Home Office
UK Border Agency

NIGERIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

14 June 2013

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This country of origin information (COI) report has been produced by the COI Service, Home Office, 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 1 February 2013. The report was issued on 14 June 2013.**

ii The report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office 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 report reflects the way it is used by Home Office 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 information sources. In compiling the report, no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service 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 Home Office 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 COI Service upon request.

ix COI reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. Home Office officials also have access to an information request service for specific enquiries.

x In producing this COI report, COI Service has sought to provide an accurate, up-to-date and balanced of extracts of the available source material. Any comments regarding this report or suggestions for additional source material are very welcome and should be submitted to the Home Officeas below.

Country of Origin Information Service
Home Office
Lunar House
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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 Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI Reports and other COI 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 Home Office 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 Homw Office 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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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 G – 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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Background Information

1. GEOGRAPHY

1.01 The Foreign and Commonwealth Office (FCO) Country Profile, last reviewed 21 May 2012, 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 US State Department (USSD) Background Note on Nigeria, last updated 20 November 2012, 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 Library of Congress Country Profile of Nigeria of July 2008 noted that:

'Nigeria is divided administratively into the Federal Capital Territory (Abuja) [also commonly referred to as FCT] 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]**

LANGUAGES, ETHNICITY AND RELIGION

1.04 The Library of Congress Country Profile of Nigeria, dated July 2008, noted that: 'the official language [of Nigeria] is English. Other widely used languages are Edo, Efik, Fulani, Adamawa Fulfulde, Hausa, Idoma, Igbo (Ibo), Central Kanuri, Yoniba, and Yoruba.' **[58]** The CIA World Factbook, Nigeria, updated regularly, similarly listed English as the official language spoken, with other languages including Hausa, Yoruba, Ibgo (Ibo) and Fulani. The source further observed that there were over 500 additional indigenous languages in Nigeria. **[52]**

1.05 The CIA World Factbook, Nigeria, updated regularly, noted that 'Nigeria…is composed of more than 250 ethnic groups; the following are 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%.' **[52]**

1.06 The Library of Congress Country Profile of Nigeria of July 2008 noted that: 'Muslims constitute the majority in the north and Christians the majority in the south. The remaining 10 percent of the population adheres to indigenous beliefs…' **[58]** The CIA World Factbook, Nigeria, regularly updated, noted the religious demography of Nigeria to comprise 50 per cent Muslim; 40 per cent Christian and 10 per cent indigenous beliefs. **[52]**

POPULATION

1.07 A report dated 25 November 2011 from the National Population Commission of Nigeria noted the population of the country as at 31 October 2011 had reached 167 million. **[11]** The CIA World Factbook, last updated January 2013, provided an estimated population of the country (as of July 2012) of 170,123,749. **[52]**

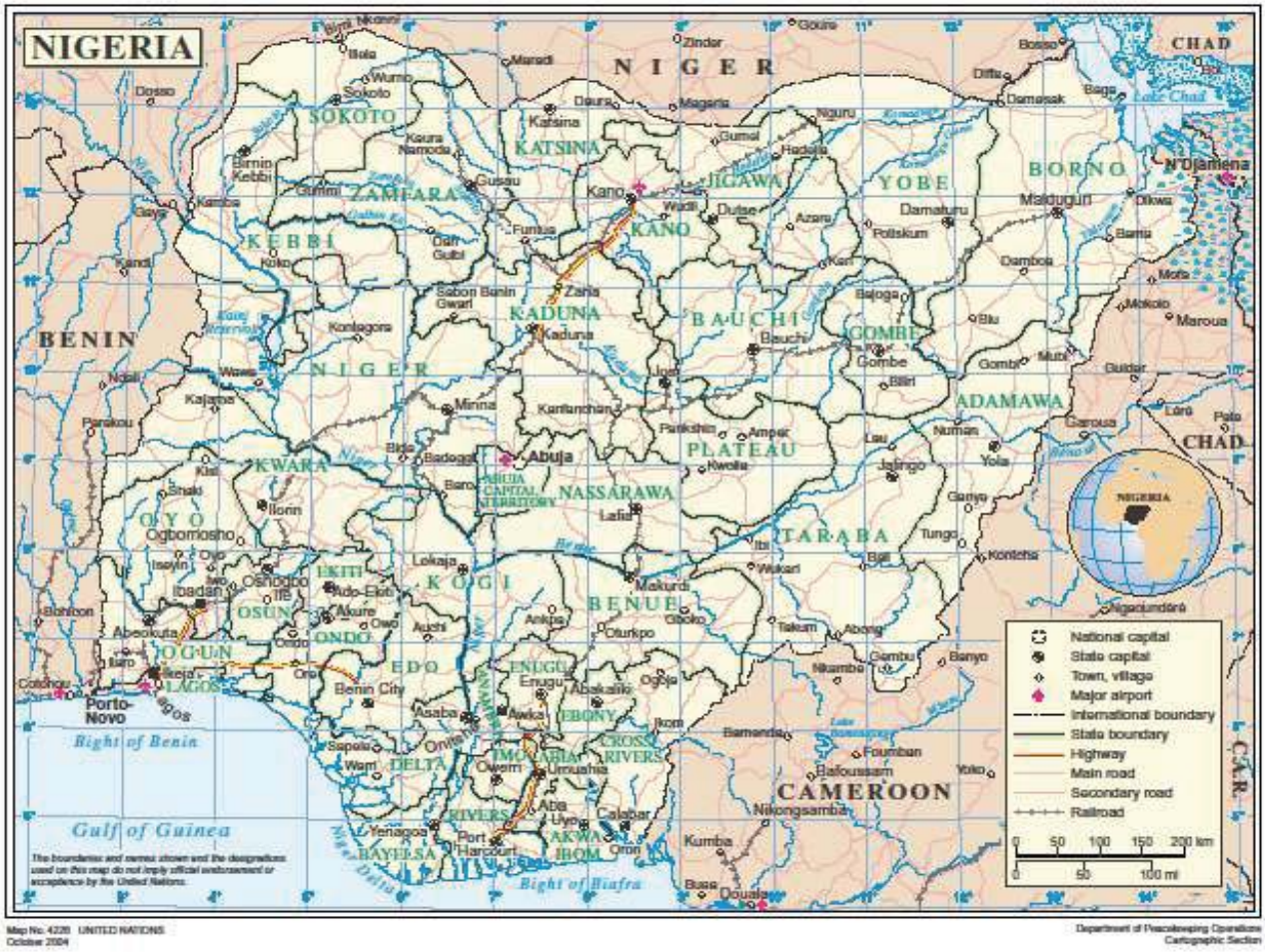
PUBLIC HOLIDAYS

1.08 Europa World, accessed 24 January 2013, noted the following public holidays in Nigeria in 2013: '1 January (New Year's Day); 23 January* (Mouloud, Birth of the Prophet); 29 March–1 April (Easter); 7 August* (Id al-Fitr, end of Ramadan); 1 October (National Day); 14 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

1.09 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 2012, noted:

'Nigeria's economic growth has averaged about 7.4% annually over the past decade and remained robust in 2011 at 6.9%, driven by the non-oil sector, particularly telecommunications, construction, wholesale and retail trade, hotel and restaurant services, manufacturing and agriculture..The inflation rate fell from 13.7% in 2010 to 10.2% in 2011 following monetary policy tightening and the easing of food prices.

'…The economic growth has not cut poverty nor created necessary jobs. About two thirds of the population lives on less than 1 US dollar (USD) per day and the unemployment rate in 2011 was 23.9%, up from 21.1% in 2010. Unemployment in the 15-24 age group was 37.7%, and for 25-44 years, 22.4%. The government has introduced youth job creation initiatives. A major challenge for the economy is the dilapidated state of infrastructure and the over-dependence on the oil and gas industry. These are on the government's priority list. The authorities are trying to get the private sector involved in infrastructure development and to develop the non-oil sector.

'The results of the African Development Bank's 2011 Country Policy and Institutional Assessment show that Nigeria has undertaken important reforms particularly in public financial management to improve efficiency in resource allocation and project and programme implementation. Corruption, however, is widespread. The government has made concerted efforts to fight corruption, especially through the Economic and Financial Crimes Commission and Independent Corruption Practices and Other Related Offences Commission.' **[4]**

See section on Corruption

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 Foreign and Commonwealth Office (FCO) Country Profile, last reviewed 21 May 2012, noted:

'Despite Nigeria's oil wealth, Nigeria's GDP per capita is low and unemployment is at approximately 24%. Few Nigerians, including those in oil-producing areas, have benefited from the oil wealth. Social indicators in Nigeria are also low: Nigeria has 10% of the world's children out of school, and accounts for 10% of child and maternal deaths and 25% of global malarial cases. The trade in stolen oil, alongside poor governance, has fuelled violence and corruption…The World Bank ranks Nigeria 133 out of 183 countries on the 2011 ease of doing business report.' **[2b]**

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)** However an article dated 31 October 2011 in Leadership (Abuja), (accessed via AllAfrica.com), entitled 'Jonathan Owes Aides Six Months Salaries', indicated the minimum wage was not being fully implemented in practice across government departments. **[79d]**

2.05 The XE Currency Converter website, accessed in December 2012, noted that £1 was equivalent to 247.361 Nigerian nairas and US$1 to 157.008 nairas. **[101]**

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3. HISTORY AND RECENT DEVELOPMENTS (1960 – 2012)

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.

POLITICAL HISTORY

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)

3.02 The Foreign and Commonwealth Office (FCO) Nigeria Country Profile, last reviewed 21 May 2012, stated:

'Nigeria was a British colonial creation. It came into being in January 1914 with the amalgamation of the Colony of Lagos (first annexed in 1861), the Southern Protectorates (established 1885 - 1894) and the Northern Protectorate (pacified by 1903). Hitherto, the British had administered them as separate but related territories. Local involvement in government was introduced as early as 1922 when southern politicians, from Lagos and Calabar, took seats in the central legislative assembly. Their northern counterparts did not have legislative experience until 1947 when a new constitution introduced the principle of regional representation. The 1954 constitution created fully-fledged regional governments, and federal elections were held in 1959 the year before independence.

'Nigeria 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. The independence constitution provided for a federation of three autonomous regions - Northern, Western and Eastern - each with wide-ranging powers, its own constitution, public service, and marketing boards. The overarching but weaker federal government had powers limited to national issues, including control of the police and army, and economic planning.' **[2b]**

Military rule (1960 – 1999)

3.03 Freedom House in its 'Freedom in the World Report 2012', Nigeria, published January 2012, noted:

'The armed forces ruled Nigeria for much of the period after independence from Great Britain in 1960. Beginning with the first coup in January 1966, military officers consistently claimed that only they could manage a diverse Nigerian polity beset by 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. 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.' **[30b](overview)**

Transition to civilian rule and the government of Goodluck Jonathan (1999 – 2011)

3.04 The section on Internal Affairs within Jane's Sentinel Country Risk Assessment, Nigeria, updated 22 November 2012, 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…' **[42b]**

[A May 1998 Federation of American Scientists (FAS) document noted 'The main decisionmaking organ of the Nigerian government is the exclusively military Provisional Ruling Council (PRC), which rules by decree. The PRC oversees the 33-member Federal Executive Council composed of military officers and civilians.' http://www.fas.org/irp/world/nigeria/prc.htm]

3.05 The Freedom House in its 'Freedom in the World Report 2012', Nigeria, published January 2012, noted:

'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. While hailed throughout the international community for bringing an end to almost two decades of military dictatorship, the 1999 elections featured numerous instances of voter intimidation and fraud. … Obasanjo's reelection in 2003 also featured widespread irregularities. 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 People's Party (ANPP), filed a petition to nullify the election results. However, the Supreme Court in 2005 unanimously rejected the challenge.' **[30b](overview)**

3.06 The same Freedom House report added:

'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 and Obasanjo's handpicked successor, 70 percent of the presidential ballots. In the parliamentary vote, the PDP won 85 of 109 Senate seats and 262 of 360 seats in the House of Representatives. The PDP also captured 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 upheld Yar'Adua's victory.

'In November 2009, an 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 died in May [2010], allowing Jonathan to formally assume the presidency. In September, Jonathan replaced leaders within the security forces and appointed the widely respected Attahiru Jega to head the

Independent National Electoral Commission (INEC). Although presidential, gubernatorial, and legislative elections were initially scheduled for January 2011, INEC faced significant difficulties in creating an accurate and valid registry of the approximately 70 million eligible voters, and in November 2010, the polls were postponed until April.

'Jonathan's decision to run in the 2011 presidential election challenged an informal power-sharing arrangement between the north and south initiated by the PDP in 1999. Under the agreement—which called for the presidency to alternate between a northerner and a southerner—the next presidential nominee should have originated from the north, since Yar'Adua, a northerner, did not finish his term. Despite northern opposition, Jonathan succeeded in winning the PDP nomination in January 2011 through an alleged combination of bribery and extravagant political promises.

'Jonathan was declared the winner of the April 16 presidential contest, defeating Buhari, the Congress for Progressive Change (CPC) candidate, 58.9 percent to 32 percent. The vote divided the country along ethnic and sectarian lines, with Buhari winning the northern states and Jonathan taking the south. Protests by Buhari's supporters in parts of 12 northern and so-called Middle Belt states led to sectarian riots and retaliatory killings that resulted in over 800 deaths and forced some 65,000 people to flee their homes.

'PDP candidates won a reduced majority of legislative seats in voting April 9 and 26. In the House of Representatives, the PDP claimed 202 of 360 seats, while the Action Congress of Nigeria (ACN) won 66, the CPC, 35, and the ANPP, 25. In the Senate, the PDP lost its two-thirds majority, winning 71 of 109 seats; the ACN took 18 seats, and the CPC and ANPP took 7 each. The PDP captured 18 of the 26 contested governorships. Despite the election-related violence and high number of dubious official results, most observers deemed 2011's elections an improvement from those in 2007, citing the existence of more orderly polling stations and competent INEC personnel.' **[30b] (overview)**

3.07 A book entitled 'Turning Points in African Democracy' by Raufu Mustapha and Lindsay Whitfield (published in 2010) noted that:

'…Nigerian democratisation remains fraught with disputes over fundamental issues and mired in undemocratic methods of contestation. Despite the efforts of the judiciary since 2006, the rules of the game are neither clear nor are they generally accepted. Nigeria therefore represents a process of democratisation in which struggles over fundamental issues continue to generate, rather than resolve, uncertainty…Democratisation in Nigeria has…been influenced by four major factors: competing ethno-regionalsim; many years of military authoritarianism; the prominence of oil rents in state revenue and economic crises which became manifest from the early 1980s.' **[148](pages 71 and 72)**

BOKO HARAM: THE ISLAMIST THREAT

3.08 A BBC article entitled 'Who are Nigeria's Boko Haram Islamists?' dated 11 January 2012 explained:

'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.

'…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…Many Muslim families still refuse to send their children to government-run "Western schools" …' **[8e]**

3.09 Freedom House in its 'Freedom in the World Report 2012', Nigeria, published January 2012, noted:

'The year 2011 also saw a rise in activity by the radical Islamist movement Boko Haram, based in northeastern Borno State, with at least 550 people killed in 115 attacks, according to Human Rights Watch (HRW). In August, Boko Haram claimed responsibility for a suicide car bombing that killed 24 people at the United Nations' local headquarters in Abuja. In December, a Christmas Day attack on a Catholic church killed 40 people in Niger State. These attacks—along with more frequent, smaller attacks in Borno and other northern states, mainly on government personnel—drew a harsh response from the security forces, reportedly including random killings and arrests, intimidation, and arbitrary and illegal detentions.' **[30b]**

3.10 The Heidelberg Institute for International Conflict Research, 'Conflict Barometer 2012', undated circa 2013, listed the government's conflict with Boko Haram, which began in 2003 as unchanged for the year 2012. The conflict was classified as having an intensity level of 5 **[203](p.32)** which is defined as 'war'. **[203](p.33, footnote 4)**

For further information on Boko Haram see Security situation and Non-state armed groups. Additionally see Annex E: Boko Haram: Timeline of events

OTHER DEVELOPMENTS

Fuel protests and the 'Occupy Nigeria' movement

3.11 The Occupy Nigeria movement website (undated, accessed 21 December 2012) noted its origins from 'a series of protests that began in Nigeria on Monday, 2 January 2012 in response to the fuel subsidy removal by the Federal Government of President Goodluck Jonathan in Nigeria on Sunday, 1 January 2012.' **[199]** A CNN report of 13 January 2012, 'What is behind Nigeria fuel protests?', observed:

'Nigeria, Africa's largest oil producer, ended oil subsidies on New Year's Day that had kept gasoline prices artificially low. The cost of a liter of gasoline shot up from 65 naira (40 cents) to at least 141 naira (86 cents) virtually overnight. Furious Nigerians have since taken to the streets, staging 'Occupy Nigeria' protests and mass demonstrations across the country. Police have responded forcefully with many arrests. At least one person has died amid the unrest.

'…The government is attempting to deregulate the oil sector in the country and believes subsidizing consumption of oil is a drain on public finances that will prove unsustainable in the long term. Many argue that the only people the subsidy benefited were fuel importers. The government says the move will save the Treasury more than 1 trillion naira ($6.13 billion) in 2012. Reuben Abati, spokesman for President Goodluck Jonathan, told CNN the money saved from removing the subsidy will help to improve public amenities and build much-needed infrastructure in a country with poor roads, lack of power and non-functioning refineries.

'Nigeria produces around 2.4 million barrels of crude oil a day but imports roughly 70% of its gasoline from countries as far afield as the United Kingdom and Venezuela, because its own refineries are inoperative after years of corruption-fueled neglect. … Nigerians are angry because they believe the government has introduced the plan without any regard to how it will affect the cost of living in the country. They say they are already experiencing undue hardship as a result of the move, which they say has already affected the cost of transport, food, medicine, rent and school fees…Many Nigerians see the subsidy, which gives them the cheapest gas price in the region, as the only benefit of being an oil producing country. Most live in grinding poverty and on less than $2 a day. There is little infrastructure, high unemployment and only intermittent electric power. Nigerians routinely have to buy generators to provide power and supporters of the subsidies say some may be left in the dark because they simply cannot afford fuel costs.' **[200]**

3.12 A BBC article of 16 January 2012, 'Nigeria subsidy protest: Strike suspended', further explained: 'Nigeria's unions have suspended their strike after the president agreed to cut the cost of petrol following a week of protests. The strike was called after prices doubled when President Goodluck Jonathan removed a fuel subsidy on 1 January [2012]. Earlier on Monday, he announced that he would restore part of this subsidy.' **[8t]**

3.13 A further BBC article of 24 April 2012, 'Nigeria fuel subsidy report reveals $6bn fraud', noted:

'Nigeria's parliament has discussed a report said to reveal that $6bn (£4bn) has been defrauded from the fuel subsidy fund in the past two years.

'…The 205-page parliamentary report uncovers a long list of alleged wrongdoings involving oil retailers, Nigeria's Oil Management Company and the state Nigeria National Petroleum Corporation. According to the leaks, a total of 15 fuel importers collected more than $300m two years ago without importing any fuel, while more than 100 oil marketers collected the same amount of money on several occasions. The leaked report also says that officials in the government of President Goodluck Jonathan were among those who benefited from the subsidy fund. Many of the people named in the document have denied any involvement in fraud, with some taking out full-page adverts proclaiming their innocence in local newspapers.

'The BBC's Bashir Sa'ad Abdullahi in Abuja says at least some of the findings are likely to be adopted by Nigeria's lawmakers because of the huge public anger over the attempt to withdraw the subsidy.

'Many Nigerians were livid when they were told by their government that the fuel subsidy was economically unsustainable - only to now find out the scale of fraud in the operation of the fund, our correspondent says. Despite being a major oil producer, Nigeria has not invested in the infrastructure needed to produce refined fuel, so has to

import much of its petrol. The annual $8bn subsidy means prices are lower than in neighbouring countries - and correspondents say many Nigerians see cheap fuel as the only benefit they get from their country's oil wealth, much of which is pocketed by corrupt officials.' **[8v]**

3.14 A Channelstv.com article of 16 November 2012, 'Fuel subsidy must be scrapped for refineries to work-study', additionally updated:

'The Federal Government will struggle to attract the investment it needs to get its refineries working unless it scraps a fuel subsidy that keeps domestic gasoline prices artificially low, a government commissioned report seen by Reuters … said. The Minister of Petroleum Resources, Diezani Alison-Madueke ordered the report earlier this year in a bid to find solutions to fix Nigeria's three refineries, which operate at only 20 percent capacity.

' …It was presented to President Goodluck Jonathan [in November] but never published. President Jonathan attempted to remove the popular fuel import subsidy in January, but a week of strikes and protests forced him to partially reinstate them. Many Nigerians see cheap fuel as the only benefit they get from living in an oil rich state.' **[188b]**

Constitutional amendments

3.15 The section on Internal Affairs within Jane's Sentinel Country Risk Assessment, Nigeria, updated 22 November 2012, stated:

'In July 2011, newly elected President Goodluck Jonathan proposed tabling a constitutional amendment to parliament, which would seek to change the presidential term limit from two four-year terms to a single extended term, the proposed length of which was unknown at the time of writing. He was also proposing a single term for the governors of Nigeria's 36 states. A statement released by his special adviser to the media, Dr Reuben Abati, on 26 July, stated: "The proposed amendment bill is necessary to consolidate our democracy and allow elected executives to concentrate on governance and service delivery for their full term, instead of running governments with re-election as their primary focus." It also added that the amendment would only take effect from the next elections in 2015 and stated: "This clarification has become necessary in the light of certain reports in a section of the media that the proposed bill is meant to elongate President Goodluck Jonathan's tenure. Nothing can be more untrue."' **[42b]**

3.16 A Sahara Reporters article of 27 July 2012, 'Northern Governors Oppose Single Term For President And Governors, State Police', noted:

'Northern Governors are standing by the constitutional provision of two terms of four years for the President and Governors, as opposed to the idea of a single term of either five, six or seven years…President Goodluck Jonathan and members of the Senate have been pushing for a single term for both the President and the Governors. While Jonathan wants a single term of seven years, the Senate is recommending five years. … Our correspondent gathered that the [northern] governors believed that the next President will come from their region and that it would be unhelpful for them to endorse a single term, believing that it could boomerang.' **[108b]**

Dispute with Cameroon over the Bakassi peninsula

3.17 An Open Society Foundation (OSF) report of 11 October 2012, 'Nigeria and Cameroon Must Step Away from Confrontation', stated:

'Nigeria took a significant step earlier this month towards resolving its long-running dispute with neighboring Cameroon over the oil-rich Bakassi peninsula, when it stated publicly that it will indeed honor a 2002 ruling that awarded the territory to Cameroon. But the risks over this issue remain; the leaders of both countries must now take urgent steps to avoid a chain of events that could lead to renewed military confrontation. Reflecting a new tone of narrow nationalism on the issue, Nigeria's media has mostly treated the government's position on the 2002 ruling from the International Court of Justice (ICJ) as a form of capitulation.

'…On October 2, a group known as the Free Bakassi Association initiated legal proceedings before Nigeria's Federal High Court in Abuja to compel the government to resume full control of the peninsula. In early August 2012, a group calling itself the Bakassi Self-Determination Front announced that it had established a pirate radio station and a flag for an autonomous territory of Bakassi, threatening major disruption in the area and to its life with the rest of Nigeria.

'These developments inspired a vociferous coalition of Nigeria's civic and political leaders, including notable voices in both chambers of Nigeria's parliament and the Nobel laureate, Wole Soyinka. Together, they launched a campaign to unilaterally nullify the ICJ judgment and reclaim Bakassi, even at the risk, of triggering a needless new war between Nigeria and Cameroon. In a nod to this campaign, Nigeria's President Goodluck Jonathan announced on October 4 [,2012] a review of the country's options with respect to Bakassi. The Nigerian media widely interpreted this to mean that Nigeria would seek a review of the ICJ judgment—a highly improbable event. On October 8, the Nigerian government finally put an end to this speculation, stressing that "an application for a review is virtually bound to fail" and that "a failed application will be diplomatically damaging to Nigeria."

'But the real news in the Nigerian announcement of October 8 was a little-noticed line in which the government promised "to explore all avenues necessary to protect their interests including but not limited to negotiations aimed at buying back the territory, if feasible."' **[120c]**

3.18 The same OSF report continued:

'On the 10th anniversary of the judgment by the ICJ, such calculated implausibility casts a long shadow over one of Africa's least known citizenship crises, with thousands already rendered stateless as a result of this dispute. It also threatens to unleash what would be a protracted conflict, with subsequent internal displacement and refugee crises.

'It is not as if the West African region is in short supply of tension. The violence in north-eastern Nigeria has already brought relations between the two countries to an exceptionally low level. Unless both countries wake up to the human tragedy unfolding in Bakassi, amid growing maritime piracy and militia threats, the area could become the site of Africa's next inter-state war. Both countries have had a decade to prepare for compliance with the ICJ judgment. With no regard for interests of the people of the peninsula or the niceties of international law and diplomacy, those seeking to "re-occupy" Bakassi espouse a dubious but evangelical belief in Nigeria's exclusive

territorial and proprietary interests in the peninsula. They seem oblivious to the fact that some on the Cameroonian side feel equally strongly.

'It bears recalling that 10 years ago, on October 10, 2002, the International Court of Justice (ICJ) decided in favor of Cameroon in its dispute with Nigeria over control of the oil-rich Bakassi peninsula. Following the judgment, Nigeria and Cameroon reached an agreement in June 2006, known as the Greentree Agreement, on the implementation of the ICJ ruling. Subsequently, Nigeria lowered its flag, withdrew its troops and evacuated its personnel from Bakassi. Under the schedule agreed by both countries, the final transfer of sovereignty to Cameroon should take place in August 2013.' **[120c]**

3.19 The same OSF report added:

'The judgment of the ICJ required the adjustment of territory between Cameroon and Nigeria along a border about 2,000 km in length, stretching from the Atlantic coast in the south to the Lake Chad Basin in the north. A joint commission facilitated by the United Nations and comprising senior officials of both countries has worked for the past decade to adjust boundaries in the affected border areas. By the end of August 2012, about 1,798 km of the border had determined, with both countries gaining and losing territories in this process.

'In addition to this, the mandate of the commission also extends to the demilitarization of the peninsula, protection of the rights of the population, and identification of projects to ensure their wellbeing, including "joint ventures between the two countries and cross-border cooperation." It is on this last point that both Nigeria and Cameroon, and the nationalists on both sides, have failed the people of Bakassi. Neither country has disguised the fact that its design was over the territory and resources of the area. There has been no effort to address the community's huge and overwhelming citizenship, human rights, and development crises.

'Despite its rich endowments in natural resources, Bakassi is a desperate place. It has no significant economic life, few schools and abysmal skills. With its economic ties to Nigeria severed, it will require decades to achieve any meaningful integration into Cameroon.

'The majority of Bakassi inhabitants are Nigerian nationals. When the full transfer of sovereignty to Cameroon scheduled to take place in 2013 happens, the people of Bakassi will be faced with a choice as to their nationality, since Cameroon does not permit dual nationality. Those who choose to remain Nigerians will become aliens on their own land. Although the Greentree Agreement promises to respect their rights to citizenship and residence, there is no obligation on Cameroon to grant residency permits to anyone. As a fact, Cameroon is currently not issuing any identification or citizenship documents in Bakassi. It could also choose to impose impossible conditions for doing so.

'This impermissible state of affairs could be addressed through a citizenship and residency rights protocol to the Greentree Agreement. Such a protocol would clearly state the entitlements of the people of Bakassi and govern the obligations of both Nigeria and Cameroon past the handover date in 2013. Absent such a supplement to the Greentree Agreement, a further deterioration in relations between Cameroon and Nigeria towards active hostilities cannot be ruled out. This is eminently foreseeable. It is also avoidable.' **[120c]**

3.20 A UN News Centre report of 14 December 2012, 'At UN-backed meeting, Cameroon and Nigeria agree to expedite demarcation process', noted that 'Representatives from Cameroon and Nigeria ended today a meeting over the demarcation of the boundary between the two countries with a reaffirmation of their willingness to expedite the process in relation to the land-based areas which remain to be identified, according to the United Nations Office for West Africa (UNOWA).' **[201]**

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

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4. CONSTITUTION

4.01 Europa World online, undated, accessed on 24 January 2013, 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]**

4.02 The section on Internal Affairs within Jane's Sentinel Country Risk Assessment, Nigeria updated 28 July 2011, stated: 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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5. POLITICAL SYSTEM

5.01 The Central Intelligence Agency (CIA) World Factbook, updated January 2013, noted that the chief of state is 'President Goodluck Jonathan (since 5 May 2010, acting since 9 February 2010)'…of 'the Peoples Democratic Party or PDP. The president [is] elected by popular vote for a four-year term (eligible for a second term); election last held on 16 April 2011 (next to be held in April 2015).' **[52]**

5.02 Europa World, accessed on 24 January 2013, 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)**

5.03 The Library of Congress' (LoC) Country 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]**

5.04 The same LoC Country 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]**

5.05 The CIA World Factbook, updated in January 2013, 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 and section political affiliation.

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Human Rights

6. INTRODUCTION

6.01 The Economist Intelligence Unit's (EIU) 2011 democracy index ranked Nigeria 119th out of a list numbering 167 countries, a slight improvement in comparison with the 2010 and 2008 indexes. This places Nigeria among the countries considered 'authoritarian', the most common category in Sub-Saharan Africa. Nigeria's overall score has improved since 2008 and 2010. **[207]** The source further explained with regard to methodology:

'The index provides a snapshot of the state of democracy worldwide for 165 independent states and two territories—this covers almost the entire population of the world and the vast majority of the world's independent states (micro states are excluded). The overall Democracy index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Countries are placed within one of four types of regimes: full democracies; flawed democracies; hybrid regimes; and authoritarian regimes.' **[207]**

6.02 According to the EIU 2011 Democracy Index, Nigeria received the following ratings for the period 2008 to 2011:

'**Democracy index** (for Nigeria)

	'Regime type	Overall score	Overall rank
'2011	Authoritarian	3.83 out of 10	119 out of 167
2010	Authoritarian	3.47 out of 10	123 out of 167
2008	Authoritarian	3.53 out of 10	124 out of 167' **[207]**

6.03 Against the composite indices which made up the democracy index score, Nigeria scored the following (on a scale of 0 to 10, with 0 being poor and 10 good):

Electoral process	5.67
Functioning of government	3.21
Political participation	3.33
Political culture	3.13
Civil liberties	3.82' **[207]**

6.04 The EIU's'Democracy index 2011: Democracy under stress', a white paper containing the full index and detailed methodology, can be downloaded from: http://www.sida.se/Global/About%20Sida/S%c3%a5%20arbetar%20vi/EIU_Democracy_Index_Dec2011.pdf

6.05 The Fund for Peace published the 2012 Failed States Index (FSI) on 13 July 2012. According to the Fund for Peace website the index applied the following methodology:

'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.' **[107a]**

6.06 Based on the above, the FSI 2012 placed Nigeria fourteenth out of 177 countries, with a score of 101.1. (Somalia was first with a score of 114.9 and Finland the lowest score of 20.0). **[107a]** For further details see the index at http://www.fundforpeace.org/global/library/cfsir1210-failedstatesindex2012-06p.pdf

6.07 The US State Department (USSD) Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012 (USSD 2011 Report), noted:

'The most serious human rights problems during the year were the abuses committed by the militant sect known as Boko Haram, which was responsible for killings, bombings, and other attacks throughout the country, resulting in numerous deaths, injuries, and the widespread destruction of property; abuses committed by the security services with impunity, including killings, beatings, arbitrary detention, and destruction of property; and societal violence, including ethnic, regional, and religious violence.

'Other serious human rights problems included sporadic abridgement of citizens' right to change their government, due to some election fraud and other irregularities; politically motivated and extrajudicial killings by security forces, including summary executions; security force 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; infringements on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption; violence and discrimination against women; child abuse; female genital mutilation (FGM); the killing of children suspected of witchcraft; child sexual exploitation; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; vigilante killings; forced and bonded labor; and child labor.

'Impunity was widespread at all levels of government. The government brought few persons to justice for abuses and corruption. Police generally operated with impunity. Authorities did not investigate the majority of cases of police abuse or punish perpetrators. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody.

'The militant sect known as Boko Haram perpetrated killings and bomb attacks throughout the country. The sect continued to mount regular assaults and bombings in Borno and Bauchi states. The sect claimed responsibility for the January 1 bombing of the Mogadishu Barracks in Abuja, the July 16 suicide bombing of the police headquarters in Abuja, and the August 26 suicide bombing of the UN headquarters in Abuja. By the end of the year, the government and Boko Haram had not engaged in dialogue.

'Killings and kidnappings by militant groups in the Niger Delta continued, despite then president Yar'Adua's offer of amnesty in October 2009. However, most militant groups

in the Niger Delta accepted the amnesty, and the level of violence there was lower.' **[3a] (Executive Summary)**

6.08 The Amnesty International State of the World's Human Rights Annual Report 2012, covering the events of 2011, published 24 May 2012, noted:

'Nigeria's human rights situation deteriorated. Hundreds of people were killed in politically motivated, communal and sectarian violence across the country, particularly after the April elections. Violent attacks attributed to the religious sect Boko Haram increased, killing more than 500 people. The police were responsible for hundreds of unlawful killings, most of which remained uninvestigated. The justice system remained ineffective. Around two thirds of all prison inmates were still awaiting trial. There were 982 people on death row. No executions were reported. Forced evictions continued throughout the country, and violence against women remained rife.' **[12e]**

6.09 The Human Rights Watch World Report 2013, covering the events of 2012, published 31 January 2013, observed:

'Attacks by the militant Islamist group Boko Haram and abuses by government security forces led to spiraling violence across northern and central Nigeria. This violence, which first erupted in 2009, has claimed more than 3,000 lives. The group, which seeks to impose a strict form of Sharia, or Islamic law, in northern Nigeria and end government corruption, launched hundreds of attacks in 2012 against police officers, Christians, and Muslims who cooperate with the government or oppose the group.

