim [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Balewa, Abubakar Tafawa [1]
He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Buhari, Muhammadu
He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 presidential election, and came seve Party **[18]** Re.19 per cent of the votes. **[1]**. He was a presidential candidate in the April 2007 presidential election and gained second place with 19 per cent of the votes cast. **[46]**

Gowon, General Yakubu [1]
He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Jonathan, Goodluck [8u]
He was sworn in as president in May 2010 following the death of Umaru Yar'Adua, having been acting president since November 2009. He won the presidential election in April 2011. Born in 1957 in the oil-rich Niger Delta region, he is a Christian from the Ijaw ethnic group.

Obasanjo, Olusegun [1] [8d]
Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. **[8d]**. Obasanjo won the 1999 presidential election, and took office on 29 May 1999. He was subsequently re-elected as president in the 2003 presidential election and was president for a further four years. **[1]**

Odumegwu, Ojukwu Chukwuemeka [1]
He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 presidential election, and came third, winning 3.29 per cent of the votes.

Okah, Henry [8p]
He is a senior militant (alleged to be the leader) in the armed group, the Movement for the Emancipation of the Niger Delta (MEND).

Oshiomhole, Adams [3a]
Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Saro-Wiwa, Ken [1]
He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). He was arrested in May 1994 in connection with the murder of four Ogoni chiefs. In November 1995, he was executed along with eight other MOSOP members.

Shagari, Alhaji Shehu [1]
He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major- General Muhammad Buhari.

Tom, Ateke [22d]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger Delta region.

Yar'Adua, Umaru Musa [8g]
He was the PDP candidate in the April 2007 presidential election, which he won, becoming Nigeria's new President in May 2007. He died in May 2010 after a long illness. **[8u]**

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex E

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