'In the name of ending Boko Haram's threat to Nigeria's citizens, government security forces have responded with a heavy-hand. In 2012, security agents killed hundreds of suspected members of the group or residents of communities where attacks occurred. Nigerian authorities also arrested hundreds of people during raids across the north. Many of those detained were held incommunicado without charge or trial, in some cases in inhuman conditions. Some were physically abused; others disappeared or died in detention. These abuses in turn helped further fuel the group's campaign of violence.

'The failure of Nigeria's government to address the widespread poverty, corruption, police abuse, and longstanding impunity for a range of crimes has created a fertile ground for violent militancy. Since the end of military rule in 1999, more than 18,000 people have died in inter-communal, political, and sectarian violence.

'Episodes of deadly inter-communal violence, including in Plateau and Kaduna States, continued in 2012. Abuses by government security forces and the ruling elite's mismanagement and embezzlement of the country's vast oil wealth also continued largely unabated. Free speech and the independent media remained robust. Nigeria's judiciary continued to exercise a degree of independence, but many of the corruption cases against senior political figures remained stalled in the courts.' **[22a]**

6.10 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)**

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7. SECURITY SITUATION

OVERVIEW

7.01 Jane's Sentinel Nigeria Country Risk Assessment, section on non-state Armed Groups, updated 12 November 2012, 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'.

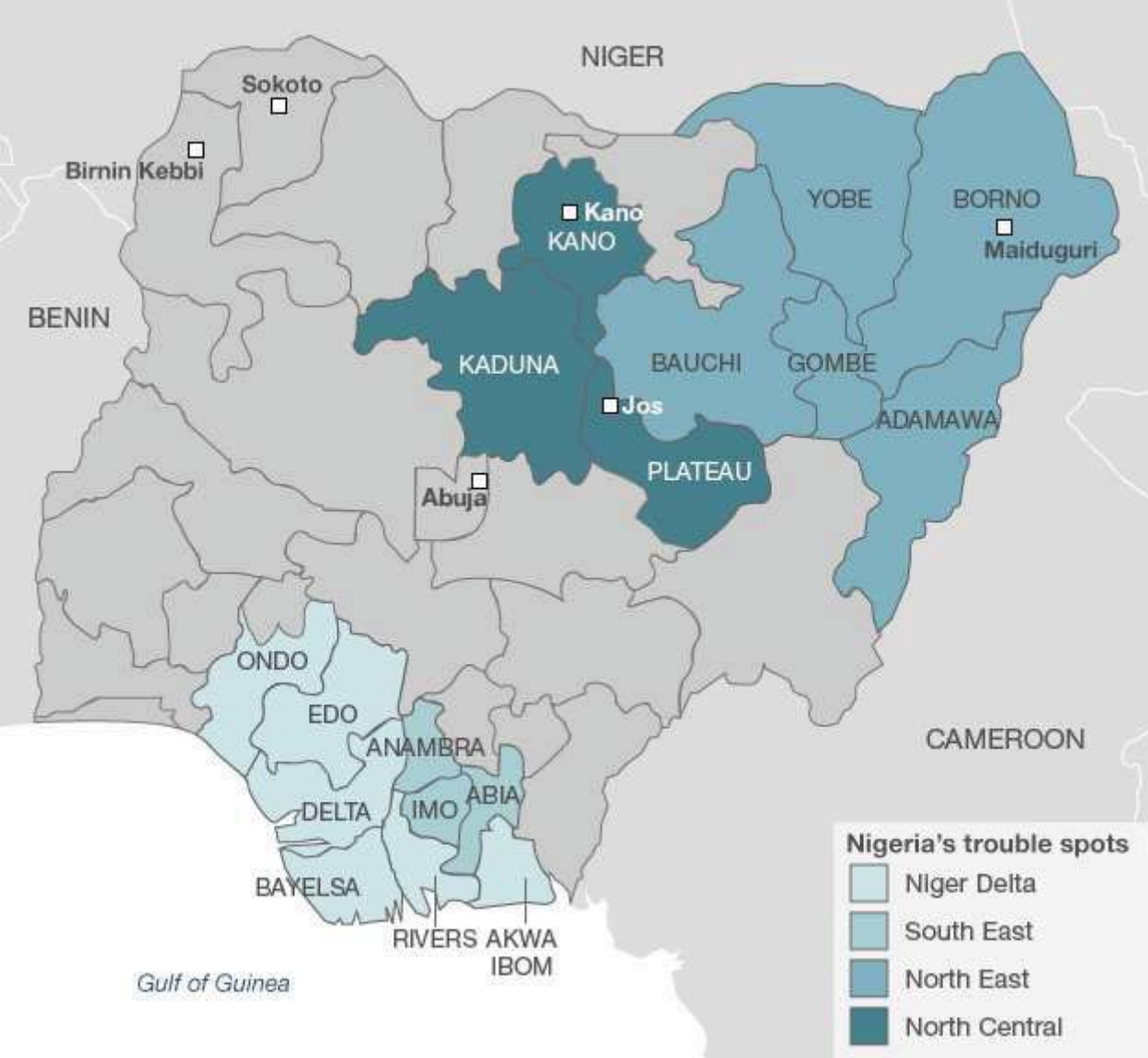
'Vigilante groups have also been a major problem for the state security forces in Lagos and southeastern Nigeria. Claiming to provide law and order, the groups have used brutal and unconstitutional means to deal with suspected criminals. Some of these groups have been armed with automatic weapons, and 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. Criminal activity too, has often been mistaken for genuine political activity, and indeed, the borderline between genuine grievance and this type of behaviour is at times more one of perception rather than of clear-cut definition. A further complicating factor is the emergence of religious tensions and violence in the community at large.' **[42e]**

For further general background information on armed insurgent elements operating in Nigeria see: Non-state armed groups. For more specific information about the principal conflict areas in Nigeria, select the appropriate group from the links below:

- Unrest related to Boko Haram (predominantly in northern Nigeria)
- Jos city and 'the middle belt'
- The Niger Delta

To consider the geographical locations of the above-referenced conflict areas, refer to the following map:



(BBC news – Guide to Nigeria's Trouble Spots, regularly updated) **[8a]**

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UNREST LINKED TO BOKO HARAM (PREDOMINANTLY IN NORTHERN NIGERIA)

Conflict drivers

7.02 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]**

7.03 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]**

7.04 An Africa Arguments editorial of 9 November 2011, 'Boko Haram in Nigeria: Another Consequence of Unequal Development', observed:

'Since 2001 and the start of the US-led War on Terror the temptation has been to interpret all domestic Islamist groups through the prism of international terrorism. This is plausible. Boko Haram or a faction of it – it may not be a monolithic organisation – has had contact with members of Al Qaeda in the Islamic Maghreb (AQIM) and even the Somali 'Al Shabaab. But the local may be more important than the global. A more fruitful interpretation comes from an examination of Nigerian domestic politics rather than global jihad.

'The north-east of Nigeria has been largely excluded from developmental gains that have, to some extent, occurred in other regions of the country, notably the economically explosive region around Lagos. Boko Haram's central demand – the imposition of Sharia law in Northern states – suggests a rejection of the values of westernising Nigerian society that has produced obscene largesse for a few. In addition, the re-election this year of President Goodluck Jonathan, a Christian Southerner from the Delta region, seemed to further signal the decline in the North's political power. Since independence the northern political elite have been the deciding factor in who rules the country. In forming the Peoples Democratic Party the northern elite helped create a national party which made sure that power was circulated – rather than shared – so each area took it in turns to be President and "chop" (steal from the public purse).' **[152b]**

7.05 Another African Arguments report of 19 January 2012, 'Boko Haram: Answering Terror with More Meaningful Human Security', noted:

'…It is clear that a variety of interests are sheltering under the umbrella labels Boko haram' and/or the more formal *Jama'atu Ahlis-sunnah lidda'ati wal Jihad* (claimed as its true' title by one faction of the group.) The August 2011 attack on UN headquarters in Abuja made it clear that there is an internationally networked aspect to the group, linking with wider jihadi worldviews and activities, but while it is this headline-grabbing set of activities which have caught the attention of the outside world – most recently, the US House of Representatives' Committee on Homeland Security's Subcommittee on Counterterrorism and Intelligence – the picture in Nigeria is more complex. Attacks in Kagoro, Kaduna state, in December, and more recently a massacre of (Christian) Igbo businesspeople holding a meeting in Adamawa State, put it beyond doubt that the aim of at least one tendency in Boko Haram is to escalate violence past the state's capacity to respond, and thereby to destabilize the country into ethno-religious war.

'Meanwhile, there seem to be other aspects of the movement more focussed on perceived injustices in the group's original home of Borno State itself, and the local electoral and traditional political offices there. And other factions or actions of the insurgents seem to indicate deliberate political manipulation. In fact, there is no reason why the group should be more internally consistent than the militants of the Niger Delta, who span the range from the deeply ideological to the greedy opportunists. But it is clear that the longer the insurgency continues, the more the extreme tendencies with an interest in escalation seem to be gaining the upper hand.

'…Religious scholars such as sect leader Mohammed Yusuf preached a pro-poor message which was admired even by some Christians in the city, and gave more concrete help, such as micro-credit, to their own followers. Neither is it surprising that the movement exhibits a marked antipathy to the state – it is after all born in a region which has seen previous millennial Islamic risings such as the 1980s Maitatsine movement, and in which evading the state through border-crossing, smuggling and migration around the Lake Chad borderlands is a virtual way of life for many. But whatever the roots and ideological aims of the cluster of insurgent activities and activists we label Boko Haram, one clear priority of the group is a war against one particular agency of the government – the Nigeria Police. Since the July 2009 crackdown on the movement in Maiduguri, in which the group's leader and 26 numerous followers lost their lives in circumstances still unclear, officers of the Nigeria Police Force have been a prime target for attacks.' **[152c]**

7.06 An article in the Economist of 29 September 2012, 'A threat to the entire country', referred also to Boko Haram's origins: 'The original members were mostly ethnic Kanuri fishermen from Borno state, bordering Lake Chad, which is rapidly drying out. A decade ago they flocked to the sermons of Muhammad Yusuf, an eccentric and conservative but non-violent imam, who demanded strict adherence to the Koran, rejected Darwinian evolution and taught that the earth is flat. Boko Haram had swept into Borno's capital, Maiduguri, a magnet for the region's rural poor.' **[194]**

7.07 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)**

7.08 An article in the Independent of 12 March 2012, 'On the trail of Boko Haram', noted that "Boko Haram" is also a cover for criminal activity and political thuggery of all sorts. Anything that turns violent can be blamed on the Islamist movement, whether it has a link to it or not. It is a perfect alibi, one that prevents further questioning. Bank robbery? Boko Haram. Attack on political opponents? Boko Haram. As such, the name is ceasing to have any meaning at all: Boko Haram is everywhere and nowhere at the same time.' **[134b]**

7.09 An opinion piece by Jean Herskovits in the New York Times of 2 January 2012, 'In Nigeria, Boko Haram is not the problem', noted:

'…the news media and American policy makers are chasing an elusive and ill-defined threat; there is no proof that a well-organized, ideologically coherent terrorist group called Boko Haram even exists today. Evidence suggests instead that, while the original core of the group remains active, criminal gangs have adopted the name Boko Haram to claim responsibility for attacks when it suits them.

'…Boko Haram has evolved into a franchise that includes criminal groups claiming its identity. Revealingly, Nigeria's State Security Services issued a statement on Nov. 30, identifying members of four "criminal syndicates" that send threatening text messages in the name of Boko Haram. Southern Nigerians — not northern Muslims — ran three of these four syndicates, including the one that led the American Embassy and other foreign missions to issue warnings that emptied Abuja's high-end hotels. And last week, the security services arrested a Christian southerner wearing northern Muslim garb as he set fire to a church in the Niger Delta. In Nigeria, religious terrorism is not always what it seems.' **[195]**

For further information on Boko Haram, including information about divisions within the group, refer to the section Non-State Armed Groups.

Tactics and areas of operation

7.10 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...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]**

7.11 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.' **[118a]**

7.12 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.' **[118a]**

7.13 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." **[118a]**

7.14 A more recent Council on Foreign Relations (CFR) expert brief of 26 December 2012, 'Boko Haram and Nigeria's Pervasive Violence', stated:

'International security experts are watching Nigeria's radical Islamist movement Boko Haram with concern. The militant group has destabilized northern Nigeria and attracted the attention of other jihadist groups, including al-Qaeda affiliates gaining strength in

neighboring northern Mali. Boko Haram is highly diffuse. It has an important Islamic revival dimension, but also has political and criminal elements. Little is known about its leader, Abubakar Shekau, including his age, where he was born, or if he can speak English. The movement has issued no formal manifesto. Nevertheless, its various factions do share a common agenda of imposing and rigorously enforcing Islamic law in northern Nigeria; some even want to impose it throughout the country in areas where Christians are the majority. The group is bitterly hostile to the Christian-led secular government in the capital of Abuja, which it accuses of exploiting the poor. Its methods are violent and deadly, ranging from targeted killings to mass deaths resulting from car bombs.

'…In an effort to better understand this violence, the Council on Foreign Relations has established the Nigeria Security Tracker (NST), a research project to catalogue Nigerian political violence based on a methodical survey of Nigerian and international media. The NST is particularly focused on violence related to Boko Haram and other militant activity, communal or ethno-religious conflict, extrajudicial killings by state security, and kidnappings or other violent incidents that have a clear political dimension.

'According to the NST, October 2012 was by far Nigeria's deadliest month in the sixteen-month period since June 2011. During that month, three days of ongoing attacks by Boko Haram in the northern state of Yobe left at least thirty dead, including a former government official. In Borno, the state bordering Chad and Cameroon, the military went on a rampage after a bombing injured two soldiers, killing at least thirty civilians. Meanwhile, in Benue, in the middle of the country, communal conflict resulted in the deaths of at least thirty people and the destruction of homes and farmland. A suicide bombing at a church in Kaduna in the north killed eight people and set off reprisal attacks that killed at least two more. In total, at least six hundred people were killed in October 2012.' **[65e]**

7.15 The same CFR expert brief continued:

'Boko Haram has also expanded its area of operations. In 2011, Boko Haram violence was largely confined to Nigeria's northeast; by the end of 2012, the NST had documented incidents across all of northern Nigeria. This year, Boko Haram-related attacks have occurred in fourteen out of the country 's thirty-six states, including all twelve of the states that have already adopted Islamic law, and in the Federal Capital Territory of Abuja. Boko Haram has also claimed responsibility for attacks in central Plateau state, which has been torn apart by ongoing communal violence.

'Up until now, Boko Haram has been focused on Nigerian rather than Western targets of the international jihad. But that might be changing. In a recently released video, Abubakar Shekau made hostile references to the United States and Britain. The United States is increasingly worried that Boko Haram is collaborating with the al-Qaeda-linked Islamist regime in northern Mali. The Nigerian press has attributed to Boko Haram the murder of four Chinese nationals, three Indians, and a Ghanaian in Borno, as well as the kidnapping of two Europeans in Kebbi state who were killed in a botched rescue. While victims continue to be almost exclusively Nigerian, Boko Haram has expanded its focus within the country. In 2011, a large percentage of the victims were Muslims, who were closely associated with the government in Abuja. However, since Christmas 2011, Christians have been a growing percentage of victims. Countrywide, according to the NST, at least thirty-seven attacks have occurred at churches and twenty-one at mosques.

'Boko Haram's methods have also evolved. The NST has documented at least twenty-eight alleged suicide bombings, ten of which targeted churches and mosques. Use of suicide bombers had been unknown in West Africa, where suicide is culturally anathema, until two high-profile attacks in Abuja--the June 2011 police headquarters bombing and the August 2011 United Nations headquarters bombing. Since then, suicide bombings have taken place with regularity, leaving well over one hundred people dead.

'…Despite the fact that Boko Haram has garnered local support by propagating a radical Islamist ideology, alienation, poverty, and bad governance are the fundamental causes of northern Nigeria's instability. Indeed, most of the Boko Haram-related violence is occurring in some of Nigeria's poorest states. So far, the federal government has failed to suppress Boko Haram, even as it has killed some of the group's leaders and many of its foot soldiers. The federal government has also failed to address the roots of the popular dissatisfaction that feeds support for radical Islam.' **[65e]**

7.16 A Combating Terrorism Center at West Point report of 14 January 2013, 'Boko Haram's International Connections', noted:

'Since carrying out its first attack under Abubakar Shekau's leadership in September 2010, Boko Haram has unleashed a wave of violence in northern Nigeria, mostly targeted against government personnel and security officers, Muslim politicians and traditional Muslim religious leaders, and Christians… Although the insurgency began as a local movement in northeastern Nigeria's Borno State, since August 2011 there have been increasing signs of international collaboration between Boko Haram and militants outside Nigerian territory, such as in Borno State's border region, northern Mali, the Sahel, Somalia and other countries in the Muslim world. As a result of these international connections, Boko Haram, which in 2009 was known as a "machete-wielding mob," has now matched—and even exceeded—the capabilities of some al-Qa`ida affiliates, while also incorporating al-Qa`ida ideology into the locally driven motives for the insurgency in northern Nigeria.' **[118c]**

For a time line of recent incidents involving Boko Haram see Annex E

Human rights violations and counter-terrorism measures

7.17 An IRIN report of 29 November 2012, 'Nigeria: Failure to Prosecute', noted:

'Since June 2010, people claiming to act for the Boko Haram movement have killed more than a 1,000 people, mostly in central and northeastern Nigeria. A large number have been policemen and other members of the security forces, but they have also killed Muslim clerics and scholars who oppose their actions, politicians, government workers and traditional leaders. They have forced religious conversions at gunpoint, destroyed government buildings and communication masts, and burned down schools.

'Even less widely reported have been the reprisals carried out by the security forces after Boko Haram attacks - arbitrary detentions, ill-treatment in custody, communal punishments such as the burning of homes and businesses, and extrajudicial killings. … The abuses by both sides are exhaustively documented in recent reports by two major human rights organizations, Human Rights Watch (HRW) and Amnesty International, whose researchers interviewed victims and eyewitnesses, as well as meeting police and army commanders and the civil authorities. Both reports highlight how Nigeria's criminal

justice system has failed under the strain, with security force abuses not being investigated and those responsible for Boko Haram attacks not being prosecuted.' **[21g]**

7.18 The Human Rights Watch report of 11 October 2012, 'Spiraling Violence: Boko Haram Attacks and Security Forces Abuses in Nigeria', stated:

'Since July 2009, suspected members of Boko Haram, an armed Islamic group, have killed at least 1,500 people in northern and central Nigeria. The group, whose professed aim is to rid the country of its corrupt and abusive government and institute what it describes as religious purity, has committed horrific crimes against Nigeria's citizens.

'Boko Haram's attacks—centered in the north—have primarily targeted police and other government security agents, Christians worshiping in church, and Muslims who the group accuses of having cooperated with the government. Boko Haram has carried out numerous gun attacks and bombings, in some cases using suicide bombers, on a wide array of venues including police stations, military facilities, churches, schools, beer halls, newspaper offices, and the United Nations building in the capital, Abuja. In addition to these attacks, the group has forced Christian men to convert to Islam on pain of death and has assassinated Muslim clerics and traditional leaders in the north for allegedly speaking out against its tactics or for cooperating with authorities to identify group members. Following Boko Haram attacks on Christians this year, United Nations High Commissioner for Human Rights Navi Pillay said that the attacks may constitute crimes against humanity if judged to be deliberate acts leading to population "cleansing"based on religion or ethnicity.

'Nigeria's government has responded with a heavy hand to Boko Haram's violence. In the name of ending the group's threat to citizens, security forces comprising military, police, and intelligence personnel, known as the Joint Military Task Force (JTF), have killed hundreds of Boko Haram suspects and random members of communities where attacks have occurred. According to witnesses, the JTF has engaged in excessive use of force, physical abuse, secret detentions, extortion, burning of houses, stealing money during raids, and extrajudicial killings of suspects. These killings, and clashes with the group, have raised the death toll of those killed by Boko Haram or security forces to more than 2,800 people since 2009.' **[22i]**

7.19 An Amnesty International report of 1 November 2012, 'Nigeria: Trapped in the cycle of violence', stated:

'Since 2009, acts of violence by the Islamist armed group known as Boko Haram have been carried out across northern and central Nigeria with increasing sophistication and deadliness…Nigeria's security forces have perpetrated serious human rights violations in their response. Hundreds of people accused of links to Boko Haram have been arbitrarily detained without charge or trial; others have been extrajudicially executed or subjected to enforced disappearance. At the same time, the Nigerian government has failed to adequately prevent or investigate the attacks or to bring perpetrators to justice; and victims have not received prompt and adequate reparation and remedy.' **[12s]**

7.20 The same Amnesty International report referred to the imposition of a state of emergency in the first half of 2012:

'In January 2012, President Goodluck Jonathan declared a state of emergency in 15 Local Government Areas (LGAs) across four states. Under the Constitution, a state of emergency permits the president to confer additional powers to "duly authorized

persons" or make any other order "necessary or expedient for the purpose of maintaining and securing peace, public order, public safety and good governance in the emergency area" and to derogate from particular sections of Nigeria's constitution. The Emergency Powers Regulations, which set out the additional powers granted under the state of emergency, were published on 27 April 2012. Among the provisions are the detention of suspects; the taking of possession or control of any property in the emergency area; the entry and search of any premises; and the payment of compensation and remuneration to people affected by the order. The state of emergency had a six months time limit under the Constitution (if not renewed by the National Assembly) which elapsed at the end of June 2012. The National Assembly did not renew the declaration, and the President officially recognised the end of the state emergency and the cessation of application of the Emergency Powers Regulations on 18 July 2012.' **[12s]**

7.21 The Human Rights Watch report of 11 October 2012, 'Spiraling Violence: Boko Haram Attacks and Security Forces Abuses in Nigeria', clarified the areas under the state of emergency: 'President Goodluck Jonathan declared a six-month state of emergency on December 31, 2011 in 15 local government areas in parts of Borno, Yobe, Plateau, and Niger states.' **[22i]**

7.22 A Voice of America News article of 12 July 2012, 'Sambo Dasuki – New Face of Nigerian Security' stated:

'Nigeria's new national security adviser Colonel Sambo Dasuki took up his post late last month and has been touring the north, calling on leaders to reach out to Boko Haram contacts and convince them to accept peace talks. Some locals said the powerful northern leader is more likely to start successful talks than his southern predecessor, but some analysts said he is just a new face on an old problem. In late June, Nigerian President Goodluck Jonathan sacked his national security adviser and minister of defense. Colonel Sambo Dasuki was appointed to be the new security adviser…

'Clement Nwankwo is the executive director of the Policy and Legal Advocacy Center in Abuja. He said as a northerner from a powerful Muslim family, Dasuki might have a better chance at gathering information about Boko Haram. "He comes from the region. He has good reach with traditional rulers and even a lot of actors within the region so it is easier and much more possible for him to gain knowledge and intelligence." However, Nwankwo said Dasuki's reach is limited because his job is to advise the president who has failed to contain Boko Haram attacks over the past three years. Boko Haram has been blamed for thousands of deaths and a near collapse of the economy in northern Nigeria. Last week, Dasuki announced that peace talks were imminent, and he had the phone numbers of Boko Haram leaders. In an untraceable e-mail sent Tuesday, Boko Haram said Dasuki was lying.' **[98c]**

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JOS CITY AND THE 'MIDDLE BELT'

Conflict drivers

7.23 The International Crisis Group (ICG) report of 17 December 2012, 'Curbing Violence in Nigeria: The Jos Crisis', observed:

'Since 2001, violence has erupted in Jos city, capital of Plateau state, in Nigeria's Middle Belt region. The ostensible dispute is over the "rights" of the indigene Berom/ Anaguta/Afizere (BAA) group and the rival claims of the Hausa-Fulani settlers to land, power and resources. Indi-gene-settler conflicts are not new to Nigeria, but the country is currently experiencing widespread intercommunal strife, which particularly affects the Middle Belt. The Jos crisis is the result of failure to amend the constitution to privilege broad-based citizenship over exclusive indigene status and ensure that residency rather than indigeneity determines citizens' rights. Constitutional change is an important step to defuse indigene-settler rivalries that continue to undermine security. It must be accompanied by immediate steps to identify and prosecute perpetrators of violence, in Jos and other parts of the country. Elites at local, state and federal level must also consistently implement policies aimed at reducing the dangerous link between ethnic belonging and access to resources, power and security if intercommunal violence is to end.

'The indigene principle, or indigeneity (that is, local origin), means that some groups control power and resources in states or local government areas (LGAs) while others – who have migrated for different reasons – are excluded. This gives rise both to grievances and fierce political competition, which too often lead to violence. Indigeneity was given constitutional force at independence in 1960 to protect the ethnic minorities from being submerged by the larger Hausa-Fulani, Igbo and Yoruba groups and preserve their cultural and political identity and traditional institutions of governance. Religion is a pertinent, albeit secondary factor, which reinforces underlying tension and, over the years, has assumed greater importance, especially since the return of democracy in May 1999. Fierce and unregulated political competition characterised by ethnic mobilisation and violence, coupled with poor governance, economic deregulation and rampant corruption, have severely exacerbated ethnic, religious and regional fault lines. The notion of national citizenship appears to have been abrogated by both ethnicity and ancestry.' **[17c]**

7.24 The same ICG report continued:

'The persistent settler-indigene conflict in Plateau state reflects the longstanding sense of grievance the BAA, including a small Muslim community among them, continue to nurse against their perceived treatment as second-class citizens by the Hausa-Fulani. The predominantly Christian Middle Belt, famous for its history of bitter struggle against attempts by the Muslim-dominated Far North to subjugate it, understands the citizenship malaise better than any other region. Reclaiming their rights, as the indigenous peoples of Plateau state, is the dominant narrative that runs through the BAA's attempted politics of reverse discrimination against their perceived ancient oppressors. Conversely, the Hausa-Fulani claim that they, not the BAA, are the authentic indigenes of Jos and have been aggrieved about their lack of access to power and resources despite being the majority in the biggest of the LGAs, Jos North.

'Because the settlers are almost entirely Muslim and the indigenous people predominantly Christian, struggle over land ownership, economic resources and political control tends to be expressed not just in ethnic but also religious terms. The dispute is compounded by the fact that, of the settler groups, only the Hausa-Fulani lay proprietary claim to Jos. As violence recurs, spatial polarisation and segregation accentuate social

and political divisions; people become more conscious of their sub-national solidarity and allegiances and are more forthcoming about expressing them.' **[17c]**

Human rights violations

7.25 The International Crisis Group (ICG) report of 17 December 2012, 'Curbing Violence in Nigeria: The Jos Crisis', observed:

'Since the end of 2010, security has further deteriorated in Jos because of terror attacks and suicide bombings against churches and security targets by suspected militants of Boko Haram, the Islamist group responsible for an unprecedented wave of terrorist attacks in the north. Thousands have been killed, hundreds of thousands have been displaced internally and billions of dollars of property have been destroyed.

'Thus far, responses from local and national authorities have proven mostly ineffective. They have come in three ways. First, several judicial commissions of inquiry have been appointed to "get to the root of the crises" and recommend "lasting solutions". But authorities have been slow in publishing reports and acting on their recommendations. Tough public speeches have not been translated into tangible political action against instigators and perpetrators: none of the suspects named by the various commissions have been prosecuted, and impunity continues to feed violence.

'The second response is police and military action, which has had little success. Security forces not only fail to share intelligence among themselves, they are also suspected of taking sides in the conflict and soldiers are accused of trading guns for money. Finally, Operation Rainbow (OR), a joint initiative since June 2010 between the federal government and the Plateau state government with support from the UN Development Programme (UNDP), is considered a holistic response to the crisis. Still in its infancy, OR appears useful but will only be effective if it can, at the minimum, win the confidence of both sides. It should be publicised at the grassroots so that the population can own it.' **[17c]**

7.26 The same ICG report noted:

'Violence in Jos is defined and worsened by both local and national dynamics. The failure of Nigeria's ruling elite to satisfactorily address and resolve crises woven around the key issues of citizenship, identity and political inclusion has aggravated the situation. The use of the indigene principle rather than residency to determine individuals' citizenship rights creates a national malaise, even though this does not give rise to conflict everywhere. A major challenge in Plateau state is managing the unique ethnic, linguistic and religious pluralism with minimum group disaffection; and promoting, through public policy targeting the younger generation, a culture of tolerance, understanding and cooperation between the different communities.' **[17c]**

7.27 An international Committee of the Red Cross report of 17 July 2012, 'Nigeria: assisting thousands of people displaced by inter-community violence', noted a particular incident at the time:

'The armed violence and clashes that took place on 7 and 8 July [2012] between the mainly livestock-herding Fulani and the farming Berom communities in Riyom and Barkin Ladi near Jos (Plateau state) caused dozens of casualties and forced more than 5,500 people to flee their homes. Over 25 villages were affected. The International Committee of the Red Cross (ICRC), in cooperation with the Nigerian Red Cross

Society, is providing essential assistance to the displaced people, who had to take shelter with host families and in schools and community halls.

'...Since the ICRC opened its new office in Jos in February, this is the fourth time that it has taken action together with Nigerian Red Cross to assist people affected by inter-community violence in Plateau state, which has a history of such clashes.' **[196]**

7.28 An Aljazeera report of 9 July 2012, 'Nigeria tightens curfew on Middle Belt area', noted:

'Nigeria has called for a curfew in its troubled Plateau state after gunmen killed a federal senator and a state politician at the mass burial for the victims of an earlier attack, an official has said.

"The senator representing Plateau North, Gyang Dantong, and the majority leader of the state assembly, Gyang Fulani, were gunned down today by Fulani herdsmen," Pam Ayuba, spokesman for the state's governor, said on Sunday. He confirmed that the two were killed while attending the mass burial for the victims of a raid on Saturday, also blamed on the Fulani, a tribe made up of Muslim, pastoralist herdsmen. '...The burial ground was located in the state's Gashis district, about 90km from the state capital Jos. Another federal politician "escaped death by a whisker", Ayuba added. Asked about the motivation behind the attacks, Ayuba said the gunmen were likely inspired by their resentment for the state's Christian political leadership.

'…Al Jazeera's Yvonne Nege, reporting from Abuja, said recent events will raise questions over whether the Nigerian security apparatus has a grip on things in the troubled region. "Jos has seen on-and-off religious-based violence for years... the fact that these were public servants might just push the whole Jos issue, and the months of violence that we have seen, to the top of the political agenda," she said.

'A resident of the area told the AFP news agency that Christian youths had set up roadblocks after news of the attacks spread. "Youth in the area... have taken over the two major highways, setting up barricades and looking for Muslim motorists to vent their anger on," Samuel Gambo, a resident, said…The long-running Fulani conflict in the state has been fuelled by both religious and land tensions. The nomadic Fulani complain that they have been marginalised by the Birom, the Christian agriculturalist ethnic group that dominates the state. The two victims of Sunday's attack were Birom, as were the 23 people killed in the Saturday raid…Last month in neighbouring Kaduna state, co-ordinated church bombings by the armed Islamist group Boko Haram sparked reprisal violence by Christian youths who raided mosques and killed dozens of their Muslim neighbours, burning some of their bodies.' **[179b]**

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THE NIGER DELTA

Conflict drivers

7.29 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)**

7.30 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.' **[112]**

Human rights violations and the role of militias

7.31 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]**

7.32 The Institute for Security Studies (ISS) report of 17 November 2010, 'Militias, Rebels and Islamist Militants-Human Insecurity and State Crises in Africa', noted with regard to the rise in militant activities in the Niger Delta:

'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)**

7.33 A US Fund for Peace report of 10 December 2012, 'Beyond Terror and Militants; Assessing Conflict Risk in Nigeria (Cult Violence in Rivers State)', additionally highlighted a rise in 'cults' operating in the Niger Delta:

'Urban cult gangs originate from innocuous cultural groupings of young people that usually grew up together or went to the same school. Over time these evolve into street cult gangs dedicated to the protection of their members and territory and providing them with economic opportunities within their community. Members are bound by an oath and keep their identities secret. These gangs are prevalent in squatter camps and poor,

dense neighborhoods. Urban gangs maintain fluid alliances, merging with confraternity military wings and are often sourced by ethnic militias, politicians, and criminals for specific tasks and activities.

'Cultism and the response to cultism frequently leads to escalations in human insecurity. A recent example in Rivers of such a vicious cycle was the October 2012 lynching of four alleged thieves who were reported to be cult gang members. According to some news sources five young men from the University of Port Harcourt went to Aluu village to collect a debt from another student. As they were attempting to do so, local villagers apprehended them and accused them of stealing a phone and a laptop. As punishment for the offence a vigilante mob beat them and burned four of them alive. In retaliation, students from the university invaded Aluu destroying cars, setting buildings ablaze and looting houses and shops. The university was closed for weeks and people left the village of Aluu for fear of further violence, whether by cultists, student protesters, or police.

'This incident is an example of how the prevalence of cultism and criminality has led to a cycle of vigilantism and security crackdowns, escalating violence in an environment where people have little confidence in the judicial system.

'Cult gangs are a serious problem in Rivers state. Attempts by the government to eradicate cults have in several instances temporarily dampened violence only for it to flare up again more ferociously. The cult gang problem highlights several issues underlying the drivers of human insecurity in the Niger Delta. The infiltration of gangs in local politics and police illustrates the corruption of public institutions in the region. In addition, cult gangs have further exposed gaps in police capacity to deal with these issues.' **[107b](page 10)**

7.34 A Voice of America News article of 31 December 2012. 'Civilian Armed Groups Fight Crime, Wreak Havoc in Niger Delta', noted:

'Niger Delta authorities say civilian armed groups with no formal training are working with Nigerian security forces to quell a spate of violent crimes and kidnappings. Some locals say these groups can be as dangerous as the criminals they hunt. The Niger Delta region has all of Nigeria's oil, which comprises the vast majority of the country's budget. With all that oil there is also a lot of money. But in this land of riches, most people live off of less than $1 a day. The result is high crime - especially kidnappings for ransom, armed robbery and oil theft. And while security forces try to bring down the crime levels, civilian armed groups are now authorized by the government to do the job.

'In Delta State, Monday Okwoserie heads about 80 groups that are composed of between 20 and 200 men each. He says armed robberies have decreased dramatically since they have been on patrol. But, he adds, kidnappings now plague wealthy Niger Delta families on a nearly daily basis. "The latest crime now is kidnapping. We are fighting against kidnapping. We want to reduce it by all means." In early December, 83-year-old Kamene Okonjo, the mother of Nigeria's finance minister and the wife of a traditional king in the Niger Delta, was abducted from her palace, prompting many people to say that no one is safe.

'Gabriel Asakene, a security consultant in Delta State, says the civilian armed groups have made the streets safer in some places where security forces are overstretched. "They are supposed to guide and protect the citizenry in that particular locality. Actually, the role they are supposed to play is to maintain peace for that particularly place," he

said. "To see that there's no sign of robbery, thieves and the rest of them." He says, however, little oversight of the groups, sometimes known as bakassi, means they can act like thugs, beating up people and demanding thousands of Nigerian naira, the local currency. "An incident that happened not that long ago in my area: Some bakassi came and arrested some group of boys and they got home and beaten up. And in the end they were instructed to be settling themselves with some 15,000, some 8,000 [Nigerian naira]," he said.

'Asakene says local people often fear the bakassi, and that fear alone prevents some crimes. Okwoserie, the Delta State head of the civilian armed groups, denies accusations that his men extort cash or beat up alleged offenders, saying arrestees are always turned in to the authorities. Police in Delta State, home to roughly 13 percent of the people in the region, say they have arrested 450 kidnappers and rescued 80 victims in 2012, with most of the incidents taking place in the first half of the year. But analysts say when people are kidnapped, they often do not call the police because they are more likely to go free if they just pay a ransom.' **[98e]**

Movement for the Emancipation of the Niger Delta (MEND)

7.35 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]**

7.36 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]**

7.37 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.' **[66a]**

7.38 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, 2009-2012

7.39 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]**

7.40 An article in the Daily Champion of 6 February 2012, 'Nigeria: MEND Strikes, Hits Oil Pipeline-JTF Worried', noted:

'… [The] Movement for Emancipation of the Niger Delta (MEND) yesterday said it has destroyed an oil pipeline in southern Nigeria, in its first attack in more than a year. A statement claiming to be from MEND, a militant group that signed an amnesty in 2009, said the attack was a reminder of their presence in the area…

'MEND was once a feared militant group whose bombings and kidnappings paralysed the industry. It claimed to be fighting for more rights and a share of oil wealth for local people. Many of the group's leader's renounced violence after signing a truce with the government in 2009, and the group's last confirmed attack came in November 2010. But a statement emailed to media outlets on Sunday said the group had "attacked and destroyed" an Eni pipeline near the Brass River. "This relatively insignificant attack is a reminder of our presence in the creeks of the Niger Delta and a sign of things to come," the email said. It came from an account in the name of Jomo Gbomo, a name long assumed to be an alias of MEND's leaders.' **[95d]**

7.41 The same Daily Champion article continued:

'Meanwhile, Joint Military Task Force (JTF) code named Operation Pulo Shield yesterday expressed sadness over the renewed threat to peace in the Niger Delta region following the weekend attack on the Agip Trunk Line in the Brass Local Government Area of Bayelsa State, declaring that those who claimed responsibility for the attack under the cover of MEND were a fake.

'Some unknown youths, suspected to be breakaway groups from the on-going Amnesty Programme of the Federal Government, weekend claimed to be members of the MEND and announced an attack on the Agip Trunk Line at about 7.30pm on Saturday 4th February. In a statement signed by the notorious Gbomo Jomo and forwarded tour [sic] correspondent in Yaenagoa, said the attack was reminder that they still exist along the creeks and waterways of the Niger Delta region.

'The group said that it has constantly warned Nigerians about Goodluck Jonathan and those running Nigeria, saying events of the last few months have vindicated their position on the inability of President Jonathan to lead Nigeria anywhere but downwards. The purported MEND alleged that "rather than address serious issues facing the nation and its citizens, Goodluck Jonathan squanders public funds on tribalistic sycophants and thugs calling themselves ex-militants".' **[95d]**

7.42 A Norwegian Council of Africa (Afrika.no) report of 27 September 2012, 'Nigeria: Anger and conflicts over amnesty programme in Niger Delta', noted:

'The Nigerian government plans to integrate 3,642 additional former Niger Delta fighters into its amnesty programme, but some ex-militia leaders have denounced the move, saying it excludes the bulk of their disarmed men and will create disagreements and crisis among them…The plan will bring to 30,000 the total number of ex-combatants of the Movement for the Emancipation of the Niger Delta (MEND) participating in the two phases of the 2009 Presidential Amnesty Programme, said Daniel Alabrah, the programme's spokesman…The programme has drastically reduced militancy, gun battles among the rebel fighters, foreign oil worker kidnappings and insecurity in the Niger Delta region, where several multinational oil companies operate…But some rebel chiefs claim that 30,000 other ex-fighters have been left out. Since 2010, the leaders have been demanding a third phase of the amnesty deal, which Alabrah said is not planned. "We are not comfortable with the 3,642 slots allocated to us…We have agreed that we should mount more pressure on the federal government to increase the number of beneficiaries," said Ramsey Umukoro, leader of the group of former fighters demanding a so-called 'Third Phase Amnesty'."The number allocated to us cannot take all the ex-militant commanders and their followers in the region. When it happens in this manner, there will be a crisis within the group. It will cause misunderstanding among us," Umukoro told IRIN.' **[197]**

7.43 The same Afrika.no report stated:

'Meanwhile, those left out of the amnesty programmes movement [can be divided] into two competing factions. Umukoro, who worked for an ex-militia leader and was arrested in 2011 for blowing up an oil pipe, leads one faction. The other is headed by Kaithy Sese, who claims to have initiated has Third Phase Amnesty in 2010. "Many groups have sprung up because the third phase of the amnesty will soon be actualized," said Umukoro. "I'm the authentic leader of the Third Phase Amnesty [movement] for freedom fighters in Niger Delta." He claimed that the government is behind the divisions in the movement.

'But Sese said he was more worried about the plight of some 20,000 former fighters and 500 ex-militia leaders whom he said have been left out of the amnesty programme. "We are not fighting each other, but fighting the federal government to integrate us in the amnesty programme. I don't want to fight my brother [Umukoro]. Our condition is bad."

'There are worries that some disgruntled former militants could resume insurgency in the Niger Delta creeks, but amnesty spokesperson Alabrah said that the security forces in the region would remain vigilant. "What we know is that security agencies in the Niger Delta are aware of the situation and will carry out their duty to check pipelines to ensure law and order in the Niger Delta. Any person who runs afoul of the law would be dealt with accordingly. "If they clash with security agencies, it is not our business. If they... make threats, are we to start begging them not to go back to the creeks? We are not going to beg anybody if he feels like going back to the creeks," he said.' **[197]**

7.44 An IFEX report of 7 August 2012, 'Former militants storm office of Nigeria union of journalists', noted:

'…hundreds of former militants invaded the secretariat of the Nigeria Union of Journalists (NUJ), in Warri, Delta State, in the Niger Delta region of Nigeria, threatening to burn down the building. The former militants, who had been granted amnesty by the Nigerian government, were angered by the fact that there was no reporter available to interview them and cover their protest over the non-payment of their monthly stipend. … The former militants, brandishing various weapons, also arrived with kegs of petrol and were accompanied by 17 women who said they were demonstrating in solidarity with their husbands, who had been trained by the government under the second phase of the Amnesty Programme aimed at disarming and re-integrating them into daily life. The former militants attempted to lynch Michael Ikeogwu, the chairman of the Correspondents' Chapel of the NUJ. Ikeogwu was saved by the quick intervention of soldiers and police officers, who arrested a handful of the former militants.' [**198]**

7.45 A BBC report of 1 August 2012, 'Nigeria's precarious oil amnesty', observed:

'All 26,000 people who have benefited from the amnesty are entitled to a monthly allowance of approximately $400 (£255). For how long, no-one knows. This is an expensive undertaking with the government spending $400m this year alone. The former militant leaders are now mostly based in the capital, Abuja, where they are living in relative luxury. Money was a key factor in ending the violence. … Although many are awaiting promised training, close to half the beneficiaries have been offered courses in a variety of skills from carpentry to marine engineering, and 20 people were sent abroad to learn to be pilots. Not all the beneficiaries were perpetrators of the violence in the Niger Delta. Many were victims.

'The amnesty programme was lopsided. The Ogoni people did their own agitation through peaceful advocacy… while others resorted to violence. This violence appears to have been responded to through the amnesty," says Bariara Kpalap, the chair of the region's Kegbara-Dere town council. "In a situation where the government only looks for issues that relate to the flow of oil in the Niger Delta without thinking of addressing poverty… then peace in the Niger Delta will be elusive," says Bariara Kpalap who also feels the amnesty has favoured the Ijaw people - President Goodluck Jonathan's own community…President Jonathan has given his full backing to the programme and has ensured the money is flowing to the Delta. But the amnesty has not been gazetted into law and some feel that makes it precarious.' **[8s]**

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8. SECURITY FORCES

8.01 With regard to internal security, the US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012 (USSD 2011 Report), stated that:

'The National Police Force (NPF) 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. For example, in September President Jonathan ordered the deployment of 1,300 soldiers to Plateau State after local police could not contain an outbreak of ethnoreligious violence in Jos.

'The NPF, SSS, and military reported to civilian authorities; however, these security services periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish abuse and corruption. The NPF remained susceptible to corruption, 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. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units. However, most cases lingered in court and went unresolved after the initial investigation.

'According to AI's [Amnesty International] 2009 report, only a fraction of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. Officers worked without basic equipment and sometimes made crime victims pay for the gasoline and stationery necessary to conduct an investigation. Such lack of resources contributed to corruption.' **[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…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]**

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POLICE

8.03 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]**

8.04 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]**

8.05 A Bloomberg article of 11 January 2013, 'Nigeria Police Adopt Code of Conduct to Tackle Abuses', noted:

'The Nigeria police introduced a code of conduct for its officers to deal with allegations of extra- judicial killings and other abuses made by rights groups including Amnesty International. The code is a "set of guiding principles" and "standards of behavior" for all police officers in the country, Mohammed Abubakar, inspector-general of police, said in the document presented to the public yesterday in Abuja, the capital. The document

identifies measures police authorities are taking to conform with international conventions, according to Abubakar. Police in Nigeria, Africa's largest oil producer and most populous nation of more than 160 million people, have faced allegations of rights violations including unlawful executions, torture and excessive use of force made by local and international human rights groups. A regulation that empowers officers to shoot suspects that attempt to escape or resist arrest, is frequently abused and allows the police get away with murder, Amnesty International said. At least 7,000 citizens have been unlawfully killed by the police within the last decade, according to New York-based Human Rights Watch

'A new code of conduct for the police "is not a magic wand but it's a beginning," Chidi Odinkalu, chairman of the National Human Rights Commission, said today phone from Abuja. "It is recognition by the management of the police that something needs to be done." Amnesty International is concerned the code "does not explicitly state that use of force must be lawful and proportionate as well as necessary," Lucy Freeman, London-based deputy director for the group's Africa Program, said in an e-mailed statement. "There must be adequate systems and mechanisms in place alongside training and regulations on the use of force and firearms to make sure that police apply the relevant UN standards in their daily work."' **[202]**

8.06 A Think Africa Press article of 1 March 2012, 'Nigeria's New Inspector General of Police: More of the Same?', noted:

'Mohammed Dikko Abubakar, Nigeria's new Inspector General of Police, is candid in his assessment of the police force: "…our Special Anti-Robbery Squads (SARS) have become killer teams engaging in deals for land speculators and debt collection." He has set challenging goals for himself, promising to "purge the system of corruption, which cripples and frustrates every honest effort at reforming the police". He will have his work cut out. Over the years the police force has witnessed a deterioration in professionalism and operational competency. The majority of Nigerians baulk at the motto, "The police is your friend". And the recent proliferation of the violent Islamic sect Boko Haram has only served to exacerbate its weaknesses.

'The farcical escape from police custody of Kabiru Sokoto, the architect of the Christmas day church bombings, and January's devastating attacks in Kano State that claimed more than 200 lives, have forced inspector general of police (IGP) Hafiz Ringim into early retirement. Ringim was promptly replaced by an old hand, former head of the Lagos State Police Command, Mohammed Dikko Abubakar.

'…Amongst rank and file, Abubakar seems the most plausible choice for the position - he has hit the ground running and maintained the posture of a man eager for change. So far he has set about tackling excesses and unnecessary extravagances. He has already ordered the dismantling of all highway check points, infamous for police extortion. Police escorts attached to 'VIP's' and corporate bodies have been told to return back to their stations or risk dismissal. And a directive limiting the detention of suspects to a maximum of 24 hours has also been handed down to police commissioners…These moves represent a positive initial step. However, the scale of reforms will have to mirror the scale of institutional decay. Similar promises have been made in the past, but implementation has always been a problem. To combat this, Abubakar has created a monitoring team to ensure his list of directives are implemented. However, some reforms have attracted controversy. By suspending all training programmes for police personnel in 2012, no new police trainees will work this

year. The move has an undercurrent of logic, with Abubakar preferring instead to concentrate on sanitising existing problems without creating new ones. As he explained during the proposal: "Our training institutions are bad enough."

'In attempting to project the image of a reformer, the start to his tenure has not been without its difficulties. The Justice Niki Tobi Commission of Inquiry examining the 2001 Jos crisis has indicted Abubakar, at the time a commissioner in Plateau State, for taking sides in the sectarian violence which led to the death hundreds. It was not until minister of police affairs, Navy Captain Caleb Olubolade cleared the air that Abubakar was finally allowed to assume his position. At a time of heightened ethnic tensions in the country, his ethno-religious affiliations have caused problems. Rumours have persisted over alleged links to Islamic radicals, even though there has been no evidence to corroborate the claims. And there are some who believe a Muslim should not be head of the police force during such a testing time for the country.' **[149a]**

Corruption and human rights violations committed by the police

The following information provides information specific to the police in Nigeria. This should be considered in addition to information listed under Human rights violations by government forces

8.07 An Integrated Regional Information Networks News (IRIN) report of 18 April 2012, 'Urgent need for police reform', noted:

'Many reasons have been cited for improper police behaviour: a repressive colonial police heritage; a poorly funded and ill-equipped police force; a highly centralized police structure plagued by political interference. Recruitment has been compromised and police training is poor, leading to the hiring of unsuitable personnel. Salaries are bad, making police prone to corruption and other crimes…Suspects are tortured for confessions because police lack the ability and means to conduct thorough criminal investigations. NOPRIN [the Network on Police reform in Nigeria] says in many police stations, one staff member oversees torture in a room specially set aside for this practice.

'Human rights organizations acknowledge that police are killed in their hundreds or even thousands every year, which may in part explain their behaviour and their attitude to the public. Police complain of poor working conditions, unhealthy environments, long hours and inadequate housing - all demotivating factors. "Some policemen sleep in broken-down vehicles," [said the director of the Centre for Law Enforcement Education (CLEEN)]. "The thing that is striking [about police stations] is the scent," [the same spokesman] added.' **[21d]**

8.08 A CLEEN Foundation report of 7 August 2012, 'Are the police that bad?', noted:

'Year after year, the Police seem unable to shed the toga of impunity. Tasked with protecting lives and property, the police have been accused of doing the reverse. Their reputation for scant regard for human rights remains intact… The CLEEN Foundation, in a survey, claimed that police officers were among the first group of bribe-taking public officials, adding that corruption was on the increase in the country…The Legal Defence and Assistance Project (LEDAP), a survey which examined the public's perception of the police, said 80 per cent of respondents believed that the police were inefficient and unable to protect them from violent crimes.' **[153]**

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

8.10 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

8.11 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]**

8.12 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." **[108a]**

8.13 An article by Alice Hills, 'The dialectic of police reform in Nigeria' (published in June 2008 in the Cambridge Modern Journal of African Studies), stated:

'…Take the case of Garki police station, a local station in an unfashionable and poor district of the federal capital, Abuja...The national police headquarters are new, quiet, smartly functional and staffed by efficient and educated officers in well-pressed uniforms. Half a mile away is the federal capital's administrative police headquarters. It is older and its front courtyard is full of vehicles, officers greeting each other or waiting for orders, and civilian staff and visitors. The concrete of its overcrowded buildings is decaying, but it is busy, people move purposively and the noise levels are lower than in comparable stations elsewhere in West Africa. As usual, there are large televisions in the offices of senior officers, and photocopying machines and copying paper (as well as ledgers) in their support offices. Elsewhere in the building, paper is under lock and key. Garki is nearby. Its functional single-storey building of small rooms, offices and cells is neat and tidy, and its cells do not smell, but the officers at the check-in counter wear stained and crumpled uniforms, and the station's special units operate out of lean-tos in a dusty courtyard. The cars and mopeds scattered around the courtyard were taken from armed robbers, and are used by police in the absence of alternative vehicles. The station gained notoriety in June 2005 for the involvement of four of its officers in the arbitrary execution of six innocent market traders – armed robbers' according to the officers concerned, but more generally known as the Apo Six. Local residents then burned Apo police post, which had for several years been the base for Garki's openly abusive policemen.' **[150]**

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ARMED FORCES

8.14 Jane's Sentinel 'Nigeria Country Risk Assessment' (Jane's), section on the Armed Forces (updated December 2012), noted that the armed forces combined strength was 76,000 personnel: 60,000 in the army, 9,000 in the airforce and 7,000 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 Nigerian navy and army, in particular, are heavily deployed internally to deal with the parlous security situation in the country. 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]**

8.15 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]**

8.16 An article published by krepublishers.com in 2010, 'Elite Recruitment and Political Stability in the Fourth Republic', noted that '…in the case of Nigeria, has led to the domination of the democratic space in the Nigerian Fourth Republic by retired military officers in the governance of the Nigerian State. It is also important to emphasize that when retired military officers are not directly involved in governance, just like the events of the 2007 elections, they are actively involved in determining and imposing political actors on the people.' **[151]**

Counter-terrorism measures and human rights violations committed by the army

The following information covers counter-terrorism training and other tactics employed by the Nigerian army to tackle the threat posed by terrorist groups operating in Nigeria, notably Boko Haram. This should be read alongside the subsection Security situation: Human rights violations and counter-terrorism measures. Additionally the section provides material on human rights violations committed by the army as they seek to implement a counter-insurgency strategy. It is recommended this information should also be considered in addition to material outlined under Human rights violations by government forces

8.17 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 … the radical Muslim sect Boko Haram, dubbed the 'Nigerian Taliban', in Nigeria's north-east. 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. US officials confirmed it has a longstanding deal with Nigeria with soldiers travelling to America for training. It could not comment on whether the exercise was aimed at combating Boko Haram.' **[63d]**

8.18 An African Arguments article of 15 July 2011, 'Northern Nigeria Militancy: Who and What are Boko Haram?', highlighted the army's role in countering attacks of Boko Haram in Northern Nigeria:

'The military have a different strategy: theirs is the President's stick' – in the form of a Joint Task Force combining army and police in an Operation Restore Order. Checkpoints have been set up; initially motorcyclists had to dismount 500 yards from the checkpoint, but now all motorcycles are totally banned within Maiduguri Metropolitan and Jere LGA (the Borno government is replacing their role in everyday transport, it says, by providing 5000 motorised tricycles and 100 buses). Now that the army is patrolling, it too is under attack from BH: in response, the army's de facto policy is to kill not only anyone who attacks them but also, possibly, those whom they suspect may have been _sheltering' the attackers. These supposed sympathisers or supporters' of BH, living as they must either as residents of dense low-cost housing or as petty traders among the stalls that line Maiduguri's roads, pose a problem to the army and police as they rush in pursuit of whomever they believe shot at them: locals are simply

categorised as BH and they and their premises are at risk. This is understandable as neither the army nor the police have had experience before of sustained urban counter-insurgency among their own fellow-citizens.' **[152a]**

8.19 In relation to the army, an article in Vanguard of 16 February 2012, 'Boko Haram: Massive shake-up in the Army', noted that 'Apparently miffed over the ease, with which Boko Haram sect attacked some military formations in the country recently, the Army high command, yesterday did a major stock taking and redeployed 72 Generals including three General Officers Commanding. GOCs, 26 other Major Generals and 43 Brigadiers- General.' **[29a]**

8.20 An article in This Day of 16 August 2012, 'Army Chief – We Must Stamp Out Terrorism', noted:

'The Nigerian Army yesterday reaffirmed its readiness to remain resolute and undaunted in its resolve to support the Federal Government in defeating the emerging threat of terrorism occasioned by the activities of the Boko Haram sect in the country… It also vowed to checkmate the seeming resurgence of kidnapping in the South-east zone, noting that available reports indicate that arm banditry initially checkmated in Aba, Abia State was gradually returning to Enugu, Imo and some parts of Anambra and Abia States…The Chief of Army Staff, Lt.-Gen. Azubuike Ihejirika, who spoke shortly after inaugurating projects, including the newly-constructed administrative blocks, the officers' mess and the parade ground at the 103 Battalion, Awkunanw Barracks in Enugu, however noted that the fight against the activities of Boko Haram was getting positive response.' **[43d]**

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HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

8.21 The USSD Report 2011 noted:

'Police routinely detained suspects without informing them of the charges or allowing access to counsel and family members. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Authorities kept detainees 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.

'Police held persons who happened to be in the vicinity of a crime for interrogation for periods ranging from a few hours to several months. After their release authorities frequently asked them to return for further questioning.

'Security forces arbitrarily arrested numerous persons during the year. During postelection violence in April and May [2011], authorities arrested hundreds of persons across the country, many of them based on little or no evidence of involvement in violence…Most individuals gained their release within a few weeks; however, an

unknown number of persons remained incarcerated without bail or charges at year's end.' **[3a] (Section 1d)**

8.22 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]**

8.23 Regarding arbitrary arrest and detention in cases involving terrorist suspects the same source commented: 'The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF [the Joint Task Force; made up of Nigerian police and army officers initially set up to execute Operation Restore Order in the Niger Delta] arbitrarily arrested hundreds of persons during sweeps for militants, and security forces made arbitrary arrests during the national elections.' **[3a] (Section 1d)** A Nigeriannewsservice report of 10 August 2012, 'Stop harassing Nigerians, FG warns police-The Punch', noted:

'The Federal Government on Monday warned the Nigeria Police Force against the arbitrary arrest and detention of Nigerians. Vice-President Namadi Sambo gave the warning while inaugurating a retreat for the Police High Command and officials of the Ministry of Police Affairs in Abuja. Sambo, who also disclosed that N70bn had been made available to the Ministry of Police Affairs to start the police reform process, said that arbitrary arrest and detentions must stop in order to promote democratic policing in the country. He also urged the police to change their operational strategy to reflect modern trends. The Vice-President said that the Police must embrace modern scientific policing to complement their community policing initiative.' **[154]**

8.24 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

8.25 The USSD 2011 Report stated:

'Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security service 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's [Joint Task Force] use of excessive force during raids on militant groups and criminal suspects in the Niger Delta and Borno State resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses.' **[3a] (Section 1c)**

8.26 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]**

8.27 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]**

8.28 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]**

8.29 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

8.30 The USSD 2011 Report stated that:

'The government or its agents committed numerous arbitrary or unlawful killings… During the year the Joint Task Force (JTF), a unit formed in 2003 to restore stability in the Niger Delta and composed of elements of the military, police, and security services, conducted raids on militant groups and criminal suspects in the Niger Delta and Borno State, resulting in numerous deaths and injuries to both alleged criminals and civilians. According to credible eyewitness accounts, the JTF committed illegal killings during attempts to apprehend members of the extremist group Boko Haram ("Western education is anathema," in Hausa) in Borno State and surrounding areas. For example, on July 9 the JTF reportedly committed illegal killings in response to a Boko Haram bombing in Maiduguri, Borno State. Local residents, media, and the international nongovernmental organization (NGO) Amnesty International (AI) reported that the JTF killed at least 23 and up to 40 persons, destroyed property, illegally detained residents, and raped women in the vicinity of the bomb blast.

'Credible reports also indicated that other uniformed military personnel and paramilitary mobile police carried out summary executions, assaults, and other abuses across the

Niger Delta and Borno State…The national police, the 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. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the illegal apprehension, detention, and sometimes execution of criminal suspects. The reports of state or federal panels of inquiry investigating suspicious deaths remained unpublished.' **[3a] (Section 1a)**

8.31 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.' **[12h]**

8.32 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]**

8.33 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 UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found in 2006 that police 'checkpoints provide the occasion for a large number of extra-judicial executions by police.' 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.

'Human Rights Watch requested information from the inspector general of police on a total of 16 incidents of alleged extrajudicial killings associated with extortion by the police at checkpoints, either documented by Human Rights Watch or credibly reported in the media. The force public relations officer responded in a letter to Human Rights Watch on March 26, 2010, stating, 'While it may not be possible now to respond to them [the 16 cases] one-by-one, be rest assured that the Nigeria Police views every such case as a case of MURDER for which the offending officers are investigated and dealt with in line with extant laws.' The response referred to only two examples from the 16 incidents in which police officers were dismissed and charged with murder…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]**

8.34 A BBC news online article of 13 July 2011, 'Nigeria policemen in court trial for Boko Haram killing', reported that 'Four Nigerian policemen have appeared in court in the first public hearing over the killing of radical Islamist leader Mohammed Yusuf in 2009.' **[8]** The USSD 2011 Report noted that 'On July 19, five police officers were arraigned in the federal high court in Abuja for the murder of Yusuf. The court granted bail to four of the officers, while one remained in custody. The case continued at year's end.' **[3a](section 1a)**

AVENUES OF COMPLAINT

8.35 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]**

8.36 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]**

8.37 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]**

8.38 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]**

8.39 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, last updated December 2012, 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-STATE ARMED GROUPS

OVERVIEW

10.01 A report from the Small Arms Survey, 'Small Arms, Armed Violence and Insecurity in Nigeria: The Niger Delta in Perspective', December 2007, provided a useful explanation on the difficulties in categorising and defining the different non-state armed groups in Nigeria, as noted:

'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)**

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 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.' **[97a] (page 19)**

10.04 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)**

10.05 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)**

LIST OF KNOWN NON-STATE ARMED GROUPS/'CULTS'

10.06 The Geneva Academy of International Humanitarian Law and Human Rights website (last updated 8 July 2012) listed the following non-state actors in Nigeria (bold added):

'**Boko Haram** … Boko Haram, meaning "Western education is forbidden", is a radical Islamist group which aims at installing Muslim rule in Nigeria. It is responsible for a string of violent attacks in the country that have killed one thousand people since mid-2009.

'**Movement for the Emancipation of the Niger Delta (MEND)** … Movement for the Emancipation of the Niger Delta dates its emergence to 2006 and is a rebel faction composed of the Ijaw people living in the Niger Delta. It is said to be one of the most prominent non-state armed groups 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.

'Other significant armed groups in terms of scale and intensity of fighting include the following:

'**Niger Delta People's Volunteer Force (NDPVF)**

'**Federated Niger Delta Ijaw Communities (FNDIC)**

'**O'odua People's Congress (OPC)**

'Onitsha Traders Association (OTA)

'Niger Delta Volunteer Force (NDVF)

'Egbesu Boys of Africa (EBA)

'Hisbah Groups

'Bakassi Boys

'Arewa People's Congress (APC)

'Movement for the Actualization of the Sovereign State of Biafra (MASSOB)

'Niger Delta Vigilante (NDV).' [110]

10.07 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', 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	Jaggare Confederation	Scorpion
Blanchers	KGB	Scorpion Fraternity
Black Bras	King Cobra	Sea Vipers

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	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	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)

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)

Boko Haram and its splinter groups

The following information provides material on Boko Haram's organisation, and the existence of splinter groups. For further information on violence attributed to Boko Haram see: Unrest linked to Boko Haram

10.08 A Combating Terrorism Center Sentinel (CTC) report of October 2012, 'Boko Haram's Dangerous Expansion into Northwest Nigeria', noted the existence of factions within what is commonly recognised as Boko Haram:

'Disagreements among Boko Haram members over assassinations of Muslim leaders, mass casualty attacks that kill Muslim civilians, and negotiations have contributed to the emergence of splinter groups. Under interrogation, captured spokesman Abu Qaqa revealed that some Boko Haram members are tired of fighting, but are afraid to leave the group for fear of reprisals. For example, Abu Qaqa's replacement, known in Nigerian media as "Abu Qaqa II," was reportedly killed on Shekau's orders after trying to denounce Boko Haram following the attacks in Kaduna on Easter 2012. The attacks killed mostly Muslim motorcycle taxi riders, women, and children outside of the church. Abu Qaqa also said that Boko Haram members who refused to go on suicide missions would face the "death penalty" and that the tendency to select non-Kanuris for such missions alienated members from other ethnic groups.

'Some groups in northern Nigeria have broken from Boko Haram because of their opposition to Shekau's faction, including the Yusuffiya Islamic Movement (YIM) and Jama`at Ansar al-Muslimin fi Bilad al-Sudan ("Ansar"). Neither group has claimed specific attacks, and their statements show that they support the insurgency in northern Nigeria; however, they both disapprove of Boko Haram's targeting strategy. In June 2011, the YIM, which is composed of former close followers of Muhammad Yusuf, distributed leaflets in Maiduguri to "distance our group from all the bombings targeted at civilians and other establishments and equally condemn them"; call on "this evil group [Boko Haram] to desist, failing which we shall have no option than to expose and hunt them"; and announce that it would "temporarily halt our fight against the assassination of our leaders in compliance with the prohibition of fighting in the holy month of Ramadan."' **[118b]**

10.09 The same CTC report added:

'Like YIM, Ansar first introduced itself by distributing flyers in Kano days after the attacks on January 20, 2012. Less than one week later, on February 3, Boko Haram killed six members of an unnamed rival faction in Maiduguri who were reportedly collaborating with the security forces against Boko Haram. Ansar also issued a video statement in June 2012 in which it called Boko Haram's killing of Muslims, including two clerics who were affiliated with Ansar, "inexcusable" and accused Boko Haram of killing members who sought to defect to Ansar. It then said in July 2012 in an Arabic language posting on an online jihadist forum that one of its goals was to "protect the lives and properties of Muslims" because no other "Islamic armed forces took any military actions" against the "infidel armed groups."

'In response to these disagreements, Shekau's faction has tried to show that Boko Haram does not kill "innocent" Muslims. On July 25, 2011, for example, Shekau explained in a video statement, "if you hear that we have killed a Muslim, we must have found out that he was collaborating with the unbelievers…But the ordinary people in town, we seek your forgiveness; I swear we will not harm you." Boko Haram leaders have issued similar statements and alleged that the government is responsible for creating the impression of division.' **[118b]**

10.10 A Jamestown Foundation report of 10 January 2013, 'Ansaru: A Profile of Nigeria's Newest Jihadist Movement', noted:

'After the death of Boko Haram founder and leader Muhammad Yusuf in July 2009, Nigerian security forces killed up to 1,000 Boko Haram members over a four-day period that month and arrested hundreds of other members in order to – in the words of then-Nigerian President Yar'Adua – "crush" Boko Haram. Yusuf's closest followers, including his deputy Abu Shekau and third-in-command Mamman Nur, moved underground and began operating clandestinely, evolving from Taliban-inspired Salafists into insurgents identifying with al-Qaeda.

'…Shekau's movement is commonly called Boko Haram, though the full name is Jama'atu Ahlisunnah Lidda'awati wa'l-Jihad (the Group for the Propagation of the Prophet's Teachings and Jihad). Since its assault on Bauchi prison [in September 2010], the group has been responsible for 500 attacks with a death toll of more than 3,000 people. However, a dissident faction that rejects Shekau's leadership emerged in January 2012, using the name Jama'atu Ansaril Muslimina fi Biladis Sudan (Vanguard for the Protection of Muslims in Black Africa, or simply "Ansaru")…This new movement appears to coordinate its operations in Nigeria with the northern Mali-based al-Qaeda in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJWA). This faction may therefore be the most imminent threat to foreign interests in Nigeria, while Shekau's faction of Boko Haram may be the more long-term strategic threat.' **[66b]**

10.11 The same Jamestown Foundation report continued:

'On November 30, 2012, Ansaru sent an e-mail to a northern Nigerian media outlet and released a separate Hausa language video to claim responsibility for the November 25 prison break at the Special Anti-Robbery Squad (SARS) headquarters in Abuja. Although Nigerian police claimed that only five prisoners escaped, Ansaru alleged that it freed 37 members and 286 other prisoners who were subject to "real human rights violations," including "extra judicial killings," "termites" and "a complete lack of water"… On November 29, Shekau praised the operation in his own video, which featured Shekau and other militants training with rocket-propelled grenades and other weapons in an unknown desert location. Shekau offered "glad tidings" on the prison-break, claiming it free "more than 150 mujahideen."…Among the Boko Haram members freed from the prison was the wife of Kabiru Sokoto, the mastermind of the 2011 Christmas Day church bombings outside of Abuja.

'…That Ansaru and Shekau's faction of Boko Haram were united in praising the prison break is consistent with Ansaru's June 5 statement that it would "compliment" its "brothers" in Boko Haram, but would distance itself from Boko Haram when the movement does "bad things"…In a November 26 statement, Ansaru elaborated on these "bad things" when it accused Shekau of ordering the killing of an Ansaru member for "taking a moderate stance on religious matters," "going too far in his interactions with

people" and justifying his leadership with "extreme actions." When Ansaru first announced its existence publicly on January 26, 2012 by distributing fliers in Kano after Boko Haram attacks in the city killed approximately 150 Muslim civilians, media reports described Ansaru's emergence as a reaction to the "loss of innocent Muslim lives"…In a June 2 video, Ansaru said that the sin of killing a fellow Muslim was second only to the sin of accepting laws other than the Shari'a and in a November 9 video Ansaru described the killing of Muslims as "inexcusable."' **[66b]**

10.12 The same Jamestown Foundation report added:

'Despite Ansaru's differences with Boko Haram, the group maintains that Ansaru and Boko Haram are like "al-Qaeda and the Taliban, pursuing similar objectives and engaging in the same struggle, but with different leaders"…Ansaru says its leader is Abu Usmatul al-Ansari, who appears with a veil covering his face in videos, and that its spokesman is Abu Jafa'ar, both of which are likely pseudonyms. Though Ansaru did not declare its formation until January 2012, UK Home Office Minister Mark Harper suggested the group was responsible for the May 2011 kidnapping of a British and Italian engineer, both of whom were subsequently killed by their captors during a failed rescue attempt by the UK's Special Boat Squadron (SBS) in March 2012…Responsibility for the kidnappings was claimed in two videos by a previously unknown group calling itself "al-Qaeda in the Lands Beyond the Sahel," though Nigerian security forces believed those responsible were a faction of Boko Haram.

'French news agency AFP reported that a Boko Haram informant claimed one of those responsible for the kidnappings was Khalid al-Barnawi a native of Nigeria's Borno State who is alleged to have trained with al-Qaeda in the Islamic Maghreb (AQIM) in Algeria in the mid-2000s and then carried out kidnappings of foreigners in Niger and Nigeria…He is also one of three Nigerians, including Abu Shekau, whom the United States designated as "global terrorists" in June 2012 and whom Nigeria declared "Most Wanted" in November 2012 for being on Boko Haram's Shura Council.

'Ansaru's leaders are among the many militants in northern Nigeria who reject Shekau's leadership. After Muhammad Yusuf's death, Boko Haram's Cameroonian third-in-command, Mamman Nur, fell out with Shekau when Nur took over the leadership of the movement while Shekau recuperated from gunshot wounds suffered in the July 2009 clashes. Nur loyalists believed Nur was fit to lead because of his international contacts, including alleged contacts with Somalia's al-Shabaab. However, Shekau succeeded in using his fearful reputation to emerge as the Boko Haram leader; according to a Boko Haram spokesman, "nobody even dared ask [Shekau] questions for fear of death"... When Shekau issued his first statement in July 2010, he said that "being the deputy to Yusuf," he had "stepped in and assumed the leadership." His leadership style came under rebuke in July 2011 when a group called the Yusufiya Islamic Movement distributed fliers in Kano calling on the "evil group" (i.e. Boko Haram) to desist and urged Muslims to "pray that Allah exposes those who perpetrated [bombings targeted at civilians]".

'Nur went on to mastermind the bombing of the UN Headquarters in Abuja on August 26, 2011 and is part of the team that Boko Haram factional leader Abu Muhammad is proposing for negotiations with the Nigerian government in Mecca, Saudi Arabia. However Shekau's Boko Haram faction has called Abu Muhammad's faction "fake" and denied any connection to his group (Sahara Reporters, August 23, 2012). Nur and his loyalists were also reported to have assassinated Mohammed Yusuf's cousin, Babakura

Fugu, in September, 2011 after he negotiated with the government for compensation for Yusuf's death. Shekau's group condemned this assassination as "immoral".' **[66b]**

10.13 The same Jamestown Foundation report stated:

'Ansaru claimed responsibility for an operation on December 19, 2012 in which 30 militants raided an engineering company's compound in Katsina (30 miles from the border with Niger) and kidnapped a Frenchman. Ansaru warned France that it would continue launching attacks against the French government and French citizens until France ends its ban on the Islamic veil and its "major role" in the planned intervention in northern Mali.

'…There are several factions in northern Nigeria that have taken up arms against the Nigerian government since the death of Mohammed Yusuf in 2009. Most of these factions are likely connected through the relationships that Shekau, al-Barnawi, Nur and other militants had before Boko Haram went underground. Shekau has been the main face of the insurgency in northern Nigeria, but his record as a divisive, albeit effective and fearsome leader and Boko Haram's killing of innocents has bred dissent. Now Ansaru is gaining prominence due to its kidnapping of foreigners in northern Nigeria, prison break operation in Abuja and a media strategy that challenges Shekau.' **[66b]**

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11. JUDICIARY

OVERVIEW

11.01 The Amnesty International report of 14 October 2011, 'Human Rights Agenda 2011-2015', stated that

'Nigeria has a weak criminal justice system…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.' **[12h] (page 16)**

11.02 The Amnesty International Report 2012, State of the World's Human Rights, published 24 May 2012, noted:

'Nigeria's criminal justice system remained under-resourced, blighted by corruption and generally distrusted. When investigations occurred, they were often cursory and not intelligence-led. The security forces often resorted to dragnet arrests instead of individual arrests based on reasonable suspicion. Suspects were regularly subjected to inhuman and degrading treatment in detention…Seventy per cent of Nigeria's 48,000 prison inmates had not been tried. Many had awaited trial for years. Few could afford a lawyer…In August, the Federal Government set up a Committee on the Implementation of Justice Sector Reforms to draft legislation, guidelines and recommendations and implement these within 24 months.' **[12e](Justice System)**

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ORGANISATION

11.03 Legal Practitioners, Babalakin and Co, in an undated document (accessed 27 September 2012), described the courts in the country:

'The Supreme Court of Nigeria

'This is the apex court in the hierarchy of courts in Nigeria and is situated in the Federal Capital Territory, Abuja. The Chief Justice of the Federation heads the Judiciary of Nigeria and presides over the Court. The court has limited but exclusive original jurisdiction in any dispute between the Federation and a State or between States if and in so far as that dispute involves any question (whether of law or fact) on which the existence of a legal right depends. Its appellate jurisdiction is to determine appeals from the Court of Appeal and this is also to the exclusion of any other court. The court consists of the Chief Justice of Nigeria and such number of Justices not exceeding twenty one as may be prescribed by the National Assembly. Ordinarily, the Court is duly constituted if it consists of not less than five Justices of the Court, except where it is exercising its original jurisdiction or a matter involves a question as to the interpretation or application of the constitution or whether any provision relating to the Fundamental Rights provisions of the Constitution has been, is being or is likely to be contravened. In this regard, the Court is duly constituted if it consists of seven Justices of the Court.

'The decision of the Supreme Court on any matter is final and is not subject to an appeal to any other body or person. This is however without prejudice to the power of the President or Governor of a State's exercise of Prerogative of Mercy in appropriate cases. The decisions of the Court are binding on all other courts in Nigeria.

'The Court of Appeal

'This is next in the hierarchy of courts in Nigeria and its decisions are binding on all other lower courts. It is composed of the President of the Court of Appeal and other Justices of the Court of Appeal not being less than forty-nine. The court has original and exclusive jurisdiction over questions as to whether a person has been validly elected to the Office of President or Vice President of the Federation or whether the term of office of such person has ceased or whether the office has become vacant. It also has appellate jurisdiction to hear appeals from decisions of the High Courts of the States and the Federal Capital Territory, Federal High Court, the Sharia Courts of Appeal of the States or of the Federal Capital Territory, Customary Courts of Appeal of the States or of the Federal Capital Territory as well as from decisions of a court martial or other tribunals as specified by an Act of the National Assembly. The court is duly constituted by not less than three Justices for the purpose of exercising any of its stated jurisdiction. For administrative convenience, the court is divided into Judicial Divisions which sit in various parts of the country namely, Abuja, Lagos, Enugu, Kaduna, Ibadan, Benin, Jos, Calabar, Ilorin and Port Harcourt.

'The Federal High Court

'There is a Federal High Court for the country, comprising of a Chief Judge and such number of Judges as the National Assembly may prescribe. The court has limited but exclusive jurisdiction in civil and criminal causes or matters as set out in the Constitution. It however has no appellate jurisdiction. In exercising its jurisdiction, the Court is duly constituted by one Judge of the Court. Like the Court of Appeal, the Federal High Court is divided into Judicial Divisions for administrative convenience but

has a wider geographical spread as these Divisions are currently situated in over seventeen states of the Federation with plans to establish a Division of the Court in all the States of the Federation.

'The High Court

'There is a High Court in each State of the Federation and the Federal Capital Territory . Each Court is made up of a Chief Judge and such other number of judges as the State House of Assembly or the National Assembly (in the case of the High Court of the Federal Capital Territory) may prescribe. The High Courts of the various States have general original jurisdiction over civil and criminal matters except matters in respect of which any other court has been vested with exclusive jurisdiction, making them the courts with the widest jurisdiction under the Constitution. The court duly constitutes by one judge. Each High Court is divided into Judicial Divisions for administrative convenience.

'The Sharia Court of Appeal

'There is a Sharia Court of Appeal for the Federal Capital Territory and any State that requires it. This Court has appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law, which the Court is competent to decide in accordance with the Constitution. The Court comprises of a Grand Khadi and other Khadis as the National Assembly or the State Houses of Assembly (as the case may be) may prescribe.

'The Customary Court of Appeal

'There is a Customary Court of Appeal for the Federal Capital Territory and any State that requires it. This Court has appellate and supervisory jurisdiction in civil proceedings involving questions of customary law and is comprised of a President and such number of Judges as the National Assembly or the State Houses of Assembly (as the case may be) may prescribe.

'In addition to these courts created by the Constitution, there also exist Magistrate Courts, Disctrict Courts, Area Courts and Customary Courts established in various states by state laws. These courts are of limited jurisdiction as specified in their enabling laws and appeals from them lie to the High Court, Sharia Court of Appeal or Customary Court of Appeal as the case may be.' **[155]**

11.04 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012, (USSD 2011 Report) noted that 'Military courts tried only military personnel' **[3a] (Section 1e)**

11.05 The same source additionally observed with regard to the implementation of Sharia law: 'Varying sharia penal codes existed in 12 northern states, and sharia courts delivered "hadd" sentences. For example, such sentences included caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out during the year.' **[3a](Section 1e)** For further information see the subsection below on: Shari'a Law see also paragraph 25.09

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INDEPENDENCE

11.06 Regarding the independence of the judiciary, the USSD 2011 Human Rights Report stated:

'Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches and the business sector. 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.' **[3a] (Section 1e)**

11.07 The Freedom House Countries at the Crossroads report 2012, published 17 September 2012, stated:

'The judiciary is one of three independent branches of government, along with the executive and the legislature, under the Nigerian constitution. The federal courts, particularly the Supreme Court, have historically shown a high degree of probity and independence. However, as has occurred in the state courts, the federal courts have recently come under some attack for corruption and issuing of frivolous interim injunctions.

'…State courts are vulnerable to political pressure. State courts are partly under the supervision of the state executive branch in matters of appointments and capital budgetary allocations, which exposes them to gubernatorial manipulation. Funds for state courts are usually allocated through each state's justice ministry, which has allowed governors to reward their judicial branches for favorable rulings and deprive them of funds if they show defiance. As a result, state courts tend to bend to political pressure from the executive branch. Governors have also been known to offer inducements, such as purchasing new cars for state judges, in the hope of receiving favorable judgments in exchange.

'Although the federal courts also depend on the other branches for budgetary allocations, the NJC has helped to protect federal judges from political pressure. As such, judges have consistently issued neutral verdicts without fear or favor. The federal executive, particularly under Jonathan, has signaled its interest in respecting the rule of law. President Jonathan has also signaled support of a judicial reform bill that would increase the judiciary's independence and efficacy.' **[30a]**

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FAIR TRIAL

11.08 As regards fair trials, the USSD 2011 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.' **[3a] (Section 1e)**

11.09 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]**

11.10 An article of 20 September 2012 in NigeriaNews, 'Chief Judge of Lagos State Frees 233 Prisoners Awaiting Trial', noted that:

'The Chief Judge of Lagos State, Justice Ayotunde Phillips, on Tuesday during her visit to the Kirikiri Maximum and Medium Prisons, freed 233 inmates, who were on awaiting trial list and some of who had spent up to 12 years in prison…This visit was the first since the chief judge assumed office in June and is one of the activities lined up for the commemoration of the 2012/2013 new legal year of the state judiciary.

'One hundred and thirty inmates were released from prison custody at the Kirikiri Maximum Security Prisons while the remaining 103, were from the Kirikiri Medium Security Prisons. … Justice Phillips, while granting freedom to the inmates, stated that it was in line with her statutory duty to decongest the prison, saying that the exercise was carried out "in pursuant of the powers conferred on me under Section 1 (1) of the Criminal Justice Release from Custody Act, Laws of the Federation of Nigeria 2007." … According to her, the exercise will continue to be part of the legal year activities and will also come up more often than before in line with her inaugural vow.' **[157a]**

Additionally for information on trial procedures in those states which implement Sharia law, refer to the section: Shari'a Law

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CRIMINAL CODE

11.11 Nigeria Law provided a copy of the Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990

SHARI'A LAW

11.12 The Human Rights Watch World Report 2012 covering events in 2011, released 22 January 2012, noted that:

'State governments in 12 northern states 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. In September [2011] a court in Zamfara State sentenced two men to amputation of their right hands. At this writing the case was under appeal. Serious due process concerns also exist in these proceedings, and evidentiary standards in the Sharia codes applied in these states discriminate against women, particularly in adultery cases.' **[22a]**

11.13 The USSD 2011 Human Rights Report stated that:

'The constitution … provides that the government establish a federal sharia court of appeal and a final court of appeal, but authorities had not done so by year's end…The law also provides that states may elect to use the sharia penal code in the courts. While sharia courts have operated throughout the north for centuries, in 2000 sharia courts received authority 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. For example, on October 10, an Abuja magistrate court ordered a punishment of 12 strokes of a cane to a man found guilty of stealing a cow.

'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)**

11.14 Additionally the source observed:

'…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)**

11.15 The US State Department International Religious Freedom Report 2011, published 30 July 2012, 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. Non-

Muslims had the option to try their cases in the Sharia courts if involved in disputes with Muslims. If non-Muslims did not agree to go to Sharia courts, common law courts would hear their cases. While Sharia courts could not compel participation by non-Muslims, some non-Muslims occasionally chose to have cases heard in Sharia courts, citing their speed and low expense.

'While the constitution specifically recognizes Sharia courts for civil matters, it does not allow courts interpreting only religious laws to have and exercise criminal jurisdiction. Aggrieved parties can appeal judgments of Sharia courts to three levels of Sharia appellate courts. Decisions by the Sharia court of appeal (the highest level of the Sharia courts) can theoretically undergo appeal to the Federal Court of Appeal and then to the Supreme Court. Although the constitution does not explicitly allow Sharia courts to hear criminal cases, they have done so in the past. To date, however, no case involving the Sharia criminal code has reached the Federal Court of Appeal. There were no reports of Sharia courts trying criminal cases during the past year.

'In Zamfara State, the first state to adopt Sharia, a Sharia court must hear all criminal cases involving Muslims. The state also established a Commission for Religious Affairs in January 2000. The ministry regulates religious affairs and preaching, distributes licenses to imams, and attempts to resolve religious disputes in the state.

'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)**

11.16 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

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CUSTOMARY LAW

11.17 The US State Department International Religious Freedom Report 2011, published 30 July 2012, noted that:'The constitution provides that states may establish courts based on the common law or customary law systems.' **[3b] (section ii)**

11.18 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]**

11.19 An undated GlobaLex Guide to Nigerian Legal Information (accessed 2 October 2012) noted:

'The ethnic customary law is the indigenous law that applies to the members of the different ethnic groups. Nigeria is made up of several ethnic groups each with its own variety of customary law. Customary law is a system of law that reflects the culture, customs, values and habits of the people whose activities it regulates. It has been described as a mirror of accepted usage. Customary law is particularly dominant in the area of personal and family relations like marriage, divorce, guardianship and custody of children and succession. Naturally, differences in the customary laws of different ethnic groups do exist and this must be taken for granted. Even within an ethnic group, instances of pockets of differences in aspects of customary law are noticeable. For

example, the marriage customs and inheritance rules of the Ibos of the South Eastern Nigeria are different from those of the Yorubas of the South Western Nigeria. Beyond this the customary values and systems of various Yoruba sub-ethnic groups are bound to be different even if they are in the same State. Unfortunately, ethnic customary law is unwritten, uncertain and difficult to ascertain. It is flexible and has the capacity to adapt to social and economic changes without losing its character. There have been instances of legislative interventions to modify and at times abrogate rules of customary law. Customary law is usually enforced in customary courts, the courts at the lowest rung of the hierarchy of courts, which in most cases are presided over by non-legally trained personnel, though higher courts are equally permitted to observe and to enforce the observance of rules of customary law by their enabling laws. It is to be noted the bulk of causes on the Cause List of customary courts, especially in South Western Nigeria, are matters relating to the dissolution of traditional marriages.' **[156]**

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

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released 24 May 2012, (USSD 2011 Human Rights Report) stated:

'Police and security forces have authority to arrest individuals without first obtaining warrants, 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, transport the accused to a police station for processing within a reasonable time, and allow suspects to engage counsel and post bail.' **[3a] (Section 1d)**

12.02 The same source also noted that arbitrary detention routinely occurred and bail provisions additionally remained arbitrary or subject to extrajudicial influence. Additionally the source explained: 'Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system.' **[3a](Section 1d)**

For further information see Security forces, Arbitrary arrest and detention

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13. PRISON CONDITIONS

13.01 King's College London International Centre for Prison Studies, World Prison Brief, Nigeria, (undated but accessed 4 October 2012) 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)	**Zakari Ibrahim** Comptroller-General of Prisons
Prison population total (including pre-trial detainees / remand prisoners)	**54,156** at 31.10.2012 (national prison administration)
Prison population rate (per 100,000 of national population)	**32** based on an estimated national population of 167.6 million at end of October 2012 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	**70.8%** (31.10.2012)
Female prisoners (percentage of prison population)	**1.9%** (31.10.2012)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	**c.1%** May 2011 - juveniles)
Number of establishments / institutions	**234** (2012)
Official capacity of prison system	**47,284** (31.10.2012)
Occupancy level (based on official capacity)	**114.5%** (31.10.2012)
Recent prison population trend (year, prison population total, prison population rate)	1992 **47,508** **(46)** 1996 **52,000** **(46)** 1999 **44,797** **(37)** 2002 **40,048** **(31)** 2005 **39,006** **(28)** 2008 **40,240** **(27)** 2011 **50,692** **(31)**

[40]

13.02 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012, (USSD 2011 Human Rights Report) stated:

'Prison and detention center conditions remained harsh and life threatening. Most of the country's 234 prisons, built 70 to 80 years earlier, lacked basic facilities. The system

included 11 maximum security prisons, 80 satellite prisons, 10 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees.

The Nigerian Prison Service released statistics at the end of May [2011] showing that the country's prisons held 48,124 inmates. In May Comptroller General of Prisons Olusola Ogundipe announced that the prisons held an additional 1,000 persons for alleged involvement in April postelection violence, most of whom subsequently gained their release. Individual prisons held as much as 500 percent of their designed capacity. For example, the Owerri Federal Prison had a capacity of 548 prisoners but held more than 1,635. Ogwuashi-Uku prison in Delta State, with a capacity of 64 prisoners, housed 358, while Port Harcourt prison, with a capacity of 804 prisoners, held 2,594. Of the inmate population, approximately 2 percent were female and 1 percent juveniles.' **[3a] (Section 1c)**

13.03 The USSD 2011 Human Rights Report continued:

'Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from treatable illnesses. Prison illnesses included HIV/AIDS, malaria, and tuberculosis. Inmates with these illnesses lived with the regular population. Although authorities attempted to isolate persons with communicable diseases, the facilities often lacked the space to do so. Prison authorities claimed that the death rate in prisons was 89 out of 1,500 prisoners per year; however, no reliable independent statistics existed on the number of prison deaths.

'Only those prisoners 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.

'Prisoners with mental disabilities remained incarcerated with the general prison population. Individual prisons made efforts to provide mental health facilities, but most prisons did not provide mental health care.' **[3a] (Section 1c)**

13.04 On the subject of women and children in prison the USSD 2011 Human Rights Report stated:

'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, minors lived in the country's prisons, many of whom were born there. A 6,000 report by the African Union on the rights and welfare of the Nigerian child found that an estimated children lived in prison and detention centers. 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 also section 23: Women and section 24 on Children

13.05 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)**

13.06 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

13.07 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)**

13.08 As regards pretrial detention, the USSD 2011 Human Rights Report stated:

'…Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 70 percent of the prison population, with some awaiting trial more than 10 years. At year's end 33,692 pretrial detainees resided in the country's prisons, in a total of 48,124 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 lacked access to trials because police had insufficient vehicles to transport them to court on their trial dates.

'The NHRC [Nigeria Human Rights Commission] reported that some detainees were held because authorities had lost their case files. Some state governments released inmates already detained for longer than the potential maximum sentences they would have received if found guilty. Although detainees had the right to submit complaints to the NHRC, the commission had yet to act on a complaint (see section 5). Detainees could try to complain to the courts but often found this approach impossible. Even detainees with legal representation often waited years to gain access to the courts.' **[3a] (Section 1d)**

See sections on Arrest and Detention-Legal Rights, Arrest and Detention, and Security Forces

13.09 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]**

13.10 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]**

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14. DEATH PENALTY

LEGAL FRAMEWORK

14.01 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]**

14.02 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]**

14.03 The Hands Off Cain website, Nigeria page, undated, (accessed 5 October 2012) 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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IMPLEMENTATION OF DEATH SENTENCES AND EXECUTIONS

14.04 The Death Penalty Project website Nigeria Country Profile (undated but accessed 5 October 2012) 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]**

14.05 The Amnesty International report of March 2012, Death Sentences and Executions 2011, noted:

'There are approximately 830 death row inmates in Nigeria's prisons. Since the move from military rule to democracy in May 1999, at least 750 people have been sentenced to death in Nigeria. During the same period, at least 22 people were executed, and possibly more. No executions have been carried out since 2006, but at least 72 new death sentences were imposed in 2011. Many death row inmates were sentenced following blatantly unfair trials or after more than a decade in prison awaiting trial. The majority of death sentences are imposed by courts at the state level. 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 Shari'a penal codes applicable in twelve northern states, rape, sodomy and adultery are also punishable with death.

'In October [2011], the Attorney General of the Federation and Minister of Justice stated that Nigeria had introduced an official moratorium on executions. However, no official gazette was issued to confirm this. A study group has been created to discuss the further use of the death penalty. However, in June, the scope of the death penalty was expanded to include supporting terrorism resulting in death. Provisions under the Terrorism Act are imprecise, too broad, and inconsistent with human rights standards for the lawful deprivation of liberty and fair trials. In October, the National Assembly discussed a bill extending the death penalty to kidnapping and hostage-taking.' **[12q](page 50)**

14.06 An Amnesty International report of 19 October 2012, 'Nigeria: Two prisoners at imminent risk of execution in Edo state', noted:

'Two prisoners on death row in Benin Prison are in imminent danger of being hanged after the governor of Nigeria's Edo State signed their death warrants…According to the Office of the Federal Attorney General and Minister of Justice, there is now a moratorium on executions in Nigeria, however, he described the moratorium as 'voluntary'. This latest attempt to resume executions follows an announcement by state governors in June 2011 that they would review all cases of death row inmates and sign off executions as a means of decongesting the country's prisons.' **[12t]**

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

'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]**

14.08 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]**

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15. POLITICAL AFFILIATION

Users are recommended to refer to background information on Nigeria's Political system when considering the material provided below. It is also advised to read information under both Freedom of speech and media and Human rights institutions, organisations and activists in order to fully consider the issue of freedom of expression as information overlaps across these other sections.

FREEDOM OF POLITICAL EXPRESSION

15.01 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released 24 May 2012, (USSD 2011 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 56 parties registered with the INEC by year's end. On August 18, the INEC deregistered seven political parties that did not meet the requirements for the establishment of a political party **(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. Overall, authorities conducted credible general elections in April [2011]. Some candidates alleged fraud and filed petitions before election tribunals, which upheld some results while overturning others. Such fraud and continued election irregularities abridged citizens' right to change their government to a limited extent.' **[3a] (Section 3)**

15.02 The Freedom House report, 'Countries at the Crossroads 2012', Nigeria, of 17 September 2012, noted in its introduction that:

'Democratic consolidation and political freedom face serious ongoing challenges. A radical Islamic group exploded a bomb just a few hundred meters away from Goodluck Jonathan's inauguration. The ruling People's Democratic Party (PDP) maintains a firm grip on political competition, though opposition parties have made some gains in the House of Representatives and in a dozen states. Despite a nominally open primary process, and improvements to the electoral law, the public has virtually no input on how parties select candidates. However, the role of political "godfathers" in controlling the selection process of candidates in many states has diminished.' **[30a]**

15.03 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

In considering the following information, it should be recognised that 'political' violence may often be linked to other socio-economic or cultural factors, such as ethnicity, religion or opposition to government policies, such as those on fuel subsidies. It is therefore recommended to refer to other sections, as outlined in the contents, to understand relevant information more fully.

15.04 Freedom House's 2012 Freedom in the World Country Report – Nigeria, published August 2012, remarked that since the return to civilian rule in Nigeria in 1999, politically motivated violence had continued to undermine the electoral process in the country. The source further remarked that this was particularly a problem in the Niger Delta region, where criminal gangs were allegedly employed by politicians to target and intimidate opponents. **[30b]**

15.05 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]**

15.06 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]**

15.07 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)**

15.08 A BBC News article of 28 December 2010, 'Jos bombing: Politicians "fuel Nigeria unrest'', referred to unrest in the Nigerian middle belt: 'Nigerian faith leaders have accused politicians of fuelling a recent upsurge in sectarian violence in which 80 people have died. In a joint news conference, Muslim and Christian leaders said politicians were using religion to whip up trouble around the city of Jos. Bombs exploded in several areas of Jos on Christmas Eve, and Christian and Muslim youths clashed two days later…Local politicians are frequently accused of trying to exploit communal tensions for their gain.' **[8f]**

15.09 A subsequent BBC article of 12 July 2012, 'Nigeria violence: Plateau politicians die at funeral', noted:

'Two Nigerian politicians have died during an attack on a funeral for victims of communal violence that led to at least 37 deaths on Saturday. The military said the funeral assault and Saturday's attacks on Christian villages near Jos in Plateau state were probably carried out by the same men. Muslim herdsmen from the Fulani ethnic group were blamed for the violence, but they denied any wrongdoing. The state governor has now imposed an overnight curfew…the victims of Saturday's attacks were from the Christian Berom ethnic group. The community has been caught up in a cycle of violence with Fulani herdsmen, stemming from a disagreement as to who are the rightful inhabitants of the land in Plateau state…' **[8m]**

For further information on civil unrest in Nigeria refer to the Security situation

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.10 The USSD 2011 Human Rights Report stated that:

'The constitution and law provide for freedom of assembly; however, the government occasionally banned gatherings when it concluded that their political, ethnic, or religious nature might lead to unrest. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis. Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries … Open-air religious services held away from places of worship remained prohibited in many states, due to fear that they might heighten interreligious tensions. During national elections numerous states banned or cancelled political rallies, citing fears that the organizers planned to incite violence.

'For example, on March 21, the state government and police in Jos, Plateau State, attempted to block the formation of a political rally for presidential candidate Muhammadu Buhari. The state government and police argued that the city remained too volatile for a political rally. When the rally still attempted to form, police fired into the crowd, killing six persons.

'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 56 parties registered with the INEC by year's end. On August 18, the INEC deregistered seven political parties that did not meet the requirements for the establishment of a political party.' **[3a] (Section 2b)**

15.11 Freedom House's 2012 Freedom in the World Country Report – Nigeria, published 19 January 2013, 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]**

15.12 A BBC News article of 16 January 2012, 'Nigerian fuel subsidy: Strike suspended', noted:

'Nigeria's unions have suspended their strike after the president agreed to cut the cost of petrol following a week of protests. The strike was called after prices doubled when President Goodluck Jonathan removed a fuel subsidy on 1 January. Earlier on Monday, he announced that he would restore part of this subsidy…Nigeria is Africa's biggest oil producer but it imports almost all of its refined fuel. Correspondents say many Nigerians see cheap fuel as the only benefit they get from their country's oil wealth, much of which is pocketed by corrupt officials.

'The unions said they acted to save lives, after receiving information that the security forces had been ordered to use all means to end protests. The decision came as the police and army maintained a heavy presence on the streets of most cities…Police in the commercial capital, Lagos, fired live bullets into the air and tear gas to disperse hundreds of protesters on Monday.' **[8n]**

For further information on civil unrest in Nigeria refer to the Security situation. For specific information on the fuel subsidy protests see the subsection: Fuel Protests and the 'Occupy Nigeria' movement

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16. 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.

16.01 Reporters Without Borders (RSF) ranked Nigeria 126th out of 179 countries in its 2012 world press freedom index (published 26 January 2012), with the watchdog citing the 'almost daily arrests and assaults' of journalists. **[13b]** The Freedom House Freedom of the Press 2012 report, released 1 May 2012, covering events in 2011, stated:

'The 1999 constitution guarantees freedom of expression and of the press, but Nigeria's vibrant and active media sector continues to face numerous attempts by state and nonstate actors to suppress political criticism and intimidate journalists into silence. On a positive note, 2011 saw significant improvement in the legal environment with the signing of the Freedom of Information (FOI) Act by President Goodluck Jonathan. The new legislation is the result of a decade-long advocacy campaign led by civil society groups and media practitioners, and guarantees citizens' right to public information. Its passage made Nigeria the second country in West Africa, after Liberia, to adopt a comprehensive right to information law. Until the passage of the law, access to official information remained restricted by provisions in the 1962 Official Secrets Act and the criminal code, which creates various press and speech offenses, including sedition, criminal defamation, and publication of false news. Whether the recently passed FOI Act will negate the provisions of some of these laws remains to be seen. Libel is a criminal offense, and several journalists have been charged in recent years. In November 2011, Olajide Fashikun, editor of the National Accord newspaper, was arrested after alleging in a series of articles that there is corruption in the Nigerian Football Federation (NFF). At year's end, he was awaiting libel charges by the NFF.' **[30d]**

16.02 The British Broadcasting Corporation's (BBC) Country Profile of Nigeria, last updated December 2012, 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 at least one radio network and a TV station. According to the broadcasting regulator, there are 100 radio stations and 147 terrestrial TV stations, as well as cable and direct-to-home satellite offerings. Radio is a key source of information. International broadcasters, including the BBC, are popular. However, rebroadcasts of foreign radios are banned. Television viewing is concentrated in urban areas. Legislation limits the amount of foreign programming that stations can show, and outlets cannot air foreign news. The state TV says it reaches more than 90 million viewers. However, privately-owned Galaxy TV, Silver Bird TV and AIT are the leading stations in some 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.' **[8c]**

16.03 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]**

16.04 The Human Rights Watch World Report 2012, section on Nigeria, published 22 January 2012, noted that: 'Civil society and the independent press openly criticize the government and its policies, allowing for robust public debate. Yet journalists are still subject to arrest and intimidation when reporting on issues implicating Nigeria's political and economic elite.' **[22a]**

THE INTERNET AND SOCIAL MEDIA

16.05 The Fesmedia Africa report, African Media Barometer-Nigeria 2011, undated (accessed December 2012), noted:

'A wide spectrum of media platforms are available to Nigerians, even though access may be restricted by cost, technology, circulation and other factors such as lack of electricity in some parts of the country.

'…Nigeria has an impressive mobile phone penetration. There are believed to be more than 80 million subscribers in this country of some 150 million inhabitants. Nearly every village in Nigeria has a mobile telephone network. Though the cost of telecommunication remains high for many subscribers, the mobile phone still serves as a primary source of information access.

'[The] Internet is becoming increasingly popular, though it is only available in big towns and cities. Most Nigerians access the internet at cybercafés where they pay between US 50 cents to US $1 per hour for the service. While only a small proportion of the

population has internet at home, most offices are equipped with computers with relatively high speed internet connection. Mobile phones have increased internet access options, but the potential impact is restrained by the high costs associated with this access.

'…New media, especially social media, have given citizens more voice. The Internet (Twitter, Facebook, YouTube) and mobile phone text messaging were used extensively during the 2011 elections to share information and opinions about the polls with comparatively less fear than in past elections. Radio stations are also beginning to popularise call-in programmes, which give members of the public the opportunity to air their views.'

'…There are indications that the government is monitoring public internet access points such as cybercafés, to combat "advance fee fraud" - popularly referred to as 419 scams. There is also a cyber crime law in the works, which would address issues like electronic fraud and pornography. But in the meantime, there are no known reports of internet content filtering or attempts to block certain sites.' **[165](pages 5, 16, 20 and 21)**

16.06 The Open Society Foundation report Mapping Digital Media: Nigeria, published 21 June 2012, noted:

'Nigeria has a relatively high internet penetration rate, driven primarily by a rapid expansion of mobile platforms. Recent figures suggest that over a third of the population have access to the internet and there are over 50 mobile phones per 100 Nigerians. However, internet access is concentrated geographically within just 16 percent of the country, and overwhelmingly within urban areas. Access to digital broadcasting platforms is largely contained within pay-TV networks, and free-to-air digital broadcasting is still embryonic. **(P6)**

'…By April 2012, Nigeria had 4.13 million Facebook users, ranking it 38th in the world. Facebook's growing significance is perhaps indicated by the fact that all the leading candidates in the 2011 presidential election had Facebook pages, and the page of the winner, the incumbent president (Goodluck Jonathan), boasted more than 350,000 "friends." Further evidence for the popularity of Facebook is supplied by the web tracking site StatCounter. The company analyzes internet connections for over 3 million sites monthly…Facebook commands a 92 percent market share among users of social networking sites in Nigeria. Other popular international UGC [User Generated Content] sites include Twitter, YouTube, and StumbleUpon.' **(p35)**

'While all the major social networking sites in Nigeria are international, Nairaland.com, a Nigerian social networking site, is quite popular with Nigerians whether resident in the country or living abroad. Founded in March 2005 by Seun Osewa, Nairaland.com has grown to become Nigeria's most popular UGC site…the site features large chat rooms where Nigerians interact on various issues including news, romance, politics, and entertainment. Alexa.com claims that the users of the site are mainly low-income and single but well-educated males less than 35 years of age.

'…There is very little consistent research into blogging in Nigeria, but available data suggest that blogs are steadily growing in popularity. According to Nigerianblogawards.com, there were at least 885 Nigerian blogs in July 2011. The site defines a Nigerian blog as a site written by or for Nigerians, which is updated at least once in three months and is publicly accessible. Towards the end of 2011, there was

further evidence of solid growth in the adoption of blogging as a communications channel by Nigerians, with the increasing popularity of blogs such as Bellanaija.com, Lindaikeji.com, and YNaija. Most blogs tend to be owned and run by individuals (as opposed to corporations).'

'…Largely excluded from the press and broadcasting outlets, minority groups and civil society express themselves increasingly through alternative platforms including blogspots, listservs, and video sharing websites. This has helped to internationalize campaigns at a faster pace than before and to expand the public sphere for Nigerians globally, enabling issues to be exposed that might otherwise have been trapped under the weight of legal or repressive restraints.'

'…The spontaneous formation of the Occupy Nigeria movement on 2 January 2012 pointed to the use of social media as a potentially vital tool for mobilizing citizen resistance in the future. Occupy Nigeria was the response of aggrieved Nigerian youths to the sudden 126 percent increase in the price of petrol on the first day of 2012. The Government explained its action by the need to remove fuel subsidies. Protesters took to the streets all over the country, forming groups to resist the unprecedented increase. Social media were also deployed, with civil activists and volunteers creating accounts on Facebook and Twitter to register public discontent. Partly due to this immense pressure across the nation, which was largely fueled by daily online revelations about public waste and corruption, the Government reversed its policy and brought down petrol prices from NGN 141 (US$0.88) to NGN 97 (US$0.60) per liter.' **[120b](pages 6, 8, 35, 36, 37 and 41)**

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JOURNALISTS

Violence and intimidation

16.07 The Committee to Protect Journalists in its Attacks on the Press 2012 report, released February 2013, noted:

'President Goodluck Jonathan struggled to maintain stability as Boko Haram, an Islamist militant group based in northern Nigeria, carried out a wave of terrorist attacks against churches, government buildings, and, for the first time, news outlets. In April, the group staged coordinated attacks on offices of three newspapers in two cities, and threatened reprisals against 14 news outlets it accused of misrepresenting its activities. The threats forced many journalists to relocate from northern Nigeria. The press corps also faced persistent harassment at the hands of the government: CPJ documented more than 100 assaults, cases of obstruction, and other anti-press actions by security forces and officials. Jonathan also came under fire for his decision to suspend consumer fuel subsidies, which prompted a nationwide strike and street protests in this top oil-producing nation. Protesters surrounded the studios of the national public broadcaster Nigerian Television Authority and the private Africa Independent Television, two prominent outlets seen as pro-government, to demand more coverage of their concerns. The anger spread to social media with the #OccupyNigeria hashtag trending globally on Twitter.' **[99d]**

16.08 The US State Department 2011 Human Rights Practices Report, released 24 May 2012, noted:

'Although the constitution and law provide for freedom of speech, including for members of the press, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, sometimes for reporting on sensitive issues such as elections and political corruption. Journalists practiced self-censorship, and local NGOs claimed that newspaper editors and owners did not report some killings and other human rights abuses, due in part to intimidation by security forces.' **[3a](section 2a)**

16.09 A Reporters Without Borders report of 7 May 2012, 'Daily Abuses Suffered By Nigeria's Journalists', stated:

'The press freedom organization outlines all breaches of freedom of information recorded between 24 December and 24 March [2012]. It highlights the almost daily arrests and assault of journalists and the obstruction of access to, and distribution of, information, and describes the insidious atmosphere in which journalists have to carry out their work.

'During the period in question, Reporters Without Borders recorded: the murder of one journalist, the killing of another with no proof that it was linked to the victim's work, nine assaults, seven arrests, three journalists threatened, four instances of seizure of equipment or deletion of files, three cases of access to information being cut off, three court cases against journalists and news organisations, the closure of a press centre and a media outlet's premises vandalised.' **[13c]**

16.10 With regard to attacks against journalists perpetrated by unknown, non-government elements, the Committee to Protect Journalists (CPJ) reported on a fatal shooting in January 2012 in which:

'[u]nidentified gunmen shot a reporter with independent broadcaster Channels TV. The reporter named as Akogwi was killed, '…as he interviewed witnesses of terrorist attacks in the city of Kano, local journalists told CPJ. Akogwu had just returned from a police news conference following coordinated bombings by extremist Islamist group Boko Haram that left at least 178 people dead, according to news reports…' **[99b]**

16.11 Another Reporters Without Borders article of 27 April 2012, 'Government Urged to Protect Media After Two Carbomb Attacks on Newspapers', stated:

'Reporters Without Borders is dismayed by yesterday's bombings targeting newspapers in the capital, Abuja, and the northern city of Kaduna and calls on the Nigerian authorities to reinforce security for news media, journalists and other media personnel. … Reacting to the two bombings, which killed at least nine people, President Goodluck Jonathan issued a statement stressing the government's commitment "to uphold citizens' constitutional rights to freedom of expression and press freedom in particular."

'…In Abuja, a suicide bomber drove a jeep carrying explosives into the building housing the printing press of ThisDay, one of the country's most influential, privately-owned newspapers, killing himself and four other people and wounding dozens of others. ThisDay nonetheless said it had reinforced security around its premises in response to the violence that has killed at least 400 people since the start of the year.

'At the same time, a car laden with explosives was stopped as it approached a building in Kaduna that houses the regional offices of ThisDay, The Moment and The Daily Sun. One of the two men in the car got out and detonated a bomb that killed at least four people and wounded around 20 others…While the bombings were not immediately

claimed, they bore the hallmarks of the Islamist group Boko Haram, which accused the national media a few weeks ago of reporting falsehoods about it. One of the two men involved in the Kaduna bombing, who was detained by witnesses and handed over to the police, reportedly identified himself as a Boko Haram member.' **[13d]**

16.12 A Committee to Protect Journalists report of 15 January 2013, 'Unidentified assailants shoot dead a Nigerian editor', noted:

'Nigerian authorities should determine the motive behind the murder of an editor on Saturday and bring the perpetrators to justice, the Committee to Protect Journalists said today. … Unidentified men shot dead Ikechukwu Udendu, editor of Anambra News, a monthly newspaper in southeastern Anambra state, while he was returning home at night from a commercial printing house in the city of Onitsha, news reports said. Udendu had gone to the printing company to see if the paper was ready for distribution, the reports said. Emeka Odogwu, a reporter for the local paper The Nation, told CPJ that Anambra News covered news stories from Anambra state.

'Chukwulozie Udendu, publisher of Anambra News and Udendu's brother, told local journalists that he had received an anonymous phone call on Saturday night in which he was told to retrieve the journalist's body in front of a local restaurant, news reports said. Udendu's brother told CPJ he did not know what stories Udendu was working on before he died. Local journalists told CPJ they suspect Udendu was killed in connection with his reporting, but did not offer further details…News accounts reported that Ballah Nasarawa, the state's police commissioner, promised to personally investigate the murder and identify the journalist's killers. CPJ documented the murder of a Nigerian journalist in January 2012. Enenche Akogwu, a TV reporter, was gunned down while he attempted to interview witnesses of a terrorist attack in the city of Kano, news reports said.' **[99c]**

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Corruption

16.13 The Freedom House Freedom of the Press 2012 report, published 1 May 2012, covering events in 2011, 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]**

16.14 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."' **[99a]**

16.15 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]**

16.16 A Sahara Reporters opinion piece article of 30 July 2012, 'Nigerian Journalists and 'Brown Envelopes'', observed:

'…The Nigerian media is unable to function efficiently and independently because journalists are financially dependent on the very persons they are supposed to be watchdogs over…'How is it possible to 'truly' report the not so flattering truth about a person who feeds you? How is it possible to genuinely pursue real stories about real people when one knows that at that boring, mind-numbing 'press conference', there is an assurance of a few thousand naira or more?

'How is it possible to sincerely write investigative and enterprise stories in that beat that one has been assigned to when such a story might hurt so-and-so director or 'oga' and subsequently affect the financial benefits or travel opportunities that accompany the beat reporter in the Nigerian environment? How is it possible for an editor or publisher to consider running those stories which may affect his relationship with that top politician and eventually affect his income from advertisement not to speak of the other 'dashes' that he gains from such valuable associations?' **[108c]**

16.17 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]**

16.18 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]**

For further information on journalists in Nigeria, see the Reporters Without Frontiers http://en.rsf.org/nigeria.html and Committee to Protect Journalists http://www.cpj.org/africa/nigeria/ websites.

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17. 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

17.01 An April 2010 report based on 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]**

17.02 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012, (USSD 2011 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 sometimes cooperated and responded to their views. The government did not interfere with international human rights organizations that visited the country to research human rights violations, police abuses, and ethnic conflicts.' [**3a](Section 5)** The same source went on to note that Nigeria Human Rights

Commission (NHRC), tasked with monitoring and protecting human rights in Nigeria, including accusations of torture and poor prison conditions, was granted further independence and funding under the long awaited National Human Rights Commission Amendment Act which was signed into law by the president in 2011. **[3a](Section 5)**

For further information on the role of the NHRC see: The Nigeria Human Rights Commission See sections on Women and Shari'a law.

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)**

INTERNATIONAL PROTECTION INSTRUMENTS

17.03 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)**

NATIONAL HUMAN RIGHTS COMMISSION

17.04 The USSD Report 2011 observed:

'The NHRC [Nigeria Human Rights Commission], which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. The NHRC's operations were limited by insufficient funding. The commission also lacked an independent budget and judicial authority and could only make nonbinding recommendations to the government. However, in March the president signed the National Human Rights Commission Amendment Act. The law, which had remained in the National Assembly for six years awaiting presidential signature, secures the independence and funding of the NHRC through the Human Rights Fund. The law also provides greater recognition and enforcement of NHRC decisions. In September [2011] the NGO Human Rights Agenda Nigeria criticized the government for delayed implementation of the act, specifically for the failure to establish the Human Rights Fund or provide the NHRC and Legal Aid Council with sufficient funding for the promotion and protection of human rights.' **[3a] (Section 5)**

17.05 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]**

17.06 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]**

17.07 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]**

17.08 An interview with the Executive Secretary of the National Human Rights Commission of Nigeria (Prof. Bem Angwe) recorded in an article of 26 October 2012 in Leadership(Abuja) (via AllAfrica.com), 'NHRC Ready to Defend Any Nigerian Whose Rights Are Violated', noted:

'**What mechanisms have you put in place to ensure that the rights of Nigerians as enshrined in the Act are adequately protected?**

'First and foremost, when I assumed duties here, this commission only had eight offices-the head office, the metro office in Mararaba and six zonal offices. I considered that to be inadequate if the commission was to discharge its responsibilities to Nigerians. There was great need to give Nigerian more access to the work of the commission. So the first thing I did was to seek to expand the operations of the commission by opening more offices in the states. So far, we have opened offices in more than 13 states and we are still opening more and by the end of this year, we hope to have offices in more than two-thirds of the country. The essence of the offices is not

only to give access to Nigerians but also to ensure that Nigerians are aware of their rights.

'**…How far has the commission gone in sensitising the people to understand their rights?**

'First, the commission has started a process of translating the provisions of the Constitution and the relevant instruments regarding the rights of Nigerians into some major languages. These will be distributed free to all Nigerians. We are also having town hall meetings where the people are educated on their rights and only just yesterday we inaugurated Human Rights Education in the various schools. Henceforth the commission is going to preach human rights issues every week to two schools across the country and we also have a radio and TV programme to shed light on human rights matters. There is one that is already on where people are encouraged to bring their complaints to the station for us to address. This commission may intervene by investigation.

'…**What challenges are you grappling with here?**

'…Funding is also a problem. We need to go out and do a lot for Nigerians. Today we get as many as 200 petitions from Nigerians and we have to go out to investigate and we do not have enough personnel to do all that. We are even supposed to be in all the 774 LGAs in the country but we cannot do that for now. We need a lot of facilities to do all these things.' **[79e]**

See link (http://www.nigeriarights.gov.ng/)

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18. CORRUPTION

18.01 In its 2012 Corruption Perceptions Index (CPI), released 5 December 2012, Transparency International ranked Nigeria equal 138th in the world in a list of 176 countries, giving it a CPI score of 27. (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 100 (highly clean) and 0 (highly corrupt). **[35]**

18.02 A Gallup published survey (of October 2012), 'Global States of Mind', noted that 94 percent of Nigerians polled thought that corruption is widespread in government in Nigeria. **[167](page 6)**

18.03 The Human Rights Watch report of August 2010, ''Everyone's in on the Game'- Corruption and Human Rights Abuses by the Nigeria Police Force', offered a definition of corruption:

'There is no single or universally accepted definition of corruption in international law. The World Bank and the nongovernmental group Transparency International generally define corruption as "the abuse of public office for private gain." The World Bank includes in its definition situations where "public officials accept, solicit, or extort bribes; and when private actors offer bribes to subvert or circumvent public policies for competitive advantage and profit." The World Bank also classifies as corruption the theft

of state assets or the illegal diversion of state revenue, as well as patronage or nepotism by government officials.

'The United Nations Convention against Corruption defines "bribery" as "[t]he solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties." A similar definition is listed under acts of corruption in the African Union Convention on Preventing and Combating Corruption. Extortion, on the other hand, adds a coercive component. The UN Office on Drugs and Crime has noted that, "Whereas bribery involves the use of payments or other positive incentives, extortion relies on coercion, such as the use or threat of violence or the exposure of damaging information, to induce cooperation."

'Nigerian law provides steep criminal penalties for bribery—known also as "gratification"—and extortion. The Corrupt Practices and Other Related Offences Act 2000, for example, provides that "[a]ny person who offers to any public officer, or being a public officer solicits, counsels or accepts any gratification as an inducement or a reward for … [p]erforming or abstaining from performing … any official act … [is] guilty of an offence and shall on conviction be liable to five (5) years imprisonment with hard labour." Under the Nigerian Criminal Code, extortion is punishable by up to 14 years in prison.' **[22c](pages 22 and 23)**

18.04 Former US ambassador in Nigeria, John Campbell, in his book 'Nigeria: Dancing on the Brink' (published in 2011), provided his personal interpretation of corruption in Nigeria based on his many years of service in the country:

'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)**

18.05 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)**

18.06 More recently the Freedom House 'Countries at the Crossroads 2012' report for Nigeria, published 17 September 2012, noted that 'The media regularly exposes corruption, and civil society watchdog organizations have multiplied. Groups such as the Zero

Corruption Coalition have organized effective campaigns with domestic civil society groups to resist efforts to roll back the anti-corruption regime and to educate the public.' **[30a]** However another Freedom House publication, the 'Freedom in the World report 2012', published 19 January 2012, instead reported that:

'Corruption remains pervasive, with government efforts to improve transparency and reduce graft proving cosmetic in nature…the Economic and Financial Crimes Commission, Nigeria's main anticorruption agency, had arraigned 30 prominent politicians on corruption charges since it began work in 2002. However, it had won only four convictions, resulting in little or no jail time. The body has been hampered by political interference, an inefficient judiciary, and its own institutional weaknesses, and was subject to criticisms that it targeted those who had lost favor with the government.' **[30b]**

18.07 The Norwegian Peacebuilding Resource Centre November 2012 report, 'Who Rules Nigeria', stated:

'Corruption pervades all levels of government, and is caused by several deep-rooted factors, the most important of which is the "resource curse". During years of authoritarian rule, the ruling elite captured the country's oil income for personal enrichment and power purposes. Nigerian military power holders were economically and politically independent of their subjects, and could obstruct and dismantle the rule of law and state institutions in order to extract rents and use them for their private purposes.

'Another feature is the political character of corruption in Nigeria. Political corruption is twosided: on the one hand, it is the accumulation or extraction that occurs when the ruling elites use and abuse their hold on power to extract resources from the private sector and government revenues. At the same time, it is the process whereby extracted resources (and other public money) are used for power preservation and power extension purposes, which usually takes the form of favouritism and patronage.

'Both forms of corruption are entrenched in Nigeria. Extractive political corruption takes place in the awarding of upstream licences and contracts. Aspiring contractors have, for instance, used fake consultancy firms to channel payments to government, manipulated their companies' financial systems to acquire extra cash and distributed payments to representatives designated by those at the highest levels of government.

'In addition, government officials benefit from procedures that favour companies in which they have a financial stake, e.g. the use of private oil companies set up to collaborate with multinationals. These are not always genuine oil companies, however, but "front" companies owned by former and current government ministers, ruling party officials, and military officers. Sometimes they have no funds, no skills and no technology, and default on their initial payments until they get their share of the profits. Nigeria has currently at least 565 private oil companies, most serving as sub-contractors and partners of multinationals.

'Political corruption for power preservation purposes takes place in Nigeria at several levels. Favouritism and politically motivated distribution of financial and material inducements, advantages, and spoils are common. The ruling elite pays off rivals and opposition, and buys parliamentary majorities. Private companies are "asked" to contribute to ruling party campaign funds, and governmental institutions that are supposed to exercise checks and control are bought off to stop investigations and

audits. Judicial impunity is bought. Furthermore, loyal decisions from election commissions are accessible and votes bought to secure re-election.' **[166a](pages 5 and 6)**

18.08 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)**

18.09 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)**

Also see sub-section on Journalists: Corruption

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19. FREEDOM OF RELIGION

Ethnicity and religion are closely linked 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. Additionally for further background information see: Geography

19.01 The US State Department 2011 International Religious Freedom Report, Nigeria, published 30 July 2012, (USSD IRF Report 2011) stated in its executive summary that:

'The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. Selected state governments, individuals, and groups outside of the national government occasionally committed abuses.

'The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Overall, the government did not act swiftly or effectively to quell communal violence or to investigate and prosecute those responsible for such violence. Federal, state, and local authorities have not effectively addressed underlying political, ethnic, and religious grievances leading to violence. A climate of impunity exists, as authorities rarely prosecute and punish those responsible for violent attacks. The main targets of such violence include political and ethnic rivals, businesses, homes, churches, mosques, and rural villages.' **[3b]**

19.02 The Berkely Center for Religion, Peace & World Affairs undated profile of Nigeria (accessed 27 November 2012) noted:

'The tension between Nigeria's Muslim-majority North and its Christian-majority South fuels periodic sectarian conflicts and informs the government's attempts to balance religion-state separation with its need to appease the country's religious factions…A religiously mixed and often troubled Middle Belt lies between North and South, and substantial Christian and Muslim minorities exist in the two regions. Nigeria's Constitution grants freedom of religion and bars the establishment of a state religion. Sharia courts have been implemented in many northern states, but in theory they have jurisdiction only over Muslims. Religious clashes in Nigerian society are often linked to larger social and political conflicts.

'…While the Nigerian government has done little in the legal realm to infringe upon the right of religious freedom protected under the Constitution, its inability and unwillingness to effectively address the country's sectarian violence have allowed religious hostilities and social discrimination against religious minorities to go unchecked. Some policies allegedly intended to diminish social tension, such as requiring permits for outdoor public religious functions, banning religious services held away from places of worship, and prohibiting public proselytism in the North, infringe on religious freedom. However, the government's inaction in the face of religious violence has done more harm. Authorities appear unwilling to address issues bearing on religious diversity and coexistence for fear of provoking further sectarian conflict. For example, the Supreme

Court has not ruled on the constitutionality of applying Sharia punishments in the North, where the Christian minority has fiercely opposed them. The government has failed to take legal action against perpetrators of the vast majority of the approximately 12,000 deaths linked to ethno-religious violence since the transition to democracy in 1999… Education is also an area of discrimination against religious minorities. The Constitution states that each student is to be instructed in his or her own religion, but the Ministry of Education only requires public schools to offer either Islamic or Christian religious instruction. Christian students in the North and Muslim students in the South both face shortages of teachers from their respective traditions.' **[168]**

19.03 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)**

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RELIGIOUS DEMOGRAPHY

19.04 The USSD IRF Report 2011 stated:

'Many groups estimate the population to be 50 percent Muslim, 45 percent Christian, and 5 percent practitioners of indigenous religious beliefs.

'The predominant sect of Islam is Sunni, which includes various groups, such as Tijaniyah, Qadiriyyah and Sufi; however, growing Shia and Izala (Salafist) minorities exist. 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 about equal numbers in the "Middle Belt," including the Federal Capital Territory, and the southwest, where the Yoruba ethnic group predominates. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. 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 form the majority; only an estimated 1 percent of the population is Muslim. Pentecostal Christianity is also growing rapidly in the Middle

Belt and southern parts of the country. Ahmadi Muslims maintain a small presence in Lagos and Abuja and suffer no apparent discrimination.' **[3b] (section 1)**

19.05 A United States Conference of Catholic Bishops Case Study on Religious Freedom delivered by the Archbishop of Abuja to a conference on International Religious Freedom held in Washington DC on 12 September 2012 noted:

'…The reality is that the about 170 million inhabitants of Nigeria are fairly equally divided into Muslims and Christians. This has made our nation the "greatest Islamo-Christian nation in the world". By this, I mean that there is no other nation with so many Christians living with so many Muslims in the same nation, in mutual equality and respect. One or the other of the two religions may be dominant in some places, but both are present everywhere, to some extent. To continue to speak of "the Muslim North and the Christian South" is grossly misleading to the point of inaccuracy, convenient though it may be for the journalist. If the far North and the South East are respectively predominantly Muslim and Christian, the Middle Belt and the South West are quite mixed. That is why any talk of dividing Nigeria into a Muslim North and a Christian South not only makes little or no sense, but is also a veritable recipe for chaos.' **[169](page 3)**

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LEGAL RIGHTS

19.06 The USSD IRF Report 2011 noted:

'The constitution and other laws and policies generally protect religious freedom. The constitution mandates that the government "shall not adopt any religion as State Religion."

'The country has 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. Some state governments occasionally placed limits on religious activity, including registration of imams, to address security and public safety concerns.

'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. Non-Muslims had the option to try their cases in the Sharia courts if involved in disputes with Muslims. If non-Muslims did not agree to go to Sharia courts, common law courts would hear their cases. While Sharia courts could not compel participation by non-Muslims, some non-Muslims occasionally chose to have cases heard in Sharia courts, citing their speed and low expense.' **[3b] (section ii)**

19.07 The USSD IRF Report 2011 continued:

'While the constitution specifically recognizes Sharia courts for civil matters, it does not allow courts interpreting only religious laws to have and exercise criminal jurisdiction. Aggrieved parties can appeal judgments of Sharia courts to three levels of Sharia appellate courts. Decisions by the Sharia court of appeal (the highest level of the Sharia

courts) can theoretically undergo appeal to the Federal Court of Appeal and then to the Supreme Court. Although the constitution does not explicitly allow Sharia courts to hear criminal cases, they have done so in the past. To date, however, no case involving the Sharia criminal code has reached the Federal Court of Appeal. There were no reports of Sharia courts trying criminal cases during the past year.

'In Zamfara State, the first state to adopt Sharia, a Sharia court must hear all criminal cases involving Muslims. The state also established a Commission for Religious Affairs in January 2000. The ministry regulates religious affairs and preaching, distributes licenses to imams, and attempts to resolve religious disputes in the state.

'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)**

See section on Shari'a Law

19.08 The USSD IRF Report 2011 added:

'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 preferential access to political positions, government employment, and lower school fees. To receive such privileges, a person must produce a certificate of indigeneship, granted by local government authorities.

'The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission.

'The federal government approved the use of air carriers for religious pilgrimages to Mecca for Muslims and to Jerusalem or Rome for Christians; it established airfares and negotiated bilateral air service agreements with Saudi Arabia and Israel to support these services. The National Hajj Commission provided logistical arrangements for approximately 80,000 annual pilgrims to Mecca. Likewise, the Nigerian Christian Pilgrims Commission provided logistical arrangements for approximately 15,000 annual pilgrims to Jerusalem and Rome.

'Both federal and state governments regulate mandatory religious instruction in public schools; however, the constitution mandates that students do not receive religious instruction in any religion other than their own. State officials claimed 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. Contrary to the constitutional mandate, 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: Eid-El-Maulud, Good Friday, Easter Monday, Eid-El-Fitr, Eid El-Adha, and Christmas.' **[3b] (section ii)**

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DISCRIMINATION

19.09 The USSD IRF Report 2011 stated:

'There were no credible reports of abuses of religious freedom by the federal government. There were, however, reports of abuses of religious freedom by certain state governments and local political actors who stoked communal and sectarian violence with impunity. Moreover, the government did not act swiftly or effectively to quell communal violence nor to investigate and prosecute those responsible for such violence. Federal, state, and local authorities have not effectively addressed underlying political, ethnic, and religious grievances that lead to violence. The Plateau State and federal governments have established numerous panels and submitted a series of reports intended to investigate and resolve the ethno-religious disputes in the state since 2008. Recommendations included establishment of truth and reconciliation committees, redistricting of Jos, community sensitization, and ending the indigene-settler dichotomy. However, the state and federal government have yet to implement recommendations.

'An air of impunity exists, as authorities rarely prosecute and punish those responsible for violent attacks. For example, in August indigenous Christian youths from local communities in Jos attempted to prevent a Muslim sect, the Izala, considered settlers, from using prayer grounds during the Muslim holiday of Eid-El-Fitr. The resulting violent confrontation led to the death of between 40 and 100 Christians and Muslims, and the destruction of property in Jos. Authorities did not convict any perpetrators by year's end.' **[3b] (section ii)**

See also: Ethnic groups including Ethnic Groups: Discrimination

19.10 The Pew Forum on Religion and Public Life published a report on 20 September 2012, Rising Tide of 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 'high' countries. **[124]**

19.11 The USSD IRF Report 2011 stated:

'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. In Gusau, Zamfara State, multiple observers commented that the state government denied issuing such permits to rebuild churches previously demolished or burned down.

'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.' **[3b] (section Iii)**

SECTARIAN VIOLENCE

The following information should be considered together with material listed under Political affiliation; Political violence

19.12 The Pew Forum on Religion and Public Life published a report on 20 September 2012, 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]**

19.13 '…[T]he primary causes of the current tension and conflict in Nigeria are not inherently based in religion but rather, rooted in a complex matrix of political, social, ethnic, economic, and legal problems, among which the issue of justice—or the lack of it—looms large as a common factor. Nevertheless, the joint delegation acknowledges that there is a possibility that the current tension and conflict might become subsumed by its religious dimension (especially along geographical 'religious fault-lines') and so particularly warns against letting this idea—through misperception and simplification—become a self-fulfilling prediction.' **[170](pages 11 and 12)** ('Report on the Inter-Religious Tensions and Crisis in Nigeria of the International Joint Delegation of The World Council of Churches and The Royal Aal al-Bayt Institute for Islamic Thought', May 2012)

19.14 The US Commission 2012 International Religious Freedom report Findings, published 20 March 2012 and covering the period April 2011 through February 2012, stated:

'The past year saw a dramatic rise in sectarian or religiously-related violence in Nigeria, confirming USCIRF's warnings in our 2011 Annual Report. Over 800 people were killed, and more than 65,000 displaced, in three days of rioting in northern states following the presidential 2011 elections. Although triggered by political issues, the post-election violence quickly became sectarian. In addition, Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, has been emboldened by the climate of impunity. Boko Haram has shifted its tactics and emphasis by targeting, killing, and bombing Christians and Christian clergy and threatening to kill all remaining Christians in the north, while continuing its attacks against government officials, as well as killing hundreds of Muslims, including Muslim religious leaders who spoke out against the group.

'Based on this deterioration and the Nigerian government's continued unwillingness to address severe, ongoing, and egregious religious freedom violations, USCIRF again recommends in 2012 that Nigeria be designated as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Nigeria since 2009. Before that, Nigeria was on USCIRF's Watch List since 2002.

'Since 1999, more than 14,000 Nigerians have been killed in religiously-related violence between Muslims and Christians. The government of Nigeria continues to fail to prevent and contain acts of religiously-related violence, prevent reprisal attacks, or bring those responsible for such violence to justice. Other religious freedom concerns in Nigeria include the application of a strict interpretation of Shari'ah (Islamic law) in the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims.' **[60]**

19.15 The USSD IRF Report 2011 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)**

19.16 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]**

19.17 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]**

19.18 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]**

19.19 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)**

19.20 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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20. ETHNIC GROUPS

20.01 Ethnicity and religion are closely linked 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. Additionally for further background information see: Geography

20.02 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012, (USSD 2011 Human Rights Report) observed:

'The country's ethnically diverse population consisted of more than 250 groups. Many were concentrated geographically and spoke distinct primary languages. Three major groups--Hausa, Igbo, and Yoruba--jointly constituted approximately half the population. Members of all ethnic groups practiced ethnic discrimination, particularly in private-sector hiring patterns and the segregation of urban neighborhoods. A long history of tension existed between some ethnic groups.' **[3a](Section 6**)

20.03 The Minority Rights Group International 'World Directory of Minorities and Indigenous Peoples' (undated but accessed 29 November 2012) noted:

'Four groups - Fulani (Fula), Hausa, Yoruba and Igbo - account for perhaps 68 per cent of the total population. Hausa and the traditionally pastoralist Fulani (Fula) peoples are concentrated in the north and practice Islam. Together they constitute around 29 per cent of the population and have dominated Nigerian politics. In Kaduna state, where Hausa and Fulani form a majority, predominantly Christian minority groups include the Katab, Kaje, Gbabyi, Numana, Kono, Kagoma and Chawai.

'Most of the estimated 5.6 million Kanuri inhabit an area in north-eastern Nigeria near Lake Chad. Even though Kanuri language, culture and history are distinctive, other elements of their society are similar to Hausa…With much overlap, a belt of other peoples occupy the area between the predominately Kanuri north-east and predominantly Hausa and Fulani north.

'The middle belt area of Nigeria, from the Cameroon highlands on the east to the Niger River valley on the west, includes some 50 to 100 linguistic and ethnic groups, ranging from larger Tiv and Nupe to much smaller language groups…There are perhaps 800,000 Nupe inhabiting primarily west-central Nigeria. They speak a Niger-Congo language related to Yoruba and Igbo and practice Islam…

'Plateau State, just east of the centre of the middle belt is especially diverse. Among the main minority groups there are Berom, Tarok, Jawara and Gemai. The state is also religiously diverse, with Christians in a majority, a sizeable Muslim minority, and many people who still practice traditional beliefs.' **[14a]**

20.04 The same Minority Rights Group International Directory added:

'The south is divided into a western, Yoruba-speaking area and an eastern Igbo-speaking area, a middle section of related, but differing groups and areas of Niger Delta peoples on the eastern and central coasts. Nearly 30 million Yorubas make up approximately 21 per cent of Nigeria's population and are dominant in the south-west. There are over 25 million Igbos, or around 18 per cent of the Nigerian population. They form a regional majority in the south-east, but have faced marginalization within the broader context of Nigeria.

'Edo, or Bini, are a people of southern Nigeria with a population of around one million, who primarily inhabit an area including the city of Benin in Edo state in southern Nigeria. They comprise a number of sub-groups who share the common Edo language…Descent and inheritance are traced through the father's line and marriages are polygamous.

'The approximately 4.9 million Ibibio-Efik form a group of six related peoples inhabiting the lower Cross River in Cross River state in south-eastern Nigeria. During the 20th century a large part of the Efik population moved from the towns and settled in farming villages in the forest. Most are subsistence farmers and rainforest cultivators of yams, taro and cassava, but two subgroups are fishers. Ibibio-Efik had a long history of contact with Europeans, in particular slave traders. Market trading and handicrafts are well developed. Ibibio-Efik society has been deeply affected by the pull of migration to Lagos and Port Harcourt.' **[14a]**

20.05 The same Minority Rights Group International Directory continued:

'Islam is the religion of around half of all Nigerians and is the dominant religion in the north. Christianity, practiced by one-third of the population, is dominant in the south. The remaining population holds traditional religious beliefs.

'These broad patterns in Nigeria's ethno-linguistic and religious patchwork are overlaid with the complication of substantial movements of people among the country's various regions - resulting, for example, in a sizeable Christian minority in the north and a large Muslim minority in the south. The central plateau region is particularly diverse.

'Although English is the official language of Nigeria, Hausa and Pidgin are the most widely spoken languages in practice.' **[14a]**

See the undated information (accessed 29 November 2012) about different ethnic 'People Groups' in Nigeria provided by the Joshua Project http://www.joshuaproject.net/countries.php?rog3=NI **[171]**

DISCRIMINATION

20.06 The USSD 2011 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.

'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 no longer had 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 military.' **[3a](Section 6**)

20.07 The Freedom House 'Countries at the Crossroads 2012, Nigeria report, published 17 September 2012, observed:

'Ethnic discrimination is pervasive. Though Nigerians are free to reside 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 material benefits to which they are entitled as Nigerian citizens. Non-indigenes are charged higher school fees and have limited ability to compete for government contracts, obtain civil service positions, or secure pensions. Non-indigenes who are hired by state or local governments are often unable to contest unfair layoffs…Such discrimination reflects a widespread belief that the state and local governments exist to serve only the interests of the indigenous population. In October 2011 the government of Abia State approved the dismissal of all non-indigenes working in both the state and local government public service…Non-indigenes are also very likely to face discrimination when competing for federal-level positions on the grounds that they are reserved for the indigenes. The 1999 constitution calls for the federal government, its agencies, and its policies to reflect the "federal character" of Nigeria in order 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. However, despite its intentions, the "federal character" system often has the actual effect of subordinating national citizenship to ethnic identity, and even spurring ethnic tensions as different groups compete for resources at the national level.' **[30a](Civil Liberties)**

See also: Freedom of religion, including Freedom of religion: Discrimination

20.08 The Minority Rights Group International 'State of the World's Minorities and Indigenous Peoples Report 2012', 28 June 2012, noted:

'The year 2011 can be described as the 'Year of Minorities' in Nigeria because the country elected its first civilian president from a minority ethnic group. Dr Goodluck Jonathan, an Ijaw from the Niger Delta region, was sworn in as president following the death of President Umaru Yar'Adua in 2010. In the April 2011 general elections, Jonathan defeated General Muhammadu Buhari, former military head of state and candidate of the opposition Congress for Progressive Change (CPP), which drew most of its support from the Hausa and Fulani ethnic groups in the north.

'However, apart from its symbolism, the electoral victory of Jonathan has not changed the fortunes of minorities in the country. Although the amnesty for Niger Delta militants which came into force in 2009 held for much of 2011, Niger Delta minority communities – including Etche, Ijaw, Kalibari and Ogoni – continued to experience environmental devastation due to oil spills and gas flares. Decades of oils spills from multinational oil company operations, sabotage of pipelines and widespread gas flaring have left the Niger Delta heavily polluted. Oil spills from dilapidated infrastructure were aggravated by spillage caused by the activities of oil thieves. Throughout the year, authorities of the Nigerian National Petroleum Corporation (NNPC) repeatedly acknowledged that 150,000 barrels of oil were being lost to illegal oil bunkering every day.

'A 2011 report published by United Nations Environmental Programme (UNEP) found that oil contamination in Ogoniland is widespread and severely affecting the environment. Cleaning up oil pollution in the Ogoniland region may require US$ 1 billion and take up to 30 years. The UN report found that oil contamination had migrated into the groundwater in at least eight spill sites that the Anglo-Dutch oil giant Shell had claimed they had cleaned up, according to Human Rights Watch (HRW). The Ogoni forced Shell to stop exploration and production activities in their land after the Nigerian government ordered Ogoni environmental rights activists, including Ken Saro-Wiwa, to be killed in 1995. At the end of February 2012, the US Supreme Court heard whether or not corporations can be held liable for complicity in human rights abuses outside the country. The case specifically concerns the alleged involvement of Shell in the torture and killing of Ogoni activists.' **[14b](page 86)**

INTER ETHNIC VIOLENCE

20.09 The Minority Rights Group International 'State of the World's Minorities and Indigenous Peoples Report 2012', 28 June 2012, noted:

'In the north-central region of the country, inhabited mostly by ethnic minorities, several communities continued to witness violent clashes between local farmers and migrant herders. Clashes are linked to increasing desertification, which has forced pastoralists to move southwards in search of pasture for their cattle. Pressures on land arising from an increase in population and land grabbing by commercial farmers have undermined existing regulations on resource use as encroachment on pastoral corridors and grazing reserves forces pastoralists to graze on farmlands. Estimates of casualties vary. HRW reported that 200 people were killed in Plateau State between January and April 2011.

'Between January and June 2011, 100 people were killed in clashes between Tiv farmers and Fulani herdsmen in Benue State, and over 20,000 persons displaced and scores of communities destroyed. Towards the end of the year, another 5,000 people were displaced in Benue and Nasarawa States as Fulani herdsmen clashed with farmers. Up to 10 people were killed in the attacks. The perennial tensions between herders and farmers over land and water use have become more complicated as the two occupational groups are on opposite sides of the ethno-religious faultlines. Attacks perpetrated by suspected members of the Boko Haram Islamist group, which launched several suicide attacks in Nigeria, including the August bombing of the UN office in Abuja, have increasingly targeted farming communities in dispute with pastoralists. The ethnic and religious dimensions of the conflict appear to be overshadowing the underlying basis, which is competition over natural resources.'

'The government has focused on so-called antiterrorism campaigns while failing to address resource depletion and ethnic conflict in the country, particularly between minority groups.' **[14b](page 87)**

For further information on ethnic or intercommunal violence refer to the Security situation section. Also see: Political affiliation; political violence.

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21. SEXUAL ORIENTATION AND GENDER IDENTITY

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, transgender and intersex 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

21.01 The International Lesbian and Gay Association report, 'State-sponsored Homophobia 2012', dated 30 May 2012 (ILGA Report 2012), listed laws relating to same-sex sexual relations and gender identity. The reported included reference to two types of laws, laws that are 'negative' – that prohibit actions or behaviour – and those that are 'positive' – that protect from discrimination or recognise entitlements. In the case of Nigeria, the report considered legislation in the country prohibited "homosexual" sex (for men and women – see subsection on Lesbians and bisexual women below). The source had no 'positive' laws listed for Nigeria in regard to either sexual orientation or gender identity. **[23a]**

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Prohibition of Same-Sex Marriage Bill

21.02 An article in Vanguard of 13 November 2012, 'Lawmakers move ahead on anti-gay bill', noted:

'Lawmakers moved a step closer Tuesday to approving a bill that would harshly crack down on gay rights, including banning same-sex marriage and public displays of affection between homosexual couples…The bill which has already been approved by the Senate passed a second reading in the House of Representatives with an unanimous vote and will now see a clause-by-clause review in the chamber at an undetermined date…"It is alien to our society and culture and it must not be imported," House majority leader Mulikat Adeola-Akande said during debate, referring to same-sex marriage. "Religion abhors it and our culture has no place for it," she added.

'House minority leader Femi Gbajabiamila said the bill represents "convergence of both law and morality." He said that same-sex marriage "is both illegal and immoral." ,,,Nigeria's senate in November 2011 approved the bill that would make same-sex marriages punishable by up to 14 years for the couple and 10 for anyone abetting such unions…It also set out a 10-year sentence for "any person who … directly or indirectly makes public show of same-sex amorous relationships" … Gay organisations would

also be made illegal, leading some to raise concerns over whether funding channeled through non-governmental organisations in Nigeria for AIDS treatment would be put in jeopardy.

'A final House vote would come after the clause-by-clause review. President Goodluck Jonathan must sign off on the bill to give it final approval… It is unclear why lawmakers have made such a ban a priority other than to gain popular support since gay marriage is not known to be prevalent in Nigeria and homosexuals are already harshly discriminated against.' **[29j]**

21.03 An article in Premium Times of 7 January 2013, 'No going back on criminalizing gay marriage in Nigeria-David Mark', noted that:

'In the face of growing pressure from the international community and human rights activists demanding the legalization of same sex marriage in Nigeria, President of the Senate, David Mark, has insisted that that the bill prohibiting same sex marriage is "irrevocable."… The bill outlaws gay organisations. The bill has passed a second reading in the House of Representatives with a unanimous vote and will be forwarded to the president for approval after a clause-by-clause review and approval of the law by the Reps this year. The bill will become law only after it is signed by President Goodluck Jonathan. The formulation of the anti-gay rights law has pitched Nigeria against its pro-gay allies, with the United States and Britain condemning the law as an infringement on the rights of gays. British Prime Minister, David Cameron, warned that the United Kingdom will consider withholding aids from countries that do not recognise gay rights. U.S. President, Barack Obama, has also ordered all government agencies that play an active foreign policy role to take steps to encourage foreign nations to put a premium on gay, lesbian, bisexual and transgender rights. The law is popularly supported by Nigerians and has been widely praised especially by religious leaders and adherents.' **[204]**

21.04 An earlier article in the Globalpost, 13 August 2012, entitled 'Nigeria: Where being openly gay comes at a steep price', further noted:

'Homosexual sex is already a crime in Nigeria that carries a punishment of 14 years in jail, according to John Adeniyi, a human rights activist for the International Center for Advocacy on Rights to Health, an organization that provides support and HIV/AIDS care to sexual minorities.

'He said the current law is rarely prosecuted successfully because it requires witnesses to prove guilt. The same-sex marriage bill, he added, would effectively criminalize providing any support for gay rights, including heath care…"Should the bill be passed into law a lot of people would be driven into the background, underground," he said.' **[126]**

21.05 An article posted on the Erasing 76 Crimes blog website, entitled '3 months in Nigerian jail for mistaken gay sex, or rape?', dated 18 September 2012, noted that news reporting had caused some confusion by reporting on the the Prohibition of Same-Sex Marriage Bill as a '… "law" that is in effect.' **[161a]** However according to the source the bill had not been passed by the House of Representatives nor signed by the president, both of which would be required for the bill to have legal force in Nigeria. **[161a]**

Gay and bisexual men

21.06 The International Lesbian and Gay Association report, 'State sponsored Homophobia, A world survey of laws prohibiting same-sex activities by consenting adults', dated 30 May 2012, (ILGA Report 2012), observed that same-sex relations between men were illegal. The same report provided the following 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]**

21.07 The same source added:

'Note that several Northern Nigerian states have adopted Islamic Sharia laws, criminalising sexual activities between persons of the same sex. The maximum penalty for such acts between men is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment. These laws differ from the federal law, as most of these prohibit also sexual relations between women.

'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

21.08 The International Gay and Lesbian Human Rights Commission (IGLHRC) report, 'Nowhere to Turn: Blackmail and Extortion of [lesbian, gay, bisexual and transgender (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)**

21.09 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

21.10 The International Lesbian and Gay Association report, 'State sponsored Homophobia, A world survey of laws prohibiting same-sex activities by consenting adults', dated 30 May 2012, (ILGA Report 2012), observed same-sex relations between women were illegal. **[23a]**

21.11 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, additionally observed:

'…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 and intersex persons

21.12 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)** At the time of publication of this COI report, given available time and resources, COI Service were unable to source any further information regarding the law for trans and intersex persons.

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.13 A Globalpost article of 13 August 2012, 'Nigeria: Where being openly gay comes at a steep price', noted that: 'Politicians and the press are openly hostile toward homosexuals, regularly calling them "barbaric" and "repulsive."' **[126]** The US State Department 2011 Country Report on Human Rights Practices, published 24 May 2012, further explained:

'Because of widespread societal taboos against homosexuality, very few persons openly revealed their orientation. 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. Organizations such as the Youths 2gether Network also provided access to information and services on sexual health and rights for LGBT persons, sponsored programs to

help build skills useful in social outreach, and provided safe havens for LGBT individuals.

'The government and its agents did not impede the work of these groups during the year. [However] … [i]n March [2011] a gang of 10 boys beat and raped three girls they suspected were lesbians in Benin, Edo State. The boys videotaped the attack, and the footage circulated throughout the state. The girls went into hiding due to fear of further attacks and of harassment by the general public. There were no charges filed and no further developments in the case by year's end.

'Authorities took no action against persons who stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos, in 2008. The attacks occurred after four newspapers published photographs, names, and addresses of church members. During the year church members and the clergy continued to receive threatening e-mail messages, telephone calls, and letters from unknown persons. The church and partner groups cancelled conferences on sexual rights and health scheduled for Lagos and Abuja in December [2011] due to concerns about the safety of conference attendees after the proposed Same-Sex Marriage (Prohibition) bill refocused negative attention on the Church [For further information see: Legal rights]. The trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been adjourned multiple times. All defendants had posted bail, set at 20,000 naira ($123), and gained their release. No resolution of the case had been announced by year's end.' **[3a] (section 6)**

21.14 An edgeboston.com (American gay news website) report, published in April 2008, 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]** More recently however a report of 18 September 2012 on the Erasing 76 Crimes blog website, entitled '3 months in Nigerian jail for mistaken gay sex, or rape?', stated:

'Little-known Nigerian actor Bestwood Chukwuemeka was sentenced today to three months in prison for homosexual sex. However, news coverage of his case…contain apparent contradictions that remain unexplained. When Chukwuemeka, 28, was arrested in August, Life and other online news outlets reported that he was accused [of] rape. But instead he was charged with violating Section 284 of the Penal Code for Northern Nigeria, which provides for up to 14 years in prison for homosexual activity. Police said he had anal sexual intercourse with a man who was asleep in his bed. In August, Chukwuemeka pleaded not guilty, saying he was drunk at the time and thought the man was his girlfriend.

'…Yesterday in Karu Senior Magistrates' Court in Abuja, he pleaded guilty and was sentenced for violating the law against same-sex intercourse. Magistrate Nafisat Buba said alcohol is no excuse for criminal activity. There was no mention of the fact that the case previously was described as rape.

'A second contradiction concerns the status of a bill against same-sex marriage that was approved late last year by the Nigerian senate. That bill apparently has not been passed by the House of Representatives nor signed by the president, but news reports nevertheless describe it as a "law" that is in effect…That has not happened, unless it occurred without being reported publicly.' **[161a]**

21.15 A second 'Erasing 76 Crimes' report dated 8 January 2013 entitled. '2 Nigerian pastors could face years in prison for gay sex', noted:

'Two Nigerian pastors were arrested last week on charges of homosexual activity. The pastors, Prince Ejimole, 26, and Lawrence Udo, 25, were arrested after they were allegedly found having sex in a hotel room in Ijeshatedo near the city of Lagos in Nigeria…The pastors' arrest brings to 16 the total number of people on this blog's list of people awaiting trial for homosexuality-related offenses, in addition to 11 people already in prison. A member of their congregation, Chidiebere Mozie, said he had accompanied them to the hotel for a prayer session, but discovered that sex was expected instead. The two men were charged with having "carnal knowledge of any person against the order of nature" and conspiracy to commit a felony.' **[161c]**

21.16 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)**

21.17 Global Gayz referred to an online article of 24 June 2009, '3 gay men arrested and paraded on TV', 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]**

21.18 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]**

21.19 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]**

21.20 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]**

21.21 In June 2011, Nigeria voted against a United Nations resolution on LGBT rights. The Guardian reported on the matter on 17 June 2011, in an article entitled 'UN issues first resolution condemning discrimination against gay people', as noted:

'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]**

21.22 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]**

21.23 *A* Nigerian Tribune article of 20 June 2011, entitled 'Nigeria decries UN gay rights declaration', similarly remarked on the UN resolution vote of June 2011 and noted that: '…Nigeria's representative at the [UN Human Rights] 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 [proposed] resolution. He said notions on sexual orientation should not be imposed on countries.' **[114c]**

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SOCIETAL TREATMENT AND ATTITUDES

21.24 A Voice of America News article of 19 July 2012, 'Nigeria Gay Rights Activists Call for Dignity, Acceptance', noted:

'Nigeria is a dangerous place to be gay. Activists say homosexuals are hunted, threatened and ostracized… In the Nigerian capital, there are no gay bars, clubs or "cruising" strips and many locals will tell you there are also no gay people…But in an unassuming house in an unassuming neighborhood, gay-rights activists say that despite hate messages and death threats via text, email, telephone and Facebook, and the constant fear of being attacked, they want their message to be public…the vast majority of people in Nigeria would never tell people if they were gay…openly gay or even

suspected-to-be-gay people could be fired from their jobs or thrown out of their family homes.' **[98d]**

21.25 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]**

21.26 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]**

21.27 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.' **[16b]**

21.28 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]**

21.29 An article of 18 August 2012 on the Nigeria Films.com website, 'God forbid! I am not gay and never will be!-Benson Okonkwo', noted:

'There are rumour flying here and there that this Nollywood actor, Benson Okonkwo is gay. www.nigeriafilms.com, almost believed the people sending this stories too until the thespian himself revealed the reasons he's been labeled to be gay…"I'm not a gay…hell no! I love women. We have girls all over Nigeria looking for guys to date. In fact, we have more population of girls in Nigeria than guys, so why should I be sleeping with men? Jeeeeez…this is absurd. When you're not forming a hard man or drinking a lot, smoking, or womanizing with those my male colleagues, the next thing they say is that you're gay. Well I came from a Christian background. Our country forbids the act. So

why should I be practicing such act. There's this saying that if you fine too much them go say you turn gay."

'…He also added that "I did a movie in 2010 with Jim Iyke. In that movie, I played a gay man. The name of the movie is 'Two Dollar'. In the movie, I disguised myself and Jim saw me in the club and thought I was a woman. He then took me home and I left with his money. It was just a movie. And because I played my role so well my colleagues started saying nonsense.'" **[163]**

21.30 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]**

21.31 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]**

21.32 In an article dated August 2010 in 234Next entitled '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]**

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

21.34 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]** 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.' **[85]**

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Extortion and blackmail

21.35 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)**

21.36 An Erasing 76 Crimes report of 16 January 2013, '3 gay men stripped, beaten by Nigerian mob', noted:

'A mob reportedly seized, stripped and beat three accused homosexuals in northern Nigeria on Jan[uary]. 14 [2013]. Their current condition and whereabouts are unknown. "Only the perpetrators and the community can tell the whole world what has become of these men who were seriously beaten up, stripped naked and paraded around the community bounded together like animals on allegation that they were caught having

sex together," said Steve Aborisade, coordinator of the AIDS-fighting group NigeriaHIVinfo. The group urged the governor of Imo state, Rochas Okorocha, to intervene to rescue the men…Aborisade said the gruop had "reliably confirmed that the men were yet to be released from the location where they are being held in Umuka, Njaba Local Government Area of Imo State." The reported incident occurred in Ekwe, near Umuka.' **[161b]**

21.37 An International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) 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.' **[23d]**

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Christians

21.38 .An article in the Guardian dated 24 April 2011, entitled '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]**

21.39 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]**

21.40 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]**

21.41 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]**

21.42 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: "'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]**

21.43 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]**

21.44 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]**

21.45 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]**

21.46 A Voice of America News article of 24 January 2013, 'Gay Marriage Could End Humanity, Nigerian Pastor Says', noted:

'A prominent Nigerian pastor this week said gay marriage could wipe out the human race within 20 years. This comes as the Nigerian parliament sends a bill to President Goodluck Jonathan that would make gay marriage an offense punishable by up to 14 years in prison. Pastor Enoch Adeboye heads the Redeemed Christian Church of God, a mega-church in Lagos, Nigeria's largest city. The church has 6,000 parishes around the world and the president of Nigeria attends his sermons. Last weekend, the pastor weighed in on an issue that is barely controversial in Nigeria - gay marriage. He called gay marriage an "evil" and that, if it is allowed, no one will have babies and the human race will die out. Right now, gay marriage is not recognized anywhere in Nigeria but it's not a crime either-not yet anyway.' **[98g]**

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Non-governmental organisations

21.47 An undated page of the Nigeria section of the ILGA website (accessed 22 November 2012), on the subject of gay right groups operating in the country, noted:

'This [the number] is hard to account for, as various LGBTI individuals and groups have formed alliances/networks to cater for their specific needs. However, two major coalitions exist in Nigeria, with membership spanning from small LGBTI community groups, to national governmental and non-governmental institutions. These coalitions are;
1. The Coalition for the Defense of Sexual Rights in Nigeria
2. Sexual Minorities Against HIV/AIDS in Nigeria.

'The Coalition for the Defense of Sexual Rights in Nigeria was formed in 2005. Sexual Minorities Against HIV/AIDS in Nigeria was formed in 2006.' **[23e]**

21.48 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)**

21.49 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]**

21.50 ILGA noted the existence of the organisation, Queer Alliance Nigeria, in its directory. According to the source, the Lagos based group was devoted to gay rights, and had been in existence since August 2008 **[23b]** The Queer Alliance Nigeria website (accessed 22 November 2012] described the organisation as 'a human rights and health advocacy/support group for the LGBTI community in Nigeria.' **[162]** The website also referred to its constituent part, QAYN [Queer African Youth Networking Center] as 'the first lesbian-led LGBTQ regional organization in West Africa, with the aim to become the hub for LGBTQ youth activists and youth-led movement building.' **[162]**

21.51 An undated ILGA report (accessed 22 November 2012), 'Nigeria: the Lgbt community discover a safe space', 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.' **[23c]**

21.52 The same ILGA 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.' **[23c]**

21.53 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]**

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22. DISABILITY

22.01 The US State Department Report on Human Rights Practices 2011, released 24 May 2012, stated that:

'The constitution does not prohibit explicitly discrimination based on disability; however, it prohibits 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. At year's end the president had not yet signed into law a disabilities bill passed in 2007 that sought to ensure education and accessibility for persons with disabilities. Government responsibility for persons with disabilities falls under the supervision of the Ministry of Women's Affairs and Social Development.

'Mental health facilities remained almost nonexistent, although officials at individual prisons attempted to include specialized mental health facilities for prisoners with mental conditions. All disabled prisoners stayed 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 relatives often regarded them 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 those who were 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, Kano Polio Victims Trust Association, Joint National Association of Persons with Disabilities, Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities. In 2008 the federal Ministry of Education estimated that there were 3.25 million school-age children with disabilities. Of these, only 90,000 (2.76 percent) enrolled in primary school and 65,000 (1.85 percent) in secondary school.' **[3a] (Section 6)**

22.02 The Freedom House 2012 Countries at the Crossroads, Nigeria Report, published 17 September 2012, noted that:

'Nigeria signed the UN Convention on the Rights of Persons with Disabilities in 2007 and ratified it on September 24, 2010, but disabled people continue to face stigmatization in society, and social and economic barriers force many to resort to begging. While state governments, such as that in Lagos, 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 2010 both chambers of the National Assembly passed the Discrimination against Persons with Disabilities (Prohibition) Bill, which bans discrimination against the disabled, establishes an accessibility requirement for public buildings, and imposes fines for violations of the law. It has since been signed into law by the president.' **[30a](Civil Liberties)**

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23. WOMEN

For information about girls see the section Children.

OVERVIEW

23.01 The Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) sixth periodic report on Nigeria, dated 3 July 2008, the most recent review of Nigeria by the CEDAW, noted some positive developments, as noted:

'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 [for further information see paragraph 23.02]. 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)**

23.02 The Social Institutions and Gender Index 2012 Nigeria Country Profile, undated, stated:

'Nigeria has a National Gender Policy which focuses on women empowerment while also making a commitment to eliminate discriminatory practices which are harmful to women. Significant gender gaps in education, economic empowerment and political participation remain in Nigeria. While progress towards parity in primary school education has been made, there remains a significant wage and labour force participation gender gap. Discriminatory laws and practices, violence against women and gender stereotypes hinder greater progress towards gender equality. Nigeria has a particularly high maternal mortality rate and women access to quality health care is limited, particularly in rural areas.' **[68]**

23.03 The introduction to the British Council/Department of International Development report, Gender in Nigeria 2012, published May 2012, noted:

'Constitutional guarantees and a National Gender Policy have not translated into actions or mobilised political will to make the necessary changes in the lives of girls and women in Nigeria. The data still suggest that:

• Nigeria ranks 118 of 134 countries in the Gender Equality Index.

• Women make up only 21% of the non-agricultural paid labour force.

• At every educational level women earn less than their male counterparts and in some situations men with less education earn more than better educated female peers.

• Nigeria has one of the lowest rates of female entrepreneurship in sub-Saharan Africa. The majority of women are concentrated in casual, low-skilled, low paid informal sector employment.

• Only 7.2% of women own the land they farm, which limits their access to credit and constrains entrepreneurship and business activity.

• Only 15% of women have a bank account.

• A gender bias in allocation of tax allowances means that women taxpayers are taxed disproportionately.

• In eight Northern States, over 80% of women are unable to read (compared with 54% for men). In Jigawa State, 94% of women (42% of men) are illiterate.

• Only 4% of females complete secondary school in the Northern zones.

• Over half of all women in the North are married by the age of 16 and are expected to bear a child within the first year of marriage.

• 94% of 15-24 year olds in Kebbi have no knowledge of contraception.

• Girls from poorer families are more likely to marry young and have worse health outcomes.

• Nigeria has 2% of the world's population but 10% of global maternal deaths.

• Each day 144 Nigerian women die in childbirth, which is equivalent to one death every 10 minutes.

• A third of 15-19 year olds in Northern Nigeria have delivered a child without the help of a health professional, traditional birth attendant or even a friend or relative.

• Poorer girls and women are particularly disadvantaged. Only 7% of women in the poorest quintile deliver in a health facility, compared to 56% in the highest quintile.

• Women are politically under represented. Their upper and lower house representation fell from 7% in 2007 to 6% in the 2011 election (the African average is 19%). Only 7 of 109 Senators and 25 of 360 Representatives are women.

• Most 15-24 year old women in Nigeria think it is reasonable for a husband to beat his wife if she burns the food, refuses sex or goes out without his permission.

• Nearly half of unmarried women in parts of Southern Nigeria have experienced physical violence.' **[172](pages 1 and 2)**

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

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LEGAL RIGHTS

23.04 The US State Department 2011 Country Report on Human Rights Practices, released 24 May 2012, noted: 'The constitution provides for equality and freedom from discrimination; however, women experienced considerable economic discrimination.' **[3a](Section 6)** However, 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]**

23.05 The Social Institutions and Gender Index 2012 Nigeria Country Profile stated:

'The 1999 Constitution of Nigeria prohibits discrimination on the grounds of gender, but customary and religious laws continue to restrict women's rights. As Nigeria is a federal republic, each state has the authority to draft its own legislation. However, any law which is contradictory to Federal Law or the Constitution can be challenged in a Federal Court and cannot subsist. The combination of federation and a tripartite system of civil, customary and religious law makes it very difficult to harmonise legislation and remove discriminatory measures. Moreover, certain states in the north follow Islamic (Sharia) law, although not exclusively and only in instances where Muslims make use of Islamic

courts. Adherence to Islamic law reinforces customs that are unfavourable to women, including those relating to freedom of movement, and to marriage and inheritance. As of 2006, the Abolition of all Forms of Discrimination Against Women in Nigeria and other Related Matters Bill' was under consideration; it is unclear whether this has been promulgated into law.' **[68]**

23.06 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)**

Customary and religious laws

23.07 The Freedom House Countries at the Crossroads 2012, published 17 September 2012, stated:

'Women's rights are enshrined in the constitution, but women face violence and substantial barriers to political participation. Many states have criminalized domestic violence, yet spousal abuse is still relatively common in rural areas. Female genital mutilation is widespread, occurring in nearly every state, according to statistics. However, very recent data on this is issue difficult to get. The use of sharia, in place in a dozen northern states, often results in discrimination against women, especially in cases of adultery, where the rules of evidence differ depending on the sex of the accused. 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 political representation has improved somewhat. As of the end of 2011, women accounted for 13 out of 42 federal ministers, about 35 percent of the total number of federal ministers.' **[30a](Civil Liberties)**

23.08 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)**

23.09 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]**

23.10 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]**

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POLITICAL RIGHTS

23.11 The Central Intelligence Agency (CIA) World Factbook, last updated January 2013, confirmed universal suffrage from the age of 18. **[52]** The Inter Parliamentary Union's database (accessed 5 December 2012) 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]**

23.12 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)**

23.13 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]**

23.14 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]**

23.15 More recently the British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, noted:

'After only 25 women were elected to the 360 member House of Representatives, Nigeria is now ranked 118 out of 192 countries in terms of gender parity. The low 9% representation of women in Nigeria's House of Representatives is significantly below the global average (15%), and far behind South Africa's and Rwanda's representation (43% and 56% respectively). Nigeria's 63 registered political parties have failed to deliver gender parity in political representation at national level.

'Representation in local government is equally low…Only about 4% of Nigeria's councillors are women, compared with South Africa's declining but still credible 38%...national data also mask some glaring North-South divisions, which show that

female representation is much lower in the North than in the South at all levels.' **[172](page 55)**

23.16 The same British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, noted:

'The most notable feature is the very low number of elected women in the North-West. This region is home to about a quarter of all Nigerians and has the largest number of women of any region; yet it has the lowest number of women candidates and women elected to public office. The regional differences could indicate that some specific factors are in play in the Northern region. In a recent survey in Northern Nigeria, respondents identified youth gangs hired by politicians to intimidate rivals and the general population as their major security concern. Regional differences can also be explained in part by the fact that women in the South have had the franchise for longer (since 1960), while women in the North were not allowed to participate in politics until1979. Some ethnographic studies of specific communities in Nigeria emphasize the important role that patrilineal kinship and patronage networks play in helping men articulate power by mobilizing affective ties for political purposes. Powerful patrons are forever fulfilling obligations to their clients. It is not clear to what extent ethnic patronage networks penetrate and dominate party structures, or the extent to which women are incorporated into or excluded from such networks. If women can play active roles in market associations alongside men, this suggests they could participate in politics in a more active way. Recent work on the 2011 elections also indicates that many of the factors that influence women's participation in politics and governance transcend any simple political distinction between North and South in religious terms, though it is often cited in this context.

'…Many of the problems can be located in Nigeria's political party system, and are little to do with the personal characteristics of candidates. Internal party selection processes and outcomes during the 2011 elections suggest that in all political parties few women were elected to contest seats; and that those that were selected were given seats that were hard to win. [Looking] at the conversion rate (from candidate to elected official), it becomes clear that an overwhelming majority of women candidates went on to lose (table 30). Only one in every 14 female candidates was elected, compared to one in every seven males. Male candidates clearly had a better conversion rate. Some of the smaller political parties in Nigeria are said to have a better record than the larger parties with regard to gender equity. The constitutions of most parties commit them to gender affirmative action, but few have met the 35% target.

'…Women are under represented at all levels. National data on the representation in women in other elected positions, such as school management committees, are not easily available, but some studies suggest that women are relatively under represented even at this level.' **[172](pages 56 and 58)**

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SOCIAL AND ECONOMIC RIGHTS

23.17 The Freedom House 'Freedom in the World 2012' report, published 19 January 2012, 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.' **[30b](Political rights and civil liberties)**

23.18 The US State Department 2011 Country Report on Human Rights Practices, released 24 May 2012, noted:

'The constitution provides for equality and freedom from discrimination; however, women experienced considerable economic discrimination. No laws barred 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 and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

'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.

'Women in the 12 northern states were affected to varying degrees by sharia law. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. The Kano State prohibition on commercial motorcycle taxis taking women as passengers remained in place; however, authorities did not strictly enforce the prohibition.

'The testimony of women received less weight than that of men in many criminal courts. No law barred women from arranging surety bonds for bail for persons detained by the police, but in practice women could not provide such bail arrangements at most police detention facilities across the country.' **[3a](section 6)**

For further statistics see:

UNICEF's State of the World's Children 2012 report
http://www.unicef.org/sowc/files/SOWC_2012-Main_Report_EN_21Dec2011.pdf

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

The World Economic Forum's Global Gender Gap 2012 report, Nigeria
http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf

Employment and income

23.19 The British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, noted:

'Nigeria is among the thirty most unequal countries in the world with respect to income distribution. The poorest half of the population holds only 10% of national income. Significant rural-urban differences in income distribution impact particularly on women, because 54 million of Nigeria's 80.2 million women live and work in rural areas, where they provide 60-79% of the rural labour force. Inequality harms social cohesion and may exacerbate conflict, especially when some social groups are perceived to be excluded from opportunities. Conflict adversely impacts on women and girls, reducing their mobility and inhibiting participation in social, economic and political life.

'Nigeria is marked by huge geographical disparities. Human development outcomes for girls and women are worse in the North, where poverty levels are sometimes twice as high as parts of the South (72% in the North- East compared with 26% in the South-East and a national average of 54%).' **[172](page IV)**

23.20 The World Economic Forum Global Gender Gap Report (GGGR) 2012 noted that in percentage terms labour force participation in Nigeria was 40 per cent for women against 75 per cent for men. The same GGGR noted that the literacy rate was 50 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 9 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 28 per cent for women and 72 per cent for men. **[103] (page 278)**

23.21 The British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, further observed:

'Women in formal employment are paid less than men. Income inequality in the formal sector has also grown since 1999. Only one in every three employees in the privileged non-agricultural formal sector is a woman. Regardless of their educational qualifications, women earn consistently less than their male counterparts. In some cases they earn less than men with lower qualifications. Women occupy fewer than 30% of all posts in the public sector and only 17% of senior positions.

'…Business has overtaken subsistence farming and formal employment as the main source of income. Women compose the majority of informal sector workers. Though many women are involved in subsistence agriculture and off farm activities, men are five times more likely than women to own land. Women own 4% of land in the North-East, and just over 10% in the South-East and South-South. Land ownership and land tenure give women security and provide a key to access other resources and opportunities.' **[172](pages IV and V)**

Marriage

The following information should be considered together with material included under the subsection Customary and religious laws

23.22 The US State Department 2011 Country Report on Human Rights Practices, released 24 May 2012, noted: 'Polygyny remained legal and widely practiced among many ethnic and religious groups.' **[3a](Section 6)** The Social Institutions and Gender Index 2012

Nigeria Country Profile stated that 'Three forms of marriage are recognised in the country: monogamous marriage registered under the civil marriage law, marriages performed under customary law, and marriages performed under Islamic law. The Child Rights Act of 2003 amended the Constitution to set the minimum age of marriage at 18 years of age, but only 16 of Nigeria's 36 states have adopted the Act.' **[68]**

23.23 Similarly EveryCulture.com, in a section on marriage in its undated profile of the country, accessed 4 December 2012, 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]**

23.24 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…'

23.25 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 2 November 2012, '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 correspondence with the Research Directorate, Ayesha Imam, an independent consultant on women's rights and former Head of the Department of Culture, Gender and Human Rights of the UN Population Fund (20 Oct. 2012), indicated that, even though Christian marriages are generally assumed to be governed by the Matrimonial Causes Act of 1970, most Christian women, including the majority of urban women and those living in the higher socio-economic strata of Nigerian society, also marry under customary law.' **[38n]**

Proxy marriage

Users should note that sources quoted below appeared to provide inconsistent information on the legal status of proxy marriages in Nigeria.

23.26 The US State Department Reciprocity Schedule, in an undated section on marriage certificates in the country, accessed 4 December 2012, 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]**

23.27 However a letter from the Foreign and Commonwealth Office to the UK Border Agency of 1 February 2013, provided by the British High Commission following consultation with

their honorary legal adviser, observed in response to the following questions: (bold added):

'Are proxy marriages recognised as being legal by the Federal Government of Nigeria?

"Proxy marriage" is a fairly common practice amongst communities in Nigeria. It is recognised under Nigerian customary law as a form of customary law marriage. A marriage is by proxy where the presence of the bride and groom is not required at the ceremony. In most cases, it is celebrated by the immediate and extended family of the bride and groom…"Proxy marriages" find their origin in the fact that under customary law, marriage creates a relationship not only between the parties to the marriage but also between their families.

'Because customary law marriages are legally binding and recognised as one of the types of marriages in Nigeria, "proxy marriages" which form part of customary law marriages are also legally binding where celebrated in accordance with the native law and custom of the particular community.

'If proxy marriages are legal, what process is followed in order to obtain legal recognition of the marriage?

'One of the functions of local governments in Nigeria is to register all marriages. This is provided for in the Fourth Schedule to the 1999 Constitution of the Federal Republic of Nigeria. As a result, some local governments have bye-laws for the registration of customary law marriages…Some of these bye-laws make registration of customary law marriages compulsory and prescribe a penalty for failure to register such marriage. In addition to the foregoing, the Birth, Deaths etc (Compulsory Registration) Act Cap.B9, Laws of the Federation of Nigeria, 2004 (the "Act") also stipulates that a customary law marriage be registered within a specific period after its celebration. Specifically, section 30 of the Act provides as follows:

'"Notwithstanding anything contained in any enactment every customary marriage is to be registered within sixty (60) days in the area court or customary court where the marriage was contracted."

'The foregoing provision of the Act presupposes the statutory and therefore legal recognition of customary law marriages. The Honorary Legal Adviser is therefore of the opinion that so called "proxy marriages," as an aspect of customary law marriage, are legal; and legal recognition is conferred by registration in an area or customary court.' **[2c]**

Divorce

Divorce for Christians

23.28 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 2 November 2012, '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 on the issue of grounds for divorce:

'According to BAOBAB [women's rights NGO], in most Christian denominations in Nigeria, divorce is still prohibited, since couples are expected to "endure whatever challenge they are facing … even at the risk of their lives (in the case of domestic

violence) and this has been justified through interpretations of the scriptures" (2007, 46).

‘For marriages that have taken place under common law, the Matrimonial Causes Act says that a divorce may be granted to the petitioner if the "marriage has broken down irretrievably" (Nigeria 1970, Sec. 15). Section 15 of the Matrimonial Causes Act further says that the petitioner must satisfy the court that the marriage has broken down irretrievably, with one or more of the following conditions:

‘a. that the respondent has wilfully and persistently refused to consummate the marriage;

b. that since the marriage the [r]espondent 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. (ibid.)

‘According to Bambo Adesanya, the types of behaviour referred to in paragraph (c) above include "rape, sodomy, bestiality, habitual drunkenness or intoxication, misuse of drugs, frequent convictions, habitually leaving spouse without support, attempted murder, assaults, insanity, humiliating treatment, nagging, [and the] use of juju [a charm of fetish]" (12 June 2009, 16). He adds that in a 1972 court ruling

unreasonable refusal of sexual intercourse, nagging habitual intemperate consumption of alcohol and inordinate sexual indulgences of the [r]espondent with all sorts of women particularly housemaids were held to be weighty and unreasonable acts to expect the [p]etitioner to put up with. (ibid.)

‘The Matrimonial Causes Act stipulates that courts may award damages from an adulterer under conditions specified in sections 31 and 32 of the Act (Nigeria 1970).

‘According to Bambo Adesanya, as a general rule, a divorce may not be granted within two years of marriage, except when there is a "wilful and persistent refusal to consummate the marriage, adultery, commission of rape, sodomy or bestiality" (12 June 2009, 14-15). BAOBAB indicates that among some Pentecostals a woman may seek divorce and remarry if her life is threatened by her husband (2007, 47).

'According to an article published in the African Journal of Social Sciences, a woman married under common law may seek a divorce if she has a reasonable fear that her life, body or health is in danger; physical violence is not necessary and reasonable fear of danger is enough (Okunola and Ojo 2012, 140). The husband, in this case, must have already been convicted of attempted murder or "intentional affliction of grievous bodily harm" (ibid.).

'For marriages that took place under customary law, Bambo Adesanya says that

'[t]echnically, there are no grounds for divorce … because divorce may be effected by the mutual consent of the spouses. However there are a number of reasons which are generally regarded as providing sufficient moral cause for dissolving marriage. Adultery (particularly by a wife), loose character, impotence of the husband, sterility of the wife, laziness, ill-treatment and cruelty, leprosy and other harmful disease affecting procreation, witchcraft, addiction to crime and desertion are some of these reasons. (12 June 2009, 18)

'Imam says similarly that, under customary law, there are "common patterns" of the husband seeking divorce on the grounds of "adultery, lunacy and witchcraft" and women seeking divorce on the grounds of "adultery, impotence, ill treatment, cruelty, lunacy and witchcraft" (19 Oct. 2012). According to Imam, women are frequently divorced because they do not have children or have no male children (19 Oct. 2012).' **[38n]**

23.29 The same CIRB response commented on the procedures of divorce and length of process:

'According to Imam, both husband and wife may commence divorce proceedings under the Matrimonial Causes Act (19 Oct. 2012). The US State Department Nigeria Reciprocity Schedule indicates that a divorce under common law is granted only by the high court of the state in which the procedures are taking place (US n.d.). The documents that evidence the dissolution of the marriage and order the final divorce or divorce absolute are a "'Decree Absolute'," or a "'Certificate of Decree Nisi Having Become Absolute'" or "'Enrolment of Order'," also called "'Enrolment Order'" (ibid.). Appeals can be filed with the Court of Appeal (ibid.).

'Imam indicated that judicial separation can be granted by the court, allowing a couple to live apart but without dissolving the marriage (19 Oct. 2012). She explained further that judicial separation "is often a precursor to actual divorce" (Imam 25 Oct. 2012).

BAOBAB notes that the Catholic Church grants an "annulment," saying in effect that the marriage never happened, instead of a divorce (BAOBAB 2007, 47). The annulment of marriage is a long process that must be approved by the Vatican (ibid.). Information on the process of annulment could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, according to the Vatican Code of Canon Law, "[a] marriage that is ratum et consummatum can be dissolved by no human power and by no cause, except death" (Vatican 1983, Art. 1, Can. 1141).

'For a marriage under customary law, Imam indicated that a divorce is "generally passed through a family or clan head, or a customary court" (19 Oct. 2012). Sources indicate that there are two avenues for its dissolution, judicial and non-judicial (US n.d.; Bambo Adesanya 12 June 2009, 18). In the non-judicial avenue, the marriage can be

dissolved either by mutual consent of the parties or can be unilaterally initiated by one of the spouses (ibid.). The judicial dissolution of the marriage is granted by a customary court or magistrate court (ibid.; US n.d.). The document that evidences the non-judicial dissolution of a marriage is an affidavit deposing to the fact of the divorce, and for judicial dissolutions, it is a "Court Judgement" or "Court Order" (ibid.).' **[38n]**

23.30 The same CIRB response stated on the subject of property disposition:

'An article by a Nigerian lawyer, researcher and gender advocate in Pambazuka News, a web forum for social justice in Africa (Pambazuka News n.d.), reports that a woman who separates under common law is entitled to the part of the property she contributed during marriage (ibid. 24 Nov. 2010). Imam indicated that a court may require one spouse to provide economic support to the other spouse and their children, depending on the income and behaviour in the marriage (19 Oct. 2012). She also indicated that even though the applicant may resort to the court to enforce unpaid support payments, it is "rare and practically ineffective" (Imam 19 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

'For marriages that take place under customary law, sources indicate that if a woman seeks a divorce, she has to refund the "bride price" to the husband (Imam 19 Oct. 2012; Bambo Adesanya 12 June 2009, 18). According to Imam, the refund is "extremely hard" for poor women since the bride price was not originally paid to her but to her father or guardian (19 Oct. 2012). She indicated that the marriage can also be dissolved if the family head or the village head pays the bride price (Imam 19 Oct. 2012). Imam further indicated that there are no maintenance provisions for a divorced wife under customary law (ibid.). The Nigerian lawyer indicates that women have no claim on a house even if it is jointly owned with her husband, and that the *Matrimonial Causes Act* does not have provisions with respect to the maintenance and settlement of property for marriages under both customary and Islamic law (Pambazuka News 24 Nov. 2010).' **[38n]**

23.31 The same CIRB response noted on the matter of the consequences for a woman and her family:

'In 20 October 2012 correspondence with the Research Directorate, Imam provided the following information. The consequences of divorce are "more severe" for women than for men. Women are economically worse off after marriages are dissolved. Seeking divorce can render women more likely to experience domestic violence, or, if this was already a feature of the marriage, "more extreme" violence. Domestic violence may come not only from her husbands, but also from in-laws who may view her wish to dissolve the marriage as an insult to their family. Throughout Nigeria, childless divorced women have difficulties (as do married childless women) because of the high value placed on having children, and, the assumption that childlessness (or indeed having female rather than male children) is the woman's fault. Also, the presumption throughout Nigeria that all women should be married can pose difficulties for unmarried women (whether never-married, divorced, or widowed). They are, for instance, more likely to be subjected to discrimination in jobs and to sexual harassment. In southern Nigeria, divorced women are stigmatized. In secular law, and in Christian marriages, the judiciary, which is dominantly male, is prejudiced against women. For example, the law against bigamy, a frequent occurrence amongst men, including those professing Christianity, has never been invoked. For these reasons, many women decide to stay in

"unhappy or abusive" marriages. The decision by women in Nigeria to divorce is not undertaken lightly.' **[38n]**

Divorce for Muslims

23.32 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.' **[69d]**

23.33 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 7 November 2012, 'Nigeria: Divorce law and practices among Muslims, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family', noted on the issue of initiating divorce:

' The BAOBAB leaflet indicates that couples that want a divorce are encouraged to make "serious efforts at reconciliation" (BAOBAB n.d.). Reconciliation may involve "arbitration, whether formal or informal since Muslim law prefers reconciliation to adjudication" (ibid.). Arbitration efforts to make peace are usually conducted by relatives designated on each side or by persons appointed as their waliyis (guardians) (ibid.).

'An October 2008 joint report by the UK Border Agency and the Danish Immigration Service indicates that in Muslim marriages it is easier for women to initiate divorce than in "traditional marriages, which are common in the southern part of Nigeria" (Denmark Oct. 2008, para. 1.78). According to the report, divorces on the request of women are more common in the Muslim north than anywhere else in the country (ibid.). In correspondence with the Research Directorate, Ayesha Imam, an independent consultant on women's rights, NGO development and sustainable development, and former head of the Department of Culture, Gender and Human Rights of the UN Population Fund, indicated that, under Muslim laws, women have more difficulty in obtaining divorce than men (20 Oct. 2012).

'Often, if a husband mistreats his wife, her father may demand her divorce and her return home (Denmark Oct. 2008, para. 1.78). However, fathers are under constant pressure to arrange quick re-marriage for their daughters (ibid.).' **[38o]**

23.34 The same CIRB response stated on the subject of types of divorce and grounds:

'Imam and BAOBAB agree on the existence of four main types of divorce under Muslim law: talaq, mubarah, khul'u, and tafriq or faskh (Imam 19 Oct. 2012; BAOBAB n.d.). The BAOBAB leaflet also makes reference to three other forms of divorce that are rarely found nowadays: zihar, ila, and lia'n (ibid.).

Talaq

'Imam indicated that talaq divorce consists of the unilateral repudiation of the marriage and is the most common one in Nigeria (Imam 19 Oct. 2012). She pointed out that repudiation is available only to men, unless the husband has delegated this right to his

wife, something almost "unknown" in Nigeria (ibid. 20 Oct. 2012). The BAOBAB leaflet describes talaq sunni and delegated talaq with their respective conditions and effects as follows:

‘TALAQ SUNNI

‘A talaq that is given properly is known as [t]alaq [s]unni. This is dissolution of marriage in an orthodox manner ….

‘CONDITIONS FOR A VALID TALAQ

‘1. The husband must:

‘ a. be an adult

‘b. be sane

‘ c. not acting under any sort of coercion (external pressure).

‘2. The woman must be in a 'state of purity' (free from menstrual blood and the blood of child birth).

‘3. There should be no cohabitation between the two after being 'clean.'

‘4. He should not give it more than once; that is, it should be pronounced in a manner leaving room for reconciliation. This is known as [talaq [r]aj'i.

‘5. He should not give another divorce within the time of the three months awaiting period.

‘6. The intention to divorce must be clear. Intention can be shown by speaking, clear signs or writing.

‘7. Each statement of divorce must have at least two witnesses.

‘8. The divorce that is pronounced once or twice is a revocable divorce.

‘9. This is known as [b]id'i.

‘a. This means that if the husband and wife decide to reconcile before the end of the waiting period (iddah) they may do so.

‘b. But, if they mutually reconcile after the end of the waiting period, they must go through another marriage contract. This is known as talaq ba'in bainuna sugra.

‘10. A divorce that is given three times is irrevocable. This is known as talaq ba'in kubra. A talaq ba'in kubra means that the husband and wife cannot reconcile and be married again, after the wife has been married to and divorced from another man. This should not be a marriage done for the purpose of being able to remarry with the former husband.

‘A divorce [b]id'i is a pronouncement of divorce that does not fulfil the conditions mentioned above. This renders the divorce unorthodox but valid, i.e. legal but not morally correct.

‘A wife may challenge her divorce in court if the proper conditions for a divorce Sunni have not been carried out.

‘ EFFECT OF TALAQ

‘The wife does not have to reimburse her *mahr* (dower) or any marriage expenses. (The mahr is the marriage gift that a groom makes to his bride on marriage. Muslim [m]arriage is not valid without mahr.)

‘DELEGATED TALAQ (TALAQ-TAFEEZ)

‘ CONDITIONS

‘The husband can assign his right to [t]alaq (repudiation) to his wife. This is usually agreed upon at the time of the marriage contract, either in writing or with two witnesses present.

‘The husband cannot legally delegate his right of talaq to any person except the wife herself.

‘EFFECTS

‘If the state condition occurs, then the divorce is automatic, unless the wife chooses not to exercise the right.

‘The wife does not have to reimburse her mahr (dower). (n.d.)

‘In 19 October 2012 correspondence with the Research Directorate, Imam provided the following information:

‘ [Talaq] does not require a court proceeding. In principle, repudiation must be on three separate occasions, in front of witnesses and communicated to the wife. In practice, however, the talaq may consist of three verbal utterances on one occasion, and has been known to be not communicated to the wife at all, even by phone or text. In cases where the husband does not communicate it in writing, it can be extremely difficult for a woman to establish that she has been divorced (and is therefore free to re-marry …). In talaq divorce, women are not required to return the mahr (… in principle paid to the woman herself, but often deferred or largely given to her family).

‘**Mubarah**

‘Sources indicate that mubarah is a divorce by mutual consent of the husband and the wife (BAOBAB n.d.; Imam 19 Oct. 2012). Since the easier talaq can be initiated only by men (ibid.), mubarah is usually initiated by the woman and decided by a court (ibid.; BAOBAB n.d.). If both husband and wife wish, they can agree to the divorce between themselves, or with their walis (ibid.). According to the BAOBAB leaflet, in a mubarah divorce, the wife does not have to pay to leave the relationship (ibid.). Imam, however, indicated that the return of the mahr depends on individual agreements (19 Oct. 2012).

‘**Khul'u**

‘Khul'u is a negotiation initiated by the Sharia court (BAOBAB n.d.). In this type of divorce, the wife pays the husband an agreed sum for her freedom and does not have to give a reason for wanting the divorce (Imam 19 Oct. 2012; BAOBAB n.d.). However,

according to the BAOBAB leaflet, the husband often insists on a large sum of money (ibid.). Where there is a dispute over the "ransom", the case will be decided by the court, which would then set the amount to be paid (ibid.). BAOBAB takes note of Sharia court cases that have found that the khul'u payment should "not be more than the original value of the mahr received or promised at marriage" (ibid.). Imam indicated that the amount is normally equivalent to the mahr (Imam 19 Oct. 2012). She also indicated that, in cases of long-term marriages, the wife is required to pay only a "token amount," in addition to court fees she pays as the initiator of the divorce (ibid.).

‘**Tafriq or Fashk**

‘Sources indicate that this form of divorce is decided by the court (ibid.; BAOBAB n.d.; Okunola and Ojo 2012, 140). Cases of this sort are usually brought by women since men have the right to talaq (BAOBAB n.d.). The wife seeks a divorce on the grounds of violation of marriage terms (Imam 19 Oct. 2012). When a complaint is made, the court is obliged to conduct an independent investigation, by hearing witnesses or by accepting oaths sworn by husband and wife (BAOBAB n.d.). According to the BAOBAB leaflet, either the wife or husband brings an application, for one or more of the following reasons:

‘1. The failure of the husband to provide maintenance (shelter, food, medical expenses, clothing) …

‘2. Defect on the part of the husband or wife-for example, if the husband or wife is insane, or impotent or frigid, this can be a reason for divorce. However, where the wife or husband knew about the defect in advance but remain silen[t] they cannot complain afterwards. If the complaint is one of impotence or insanity, the case may be adjourned for a year.

‘3. Prolonged absence …

‘4. Injury or discord between the wife and husband …

‘5. Failure to provide sexual satisfaction …

‘6. Refusal of the husband to enable [the] wife to undertake her religious obligations. (ibid.)

‘Sources indicate that, if the court grants a divorce for any of these reasons, the wife does not have to make any payment to the husband or reimburse the mahr (ibid.; Imam 19 Oct. 2012; Okunola and Ojo 2012, 140). Imam also indicated that the court may require the husband to pay the court fees (19 Oct. 2012).

‘According to BAOBAB, women often have to resort to khul'u divorces and pay for their release, even when they have "good" cause for a court-decided divorce, possibly because women do not know that, in such cases, they do not have to pay the husband, or because a wife would prefer to pay for her release rather than endure delays in the judicial system (n.d.).

‘**Zihar, Ila, and Lia'n**

‘The BAOBAB leaflet provided the information in this paragraph (n.d.). These types of divorce are rarely found nowadays. Zihar is divorce in which "a man compares his wife

to his mother." Ila is a divorce in which "the husband has made an oath that he will abstain from sexual intercourse for four months or more and he carries it out." Lia'n is a divorce in which "a husband accuses his pregnant wife of committing adultery and therefore disowns paternity." The couple are asked to swear to the facts, and the wife does not have to pay the husband anything.

‘**Waiting Period or Iddah**

‘According to Imam, a waiting period must be observed in divorces, to allow reflection or to ensure clear paternity (Imam 19 Oct. 2012). During this period, women, and not men, may not remarry (ibid.; BAOBAB n.d.), and the husband is responsible for the wife's support when there is room for reconciliation (ibid.).

‘Sources indicate that the waiting period for divorce for menstruating women is three menstrual cycles, unless the woman is pregnant, in which case it is until after delivery (ibid.; Imam 19 Oct. 2012). A woman who has been abandoned by her husband or whose husband is missing must wait for four years and four months before the marriage is dissolved (ibid.).

I’n a talaq divorce, the iddah is instituted by the husband not uttering the third repudiation (Imam 19 Oct. 2012). **[38o]**

23.35 The same CIRB response noted on the matters of support and property disposition:

‘According to Imam, upon divorce and after the three repudiations, the wife is permitted to spend her iddah period in her husband's house (Imam 19 Oct. 2012). She is entitled to support only if she is pregnant, and then only until the baby is born (ibid.). Sources say that, in practice, whether by their own choice or not, women do not remain after the divorce is pronounced (ibid.; BAOBAB 2005, 68) and forfeit any support (Imam 19 Oct. 2012).

‘In the Freedom House Country at the Crossroads 2012 report for Nigeria, Carl LeVan and Patrick Ukata, both professors at the American University in Washington, DC, indicate that Sharia and customary laws give preference to men with respect to property rights (2012). In BAOBAB's 2005 Women's Rights in Muslim Law, the authors indicate that the wife can own property in Nigeria, even without the consent of her husband, but that different strategies are used to prevent the realization of this right, such as the argument that women cannot own land (BAOBAB 2005, 81-82). It also indicates that judges in lower courts are corrupt and do not uphold the law in this regard (ibid., 82). Imam indicated that women may keep property and goods owned before marriage (Imam 20 Oct. 2012). However, she explained that, since there is no concept of division of marital property, assets accumulated during the marriage belong to the husband, unless registered jointly or under the woman's name alone, both rare occurrences (ibid.). She added that such types of registration are considered hurtful to a husband's reputation and status (ibid.).’ **[38o]**

23.36 The same CIRB response noted on the subject of remarriage:Imam provided the information in the following paragraph with regard to the consequences of divorce (20 Oct. 2012). Women can divorce and re-marry several times without stigma but a woman who divorces more than three times will be regarded as "'difficult'," unlike a man.’ **[38o]** The same source further observed with regard to the treatment of divorced women who did not remarry: ‘Nigerians believe that all women should be married, which causes problems for unmarried women, regardless of how they came to be unmarried, such as

workforce discrimination and sexual harassment. As well, seeking a divorce can lead to or worsen domestic violence, which may come not only from the husband, but from his family who may consider the divorce an insult to their family.' **[38o]**

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Freedom of movement

23.37 The Social Institutions and Gender Index 2012 Nigeria Country Profile stated:

'Women's freedom of movement is restricted in that in some cases they are obliged to obtain their husbands' permission to obtain a passport or to travel outside the country. Women in purdah (in Muslim communities in northern areas) 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]**

23.38 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)**

23.39 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)**

23.40 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 … [and] Poverty.' **[20](p21)**

23.41 The same source continued:

'WACOL [Women Aid Collective] 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)**

23.42 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)**

BAOBAB For Women's Human Rights is a non-governmental women's human rights organization. For further information refer to the organisation's website. Additonally see: Protection available to women (including the provision of shelters).

Inheritance

23.43 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]**

23.44 A Leadership (Abuja) article of 4 January 2012, 'Nigeria: Widows-Voices Unheard, Rights Quashed', stated:

'Over the years, widows in Nigeria have been neglected and maltreated by the society. Few, if anybody, tend to listen and care about their welfare. It can be said there is no group more affected by the sin of omission than widows. They are left out of government's policies and legislations; forgotten in the scheme of things. Even the media underreport the plight of these women as issues affecting them are neither mentioned frequently on the pages of newspapers nor highlighted by the broadcast media as it concerns the frustration, oppression, poverty, health and human rights problems that they face. In fact widow's advocacy is weakly made.

‘Mrs. Blessing Christopher, who hails from one of the Southeast states, lost her husband 25 years ago and has never known peace since then. Abandoned and neglected by her in-laws, she can't but weep as she narrated her ordeal. She tearfully said: "I lost my husband in 1986 while I gave birth to my last daughter, who is now 25 years old. Actually, it has not been easy with me and my children. The family of my late husband abandoned us after they forcefully took away his three cars, confiscated his house and bank accounts. They never cared about the children's upkeep and I struggled to sponsor their education. They don't even know where we are. I managed to acquire a piece of land in Nyanya in 2006. I used to sell palmwine but now I sell pure water and other provisions. I buy the things I sell on credit.

‘Presently, my daughter is about to gain admission into University of Abuja but I do not have the money to settle the fees. Even the little business I am doing is heavily indebted. I have been living from one uncompleted building to another in Abuja. I sold bread at Area 2 junction until taskforce sent us packing. My feeding is a major problem and how to sponsor my last daughter's university education only makes matter worse."’ **[79h]**

23.45 The same Leadership (Abuja) article continued:

‘Also, in 2010 in Warri, Delta State, while officiating the wedding of four couples in his church, Words of Life Bible Church, the President of Christian Association of Nigeria (CAN), Pastor Ayo Oritsejafor, decried the ill-treatment meted out to widows. "I was discussing with some people in Lagos recently on the way widows are being treated in the society. The way we treat widows is very bad. It is easier for a man who loses his wife to survive than for a woman. What we do to them is wrong. We should change from the way we treat widows," he said. The plight of widows in Nigeria is pathetic and heart-breaking. The psychological torture that they experience compounds the trauma of their husband's demise that leads to depression and related-health problems.

‘In Nigeria, certain customary laws permit certain unwholesome practices that subject widows to discrimination, deprivations and other degrading treatments. At the death of her husband, she is seen as unclean and impure, and the customs she must observe in the weeks following her husband's death can undermine her health. If she has no male adult children, she may be ejected from her husband's house as both it and his land will have been inherited by his oldest brother. In most cases, the husband's kin do not provide the widow with any economic support, particularly if she will not accept the status of being an additional wife to one her husband's brothers.

‘Under Igbo customary law, wives do not have inheritance rights as they are considered "property" of the late husband's estate and, as a result, are considered an "object of inheritance themselves" Among the Yoruba, a brother or son of the deceased Igbo husband, but not the son of the woman, was traditionally allowed to inherit the widow as a wife.

‘In Igbo land, a young widow who refuses to marry from her late husband's kindred faces persecution. However, she may likely escape the persecution if she has a grown son who can speak for her and defend her rights. There has reportedly been a 'steady improvement' in the treatment of Igbo widows in Nigeria as western education and government intervention continue to influence traditional practices.’ **[79h]**

23.46 The same Leadership (Abuja) article added:

‘Also, the complexities associated with levirate marriage as well as Christianity have reduced the practice expect where the deceased has enormous wealth and greed sets in. It is disheartening as there are no legislations made by those who widows voted for to protect their rights and give them a sense of belonging despite their situation, as those lawmakers continue to watch as widow are subjected to a long period of incarceration during morning, an obligatory poor standard of hygiene, deprivation of the husband's property and maltreatment by his relatives, the enforcement of persistent wailing, and the practice of demanding that a widow sit in the same room with her husband's body until burial.

‘Unfortunately, the government does not have the exact numbers of widows in the country, their ages and other psychographic details about them. Yet widows constitute a sizable percentage of all adult women, and among these widows many are still rearing children. In some parts of Nigeria, girls who become widows suffer abuse and exploitation at the hands of family members, often within the context of property disputes.

‘A widow, Angela said, "We are being treated as animals just because we are widows." Widows are often the victims of violence in the law context of inheritance, land and property disputes. Many are alleged to be witchcrafts and evil, violently ejected by the late husband's relatives, assault and rejection. The rate of poverty among widows is alarming and saddening. Widows make up a sizeable percentage of poor people in Nigeria. They are usually not allowed to inherit their husband's property, nor are they party to their father's property as their rights are limited to inheritance under customary and religious laws. As they do not have inheritance rights, they continue to languish in poverty. The government has not shown the political will to intervene in traditions and customs which abuse widows and pauperise them, despite sections of the Convention on the Elimination of All Forms of Discrimination against Women (articles 5 and 16) relating to personal status law.

‘According to Barr. Ego Ezuma, founder, Voice of the Less Privileged Organisation (VOLPO) the society is not fair enough to widows. She said, "Widows are really passing through hellish experience. The society we live in today is not helpful to as they are being ill-treated by the families of their deceased husbands. Can you imagine, widows are made to drink the water used in washing the corpse of their husbands? This is dehumanizing and unhealthy. Even some are made to sleep with their husbands' corpse."

‘On what should be done to help widows, Ezuma said, "The society should give them a listening ear, sense of belonging and fight for their right. There should a scheme to help them to be self-reliant through socio-economic empowerment, whereby they are financially and morally supported. Like my organisation, we give a helping hand to improve their living condition by empowering them through skill acquisition and with cash to start a meaningful business venture. The government should do more to protect the rights of these vulnerable women. Women should be enlightened about their human rights on inheriting their late husband's property."’ **[79h]**

Child custody

23.47 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 2 November 2012, ‘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 on the issue of child custody for Christians:

'The Matrimonial Causes Act indicates that "the court shall regard the interests of those children as the paramount consideration"…It also stipulates that "the court may, if it is satisfied that it is desirable to do so, make an order placing the children, or such of them as it thinks fit, in the custody of a person other than a party to the marriage"…The Act also provides that the court may require the maintenance of the other spouse and the children of the marriage…The Act says that maintenance is provided to children until they reach the age of 21.

'According to Imam, there are no distinctions on the basis of the child's gender and "in practice, many judges will give custody of very young children to mothers, and, of older children to fathers" (Imam 19 Oct. 2012). She also said that, "in principle and [in] almost all practice, [children] are held to 'belong' to the father"…In other correspondence, Imam noted that

[i]n the absence of state social provisions and pensions, the loss of custody of their children may mean that women have no one to depend on in their old age or infirmity. It also means that access to children's labour (a common phenomenon especially in poor families) is lost to mothers, but not fathers.

'According to the Nigerian lawyer, "[m]any women are denied custody and access to their children" upon divorce.' **[38n]**

23.48 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 7 November 2012, 'Nigeria: Divorce law and practices among Muslims, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family', noted on the issue of child custody for Muslims:

'Imam indicated the following with regard to child custody, guardianship and support:

In principle, fathers always have guardianship of children (decision-making powers over the child). The custody (physical care) of a male child remains with the mother until he reaches the age of puberty, and a female child remain[s] with the mother until she is married and the marriage is consummated. If the mother remarries, she may lose her right to custody, and the next female relation on the mother's side (her mother, her sister, etc.) takes custody.

'In practice, most women lose custody of their children immediately and the father decides where and with whom they will live. If the mother does have custody, but remarries, the father often takes the child from his or her mother regardless of age. Increasingly, but very rarely, a mother will fight for custody and guardianship and has been known to get it.

''[With regard to child support, i]n principle, fathers are required to maintain their children (but not the mothers) until they are adult or marry. In practice, this depends solely on the disposition of the father - and is one reason why many mothers do not fight for custody, as they fear they will not be able to maintain their children.

'The 2005 report published by BAOBAB indicates that women are often forced to give up the custody of their children because fathers do not pay maintenance.

'Imam indicated that losing their children may mean that women cannot rely on their offsprings' help when they become old or unwell. As well, access to children's labour, especially important in poor families, is lost to mothers and not to fathers.' **[38o]**

See sections on Customary law and Children

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VIOLENCE AGAINST WOMEN

23.49 The US State Department 2011 Country Report on Human Rights Practices, released 24 May 2012, noted that women in Nigeria suffered from rape and domestic violence; harmful traditional practices, such as 'purdah' and 'confinement' and sexual harassment. Additionally the source highlighted, under a subsection on Children, that girls and young women were at risk from female genital mutilation (FGM) and early marriage. **[3a](Section 6)** The Amnesty International World Report 2012, published 24 May 2012, stated that 'Domestic violence, rape and other forms of sexual violence against women and girls by state officials and individuals remained rife. The authorities consistently failed to prevent and address sexual violence, or to hold perpetrators to account.' **[12e]** The British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, further explained:

'Up to a third of women in Nigeria report that they have been subjected to some form of violence, including battering and verbal abuse, emotional and psychological abuse, marital rape, sexual exploitation, or harassment within the home

'…One in five women has experienced some form of physical violence. Women in the 'never married group' are more likely to have suffered physical violence than women who have been married. Women in urban areas are also more likely to have experienced violence than those in rural areas. The highest proportion of women who experience physical violence is found in the South-West and South-South. The North-East and North-West report relatively fewer cases of domestic violence, although this could be an indication that violence in households is under-reported. Much but not all of the physical, sexual and psychological violence experienced by women in Nigeria is reported to be at the hands of family members, especially husbands, partners and fathers...A high number of women think beating a wife is justified.

'…Certain forms of violence are institutionalised. Much of the blame is placed on plural legal systems. The law as currently constituted does not offer women and girls adequate protection from violence…Although progress has been made (for example, the Violence against Women Prevention, Protection and Prohibition Act 2002), only four Nigerian states (Ebonyi, Jigawa, Cross Rivers and Lagos) have enacted domestic violence laws.' **[172](pages 48 and 49)**

Domestic and gender-based violence

23.50 The Social Institutions and Gender Index 2012 Nigeria Country Profile stated:

'…the country's Penal Code grants husbands permission to beat their wives, provided the violence does not result in serious injury. Police are usually reluctant to intervene in domestic violence cases, unless the woman has sustained serious injury. Women's rights organisations are active in providing support services to victims of domestic

violence and other forms of violence against women, as well as raising awareness, and pushing for legislation to address domestic violence to be introduced. There is no law specifically addressing sexual harassment in Nigeria.' **[68]**

23.51 A Think Africa Press article of 14 March 2012, 'Domestic Violence: The Problem Pervading Nigeria', noted:

'A combination of factors contributes to the high rates of domestic violence in Nigeria. In general, domestic violence is seen as a 'private' matter to be dealt with by the family, typically a domain of male authority. Nigerian women are expected to behave with subservience to their husbands, and domestic violence is often accepted as a part of marriage.

'Two key factors help to perpetuate domestic violence. The first is the inability of many women to escape violence and domination due to their disadvantaged economic status. Many women and girls depend on the financial resources of their husband, father or families. This forces them to put up with domination for fear of the withdrawal of this financial support. In Nigeria, female adult literacy is below the national average at 54.6% and the number of women below the poverty line is 65% compared to that of men at 35%. Yet even for educated women, domestic violence poses a serious threat to their safety and wellbeing.

'…A second crucial factor is a culture of silence that stigmatises the victims of domestic violence rather than the perpetrators. Funmi Tejuoso of the Lagos State House of Assembly claims that women were told to "go home and be a good wife" when they brought complaints to the police, making women fear the label of being a "bad wife". This reinforces the need for raising awareness about women's political rights and to educate women that they are not to blame for the physical, sexual or psychological abuse to which they are subjected.' **[149b]**

23.52 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]**

23.53 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. **[9a] (p.261, 262)**

23.54 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]**

23.55 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]**

23.56 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]**

23.57 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]**

23.58 The same source 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]**

23.59 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]**

See section on Social and Economic Rights

Rape and sexual abuse

23.60 The USSD 2011 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 ($1,233) for those convicted of rape, but societal pressure and the stigma associated with rape reduced both the percentage of rapes reported and the penalties imposed for conviction. 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.

'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. According to the 2008 Nigeria Demographic and Health Survey (NDHS), 3 percent of married women between the ages of 15 and 49 experienced spousal rape. Rape remained rampant in universities.' **[3a] (section 6)**

23.61 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]**

23.62 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]**

23.63 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]**

23.64 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

23.65 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]**

23.66 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)

23.67 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.' **[9a] (p299)**

23.68 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. **[9a] (chapter 18)**

23.69 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)**

23.70 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)**

23.71 A Daily Trust article of 14 February 2012 (via AllAfrica.com), 'Nigeria: Women with Painful Lives-Female Genital Mutilation: The Silent Killer', observed:

'Ejiro Otive Igbuzor, the former executive director of Women Empowerment and Reproductive Health Centre (WERHC) speaking on the evils of female genital mutilation pointed out that the practice of FGM is performed in nearly all states in Nigeria… Igbuzor said in different cultures, FGM exists ,"in some cultures the bride is cut open by her husband with a double edged sword on her wedding night and often times to enable her re-marry, she is re-infibulated if her husband goes on a long journey, dies or divorces her.

'He explained that the woman's vagina can be mutilated if corrosive substances are introduced into it to tighten it or holes are pierced around the vagina to decorate it.

'In the North, Igbuzor said most girls are subjected to "Gishiri cuts", wherein the vagina is ripped to relieve obstructed labour or expand the vagina opening of a young girl in order for her husband to penetrate easily during sexual intercourse…He lamented that Gishiri cut is a crude form of episiotomy but added that because the cut is usually done haphazardly, many girls have bled to death…The WERHC boss also added that the Urhobos in Nigeria remove the clitoris of young girls as a rite of passage to puberty.' **[56c]**

23.72 The same Daily Trust article continued:

'He [Ejiro Otive Igbuzor, the former executive director of Women Empowerment and Reproductive Health Centre (WERHC)] revealed that the prevalence of FGM in Nigeria is estimated at 36-60%…Some of the consequences of FGM, Dr Haliru Wara from Federal Medical Centre said include severe/violent pain, shock, hemorrhage, urine retention, ulceration of the genital region, infection and septicaemia…Other later effects are sexual dysfunction, cysts, keloids, difficult labour and infant

mortality…[P]sychosocial and psychological health problems include anxiety, depression, infection including HIV, neuroses and death.' **[56c]**

23.73 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 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)**

23.74 The Say No Unite To End Violence Against Women Campaign stated in a report of 12 July 2012, 'Ban FGM in Nigeria',:

'Currently, there is no federal law on Female Genital Mutilation in Nigeria, and advocates against the practice presently rely on Section 34(1) (a) of the 1999 Constitution, which states that "no person shall be subjected to torture or inhuman or degrading treatment." Despite the fact that Nigeria was one of the five countries that sponsored a resolution at the forty-sixth World Health Assembly calling for the eradication of Female Genital Mutilation (FGM) in all nations, the practice is still very rampant in the country. Though some states of the federation, including Lagos, Osun, Ondo, Ogun, Ekiti, Bayelsa, Edo, Cross-River and Rivers have enacted FGM laws, implementation of these laws has been a huge challenge. Just this past January a 15 year old girl died from post-circumcision hemorrhage in Bayelsa state and her 17 year old sister ran away to not face the same fate.' **[174]**

23.75 The USSD 2011 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 woman who offers herself for FGM; any person who coerces, entices, or induces any woman to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman's or a girl's sexual organs. The law provides for a fine of 50,000 naira ($308), 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. 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 applied 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.

'The 2008 NDHS reported that 30 percent of women in the country suffered FGM. While practiced in all parts of the country, FGM remained most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM, infrequently occurred in northern states but was 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 female victims suffered FGM before their first birthday.' **[3a] (Section 6)**

See also Children, subsection Female Genital Mutilation

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PROTECTION AVAILABLE TO WOMEN (INCLUDING THE PROVISION OF SHELTERS)

The following information should be considered together with material listed above under Freedom of movement (including internal relocation for victims of gender based violence)

23.76 The British-Danish 2008 FFM Report stated:

'… [W]omen 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

23.77 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)**

23.78 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)**

See Freedom of movement

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HEALTH AND WELFARE

See also socio-economic statistics referred to in Socio-economic rights above.

23.79 An undated profile of the country by the Centre for Development and Population Studies, accessed on 6 December 2012, 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]** The Unesco 2012 Education for All Global Monitoring Report, published 16 October 2012, noted that 'Almost three-quarters of adults who are illiterate live in just ten countries…In Nigeria, the number of illiterate adults has increased by 10 million over the past two decades, to reach 35 million.' **[177](page 5)**

23.80 The British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, noted:

'Nigeria has one of the highest rates of maternal mortality in the world. One Nigerian woman dies in childbirth every ten minutes. Spending and implementation have not matched policies. Nigeria spends only 6.5% of its budget on health care. Nationally, the maternal mortality rate is 545 deaths per 100,000 live births, nearly double the global average. In the rural North-East region it is 1,549– over five times that average.

'Poor access to safe childbirth services, and lack of adequate and affordable emergency obstetric care (EmOC), are the main reasons for high mortality. Only 36% of women deliver in a health facility or in the presence of a qualified birth attendant. Most of the cost is borne by households. EmOC in particular represents a catastrophic expense for a poor household. Among girls aged 10 to 14, certain groups are both particularly vulnerable and unlikely to access services. They include girls who marry at an early age, girls who are out of school, and girls who live apart from their parents.

'Family planning plays an essential role in reducing maternal mortality. At 5.7, Nigeria's overall fertility rate has declined. However, it is higher in the North-West (7.3), where use of contraceptives (3%) is very low. There is a high unmet need for family planning (17%). Addressing this could avert tens of thousands of maternal deaths by 2015…62% of Nigerian women with higher education have used contraceptives, whereas only 8% of women without education have done so…47% of Nigerian women are mothers before they reach 20.' **[172](page VI)**

23.81 An Integrated Regional Information Networks (IRIN) article of 6 July 2012, 'Nigeria: Bridging the north-south maternal death divide', observed:

'Nigeria's health services halved the maternal mortality rate between 1990 and 2010, but in parts of the predominantly Muslim north, which is less socio-economically advanced, women are 10 times more likely to die in childbirth than in the oil-rich, predominantly Christian south. Maternal health personnel are calling for more appropriate interventions to bridge the gap. Reasons for the divide mirror those in many West African states: too few referral facilities and health practitioners - especially midwives - and inadequate antenatal equipment; too few clinics and poor roads that make accessing clinics difficult and expensive; poverty and cultural barriers to visiting hospitals.

'The Partnership for Reviving Routine Immunization in Northern Nigeria; Maternal Newborn and Child Health Initiative (PRRINN-MNCH), is a landmark project to track the under-documented maternal population in the four northern Nigerian states of Yobe, Jigawa, Katsina, and Zamfara. "Insufficient health services, issues surrounding northern culture, and the region's social development challenges all merge into a perfect storm for maternal mortality," is how Rodion Kraus, deputy programme manager for PRINN-MNCH, summed up the situation.

'Nigeria's 40,000 pregnancy-related deaths a year account for approximately 14 percent of the world's total…Efforts are being stepped up: in 2007 the government launched a nine-year strategy to bring down maternal, neo-natal and infant mortality, including better immunizations for mothers and babies, nutritional supplements, bed nets, and efforts to prevent mother-to-child HIV transmission. The strategy is now in phase II, which focuses on training health workers, and giving them better salaries and incentive to work in rural areas.' **[21e]**

23.82 The same IRIN report noted:

'The country's primary healthcare agency has been training midwives to work in rural areas for several years. In 2009 it set up the Midwife Service Scheme (MSS), to improve maternal care by sending recently graduated midwives to the north during their mandatory year of national service. By July 2010 more than 2,600 midwives had been sent to serve northern rural health facilities. "The MSS [graduate scheme] was a very good intervention - it proved very effective," said Hafsat Sugra Mahmood, a midwife and teacher in northern Nigeria, but a lack of regular payment and poor coordination between local, state and federal authorities, among other problems, led to low retention rates.

'Midwives are highly skilled and trained to provide life-saving services during the birth process, and offer counselling and family planning. Even though Mahmood has spent 20 years teaching midwives, many of whom now work in northern communities, she knows these skills will be redundant in many communities. "Midwives encourage

women to come to the hospital to deliver but… in the north people prefer to deliver at home," Kraus said. "Most Muslim women in northern Nigeria are not comfortable being treated by men - most health workers are men."

'Other powerful cultural issues that often prevent northern women from accessing professional health services before and during childbirth include early marriage, which can lead to complications such as fistulas when underdeveloped girls give birth. The quality of education, especially for women and girls, means many don't recognize the danger signs in childbirth. Some communities even see dying in childbirth as immediate access to paradise, community health workers told IRIN.

'The Nigerian Union of Road Transport Workers (NURTW) has set up schemes in four northern states to provide better emergency transportation to hospitals, but this does not necessarily persuade women to use them, said Kraus.' **[21e]**

23.83 The same IRIN report added:

'Clinics In rural areas are often overworked and under-staffed. There are usually one or two midwives per health centre and on average 10 women give birth every day. Midwives are supposed to attend home births in rural areas, but "that leads to burnout", Mahmood remarked, so they often do not make it.'Instead, women turn to traditional birthing attendants (TBAs). There have been calls for TBAs to be given some level of training so they can detect complications early and encourage women to seek antenatal care, refer them to hospitals and give family planning advice. The danger is that TBAs, if more formally trained, will not recognize their limits and will want to venture into interventions that are really highly technical, so they would need to be closely monitored, say health experts.

'Informal studies show TBAs have not had much impact on reducing maternal mortality, but there are a few signs of quality work, Mahmood said, and some have monitored women with pregnancy complications and referred them to health authorities. "Whether we like it or not," TBAs are respected in rural northern communities and women are using them. "We really need to target TBAS with information and basic skills", so they can help women properly, she said. 'Well-trained care at home can be more effective than referral to a hospital - Nigeria's health services are among the 10 worst in the world, said Kraus.' **[21e]**

23.84 An undated entry on the avert.org website (accessed 7 December 2012), 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 2009, but still remained far short of universal access targets which aim for 80 percent coverage.

'Single-dose nevirapine is no longer recommended for the prevention of mother-to-child transmission. Whilst 19,733, or 9 percent, of HIV-infected pregnant women in Nigeria received the most effective antiretroviral treatment regimens for PMTCT in 2010, around 6,505 pregnant women still only received single-dose nevirapine.[47] Coverage for infants remains very low; in 2009 only 8 percent of children received antiretrovirals for PMTCT.' **[28]**

23.85 A WaterAid Briefing Note of 19 December 2012, '1 in 3 women lack access to safe toilets', stated:

'Lagos is one of Africa's megacities, growing from a population of just 1.4 million in 1970 to 11.2 million in 2011. While it is an economic powerhouse, 70% of Lagos' residents still live in slums with poor access to sanitation and clean water.

'WaterAid commissioned international polling and research company GlobeScan to conduct a poll in five of the slums of Lagos, between 18 - 22 October 2012. The poll interviewed 500 women about their experiences of and around sanitation. The survey was conducted in Ajegunle, Ijora, Badia, Oko Agbon and Otto-Oyingbo.

'Headline poll results:

• 67% of women feel unsafe using a shared or community toilet in a public place.

• 40% of women in the slums of Lagos, Nigeria, have no toilets and are forced to defecate outside. A quarter of these had either first or second hand experience of harassment, a threat of violence or actual assault in the last 12 months.

• 68% of women agree that the cost of using public toilets is a problem for them.

• 61% of women find the toilets they regularly use to be unhygienic.

• 56% of women avoid using toilets at certain times of the day to avoid putting themselves at risk.' **[176]**

For more general information on healthcare see Medical Issues

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24. CHILDREN

OVERVIEW

24.01 Save the Children, in its country page for Nigeria (undated but accessed 7 December 2012), noted that: 'One in five children in Nigeria dies before their fifth birthday. 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. **[75a]**

24.02 The British Council/Department of International Development report, 'Gender in Nigeria 2012', published May 2012, noted:

'54% of Nigerians still live in poverty and the proportion has doubled since 1980 (when about 28% were classified as poor). Nigeria's human development indicators are also worse than those of comparable lower middle-income countries. 42% of Nigerian children are malnourished. The averages hide a context that is worse for women and girls. Nearly six million young women and men enter the labour market each year but

only 10% are able to secure a job in the formal sector, and just one third of these are women.

'…Nigeria is marked by huge geographical disparities. Human development outcomes for girls and women are worse in the North, where poverty levels are sometimes twice as high as parts of the South (72% in the North-East compared with 26% in the South-East and a national average of 54%). Nearly half of all children under five are malnourished in the North-East, compared to 22% in the South-East. Hausa girls, for example, are 35% less likely to go to school than Yoruba boys. The impact of inequality on the lives of girls and women is reflected starkly in health and education outcomes, nationally and between North and South. Levels of gender violence are also high, notably in the South where inequality is greatest.' **[172](pages III and IV)**

24.03 The Nigeria Overview on the United Nations Children's Fund (UNICEF) website, undated, accessed on 10 December 2012, provided information about children in the country:

'Well over half of the population lives in poverty, with wide regional disparities…Child and infant mortality continue to be major challenges in the face of widespread occurrence of malaria, vaccine-preventable diseases, diarrhoea and acute respiratory infection. The country has a high infant mortality rate of 86 per 1, 000 live births, and an under-five mortality rate of 191 per 1, 000 live births. DPT and measles coverage for one year olds are 54% and 62% respectively but routine immunisation coverage is still low. Protein-energy malnutrition is also a problem with one third of all children under-five being either stunted, underweight or wasted.

'At 3.9%, the adult HIV Prevalence rate seems low compared to some countries in the region but because of its large population, Nigeria has the third largest numbers of people living with the HIV virus. Less than 5% of pregnant HIV positive women are reached by services to prevent mother to child transmission of HIV.' **[19b]**

See UNICEF Nigeria Statistics
http://www.unicef.org/infobycountry/nigeria_statistics.html

See also Women

Basic legal information

24.04 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]**

24.05 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)**

24.06 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 20 November 2012) **[52]** The age of consent is 13. (endangeredchildren.org, undated, accessed 10 December 2012) **[28]**

LEGAL RIGHTS

24.07 The Child Rights International Network (CRIN) noted on the country's legal system (in a section on Nigeria's Laws, dated 21 April 2011):

'The Nigerian legal system is extremely complicated by virtue of federalism and the coexistence of numerous legal systems. Across its 36 states, Nigeria is governed by a combination of federal law, state law, and pre-independence English law. State law can be further subdivided into statutory legislation, customary law and Sharia law. This can result in wide variations in applicable law, particularly in areas that pertain to the family, where customary law has a strong role. Notably, juvenile justice and criminal activity are also covered by a mix of state and federal criminal codes as well as a Sharia penal code, all of which have particular importance for offences committed by and against children.' **[178a]**

24.08 The same CRIN report did note however that: 'The Constitution contains two articles that make specific provision for the rights of children: 'Art. 17(3)(f) requires the State to implement policies that ensure that children and young persons are protected against any exploitation whatsoever, and against moral and material neglect [and] Art. 18(3) makes provisions for free, compulsory, primary education, and free secondary and university education.' **[178a]**

24.09 With regard to labour laws, the United States Department of Labor (USDoL) 2011 Report, 'Findings on the Worst Forms of Child Labor', published 11 September 2012, stated:

'The Government of Nigeria has the authority to establish labor standards, though legislative power to protect children is reserved for its states. The Federal Labor Act sets a minimum age of employment at 12 and is currently in force in all 36 states of

Nigeria. However, the Act establishes an exception to its minimum age law, permitting children of 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, supersedes the Labor Act.(48) However, each state is required to implement the provisions of the Child Rights Act in its territory. In total, 24 of the 36 states have adopted the Child Rights Act, all of which adopted the Act prior to the reporting period.

'The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and the use of children for prostitution and armed conflict. In addition, it prohibits the use of children in street-hawking and begging. The Child Rights Act imposes strict penalties for abuses and creates family courts. States may also enact additional provisions to bolster protection for working children within their territory. Some states within Nigeria have taken this step and closed gaps in the law. For example, the Abia State Child's Rights Law (2006) prohibits all children under age 18 from engaging in domestic service outside of the home or family environment.

'However, in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from the worst forms of child labor. Such states may continue to permit children as young as 12 to work.' **[77] (page 466)**

24.10 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released 24 May 2012 (USSD 2011 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 by 441 officers. Although the inspectorate employed nearly 500 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 mostly occurred randomly 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. A visit to the Nassawara State labor officer found staffing and resources well below the level needed for the task, and little capacity to address labor law issues in the large informal sector. The NAPTIP has 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. Twenty-four states, plus the FCT, have passed the act. The remaining states are in the north, where sharia 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 (ILO/IPEC) Sustainable Tree Crop Program

in the cocoa and other agricultural subsectors. A component of the ILO/IPEC project 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. In October the government launched an ILO/IPEC project to reduce child labor and trafficking in stone quarries in Ogun State.' **[3a] (Section 6d)**

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International instruments

24.11 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)**

Domestic instruments

24.12 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)** However concerns remained over the implementation on the Act. A paper entitled 'Inequality and discrimination in Nigeria: Tradition and religion as negative factors affecting gender', presented at a human rights conference between 8 and 10 October 2012 (the Federation of International Human Rights Museums) explained with regard to the implementation of the minimum age of marriage: 'The Child Rights Act of 2003 amended the Constitution to set the minimum age of marriage at 18 years of age, but only 16 of Nigeria's 36 states have adopted the Act. As a result, states laws on the minimum age of marriage vary: in southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, in the north it ranges from 12 to 15 years (Islamic religion).' **[208]**

24.13 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]**

24.14 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]**

Similarly 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]**

24.15 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)**

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Judicial and penal rights

24.16 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]**

24.17 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)**

24.18 More recently the USSD 2011 Report stated that: 'Although the law precludes the imprisonment of children, minors lived in the country's prisons, many of whom were born there. A report by the African Union on the rights and welfare of the Nigerian child found that an estimated 6,000 children lived in prison and detention centers. 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

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VIOLENCE AGAINST CHILDREN

24.19 The USSD 2011 Human Rights Report noted that: 'Child abuse remained common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to combat it. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.' **[3a](Section 6)** An undated section on 'Violence against children' in the Nigeria section of UNICEF's website, accessed 12 December 2012, 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]**

24.20 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)**

24.21 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 is gravely concerned about the impact of inter-communal and political violence on children, including reports that children have been victims of extrajudicial killings by law enforcement agencies.' **[146](page 8)**

Female Genital Mutilation (FGM)

24.22 An undated section (accessed 13 December 2012) 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]**

24.23 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

24.24 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]**

24.25 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.' **[71a]**

24.26 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]**

24.27 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.' **[71a]**

24.28 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.' **[71a]**

24.29 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.' **[71a]**

24.30 An editorial article in Leadership (Abuja) of 10 December 2012, entitled 'Nigeria-How I became a witch', written by Ruth Choji, stated:

'A lot of Nigerians, young and old, have suffered tremendously as a result of a renewed wave of belief in witchcraft… The secretary general of NAPTIP, an organization that has been in the forefront on the fight against child trafficking, prostitution and other related issues, Simon Chuzi Egede on his part said, "witchcraft is a real system belief that is rooted in popular mentality of our people with its origin in African traditional religion and its varied attributes or ancestral worship, rituals, beliefs in mermaid, magic a spirit reincarnation and voodoo.

'"When a child is accused of witchcraft, their fate is sealed. The child is subjected to all manner of abuse ranging from stigmatization, discrimination, ostracism; sever beating, cutting and starving. Others are burns, poisoned, rape, abandonment, brutality, tattoos, murder or being buried alive."

'He however insists that the situation is made worst by the proliferation of religious or spiritual organization that is independent of Christian Association of Nigerian (CAN) and Pentecostal Fellowship of Nigeria (PFN). "They identify children as witches and cause the parents/wards to execute severe cruelty to them, making them suffer the worst form of abuse, rejection, dehumanization, neglect and abandonment, some parents, guardians, churches, schools and the community are all guilty of this offence."… Commenting further, the secretary general said, "in recent past, the agency rescued some children who were exploited and abused by a pastor in Abuja in the guise of delivering them from witchcraft. These children are from Nasaarwa, Kaduna and Taraba states and they were sheltered, counseled and reunited with their parents."' **[79f]**

24.31 The online publication 'Next' published an article on 21 July 2011, entitled 'Activists demand the release of witchcraft accusation commission's report', 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]**

24.32 An Aljazeera article of 1 November 2012, 'Nigeria outlaws accusing children of sorcery', noted:

'The Nigerian state of Akwa Ibom has introduced a law that makes it illegal to accuse children of witchcraft and sorcery…The state has spent significant amounts of money to aid the hundreds of Nigerian children that had been branded witches in Akwa Ibom for years…But some say churches in the impoverished state where unemployment is rampant, must also be reigned in. Some activists cite the churches as the source of the belief that children are sorcerers or witches.' **[179]**

Child marriage

24.33 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)**

24.34 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)** A report of 27 June 2011 by the charity Plan UK, '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]**

24.35 A March 2012 report published by former prime minister Gordon Brown's office, 'Out of wedlock, into school: combating child marriage through education', noted:

'Only 2 per cent of married 15-19 year old girls in Nigeria are in school compared to 69 per cent of unmarried girls...Northern Nigeria has some of the highest rates of child marriage in the world. Nationwide, the share of young women who were married by the ages of 15 and 18 is respectively 16 per cent and 39 per cent. For northern Nigeria those figures rise to 48 per cent and 78 per cent…The Child Rights Act in Nigeria, passed in 2003, raised the minimum for girls to marry to 18. To date, however, only a few of the country's 36 states have begun developing legal provisions for implementing the law. To complicate matters further, the country has three different legal systems – civic, customary and Islamic – with different rules on child marriage. Federal and state government have control only over civic law marriages…' **[180]**

23.36 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]**

23.37 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]**

Trafficking

24.38 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]** 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)**

24.39 The United States Department of Labor (USDoL) 2011 Report, Findings on the Worst Forms of Child Labor (covering the period from January 2011 to July 2012), published 26 September 2012, stated:

'Nigeria is a source, transit and destination country for child trafficking. Children in Nigeria are trafficked internally to 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 United Kingdom and Saudi Arabia. Children are trafficked into Nigeria from the Central African Republic and Liberia to work in agriculture, domestic service, vending and mining. Children from Chad are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor. Beninese children are also trafficked to Nigeria to work in granite mines.' **[77] (page 466)**

24.40 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]**

24.41 A BBC News report of 1 June 2011, 'Nigeria 'baby farm' girls rescued by Abia state police', additionally noted:

'Nigerian police have raided a hospital in the south-eastern city of Aba, rescuing 32 pregnant girls allegedly held by a human-trafficking ring.

Aged between 15 and 17 years, the girls were locked up and used to produce babies, said Abia state's police chief. These were then allegedly sold for ritual witchcraft purposes or adoption. But the hospital's owner denied running a "baby farm", saying it was a foundation to help teenagers with unwanted pregnancies. The UN organisation for the welfare of children, Unicef, estimates that at least 10 children are sold daily across Nigeria, where human-trafficking is ranked the third most common crime after economic fraud and drug-trafficking…But the BBC's Fidelis Mbah in the southern city of Port Harcourt says it is very rare for traffickers to be caught and prosecuted.

'Abia state Police Commissioner Bala Hassan said four babies, already sold in an alleged human-trafficking deal but not yet collected, were also recovered in the raid on The Cross Foundation hospital…The National Agency for the Prohibition of Trafficking in Persons (Naptip), the organisation charged with fighting human-trafficking in Nigeria, says their investigations show that babies are sold for up to $6,400 (£3,900) each, depending on the sex of the baby. Male babies are more prized, our correspondent says…In some parts of the country, babies killed as part of witchcraft rituals are believed to make the charms more powerful, he says. Human traffickers also put the children up for illegal adoption. Poor, unmarried women face tough choices if they get pregnant in Nigeria, often facing exclusion from society, correspondents say.

'Naptip says desperate teenagers with unplanned pregnancies are sometimes lured to clinics and then forced to turn over their babies. Some of the girls rescued in Aba told the police that after their new-born babies were sold, they were given $170 by the hospital owner. The police said the proprietor of The Cross Foundation, Dr Hyacinth Orikara, is likely to face charges of child abuse and human trafficking. Our correspondent says the buying or selling of babies is illegal in Nigeria and can carry a 14-year jail term. The police carried out similar raids on such clinics in neighbouring Enugu state in 2008.' **[8r]**

See also Women, Child marriage, and Trafficking

Street children

24.42 An undated Stepping Stones report, 'Tackling Violence, Abuse and Neglect', noted that: 'Poverty, family disintegration, urbanisation, disease and conflict, have led to many children…ending up on the streets. Street children face physical abuse from the police and the public, and may be tortured, beaten, and sexually abused.' **[71b]**.

24.43 A Unicef report of 1 March 2012, 'Lagos, Nigeria, marginalised children face exploitation, trafficking and abuse', stated:

'Sex and drugs are readily available on Kuramo Beach, a stretch of sand along the Gulf of Guinea. Children play in the sand, not far from sex workers. Nearby, tough young men known as 'area boys' sit under battered beach umbrellas. It is also home to children living and working on the streets of Lagos…Lagos, a chaotic and polluted mega-city built on swamps and reclaimed lagoons, is an economic draw for all of West Africa. UN agencies estimate that 10.2 million people live in the city, and 49 per cent of the country's population is under age 18. This means a staggering number of children live in the dense metropolitan area. Though the city presents a variety of opportunities, many children do not benefit from them. Some live in slums, others are victims of trafficking. Still others have been forced onto the streets by abuse or poverty. These marginalized children are vulnerable to exploitation, violence, drug use and recruitment into gangs.

'"More and more children are running away," said Ngozi Ekwerike-Okora, a coordinator with Child-to-Child Network and the Lagos State Child Protection Network. "Many come from broken homes, which makes them vulnerable to peers who recruit them in their villages and sell them to be trained as pickpockets," she said, describing rural children brought to Lagos by traffickers and sold to the 'area boys', who employ them as petty thieves and take their earnings…Many children and adolescents living on the streets of Lagos beg or hawk goods at traffic lights. Some offer their services as porters in the nearby Ikoyi business district; others work as conductors aboard the city's distinctive yellow minibus taxis. One boy said he used to earn up to 1,500 naira a day [US$10] as a conductor but was regularly robbed by 'area boys', who would leave him with just enough to buy food.' **[19i]**

24.44 The same Unicef report continued:

'Fifteen-year-old Chinasa Paul is an orphan from Ebonyi State, 500 km away. He lives and works on Kuramo Beach. "What we do here is carry drinks [crates] from the gate to the other end of the beach," he said. "In a morning, I get 200 naira [approximately US$1.25] for doing that. Then I buy food and we play football." … It is the third time that workers from Child-to-Child Network, a non-governmental organization, have found him sleeping on the streets. The first time, he received three months of counseling and hot meals at the organization's reception centre. When he declined to return to the home of an uncle in Lagos, he was placed in a home for children, but he ran away after he an employee there treated him roughly. Child-to-Child Network then arranged for him to stay with another uncle in eastern Nigeria, but that situation did not work, either. "People in that place, they talk to me anyhow and beat me anyhow," Chinasa said.

'Other children have had better luck. Damilola Onalaja was 10 years old when his mother died and his father started beating him. He left home and spent 18 months on the streets of Lagos before discovering Child-to-Child Network's reception centre. Child-to-Child Network placed him in a home, Child Lifeline. There, he found some of the stability he needed. He even calls the home's matron 'mummy'. Now 15, Damilola works as an apprentice printer. "Mummy asked if I wanted to go back to my father, but I

said no," Damilola said. "Now he comes and visits me and our relationship is okay."' **[19i]**

24.45 The same Unicef report added:

'Often, family reunification is in the child's best interest. UNICEF supports Child Lifeline and Child-to-Child Network, as well as the Child Protection Network (CPN), which operates throughout Nigeria. These groups collaborate to protect children from abuse and exploitation, and work together to find children's families…But Sara Beysolow-Nyanti, chief of UNICEF's Lagos field office, explained that tracing children's families can be a gigantic task. "Census and planning data are missing and the population is moving all the time. In Lagos, the number of people on paper and the number of people in the streets is not the same. You have thousands of children who are not documented and so, officially, do not exist." This lack of information can make it difficult to reach those children most in need. "When it comes to providing basic social services, that is a huge challenge," Ms. Beysolow-Nyanti said.' **[19i]**

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CHILDCARE AND PROTECTION

Orphans and vulnerable children

24.46 An August 2009 report by Boston University Center for Global Health and Development, 'Nigeria Research Situation Analysis on Orphans and Other Vulnerable Children', noted:

'• There are 17.5 million [orphans and other vulnerable children] OVC, including 7.3 million orphans.

• 2.39 million orphans are due to AIDS.

• 10.7% of the 69 million children are vulnerable.

• 10% of children are orphaned (7% in North-west to 17% in South-East), 10% in rural, 11% in urban.

• Benue state has the highest prevalence of orphans (25%), followed by Akwa Ibon (approx 22%); while Niger has the lowest (2.7%).

• 24.5% of children interviewed in households are OVC (26% in rural, 21% in urban).

• Benue state has the highest prevalence of OVC aged 6-17yrs (49%), followed by Imo (45%), and Rivers (41%); with Kwara having the lowest (9%).' **[181](page 3)**

24.47 The same Boston University Center Report set out the definition of orphans and vulnerable children (OVC) in the country:

'Nigeria defines an orphan as a child (0-17 years) who has lost one or both parents. A child is vulnerable if, because of the circumstances of birth or immediate environment, is prone to abuse or deprivation of basic needs, care and protection and thus disadvantaged relative to his or her peers…A vulnerable child is one (that): with inadequate access to education, health and other social support, has a chronically ill parent, lives in a household with terminally or chronically ill parent(s) or caregiver(s),

lives outside of family care (lives with extended family, in institution, or on street), is infected with HIV…The list of categories of OVC is long and varied; in addition to the above, a vulnerable child includes: children in need of alternative family care; children who are abused or neglected; children in hard-to-reach areas; children with disability related vulnerability; children affected by armed conflict; and children in need of legal protection.' **[181](page 2)**

24.48 An ovcsupport.net report published in March 2011, 'Social Welfare Workforce Strengthening for Orphans and Vulnerable Children (OVC) Care, Support and protection in Nigeria', stated:

'Implementation of the Nigeria OVC National Plan of Action (NPA) has been less successful than anticipated, with a lack of available information for planning identified as one of the main constraints. OVC care, support and protection services are not well integrated with planning processes at national, sub-national and community levels. Consequently, there are very limited resources available to communities for OVC, and social welfare offices are seldom functional in many rural areas. It is further recognized that a significant component of OVC care, support and protection services are provided mainly through a broad range of non-governmental (NGO) and faith-based organizations (FBO), as well as civil society organizations (CSO) and networks (FMWASD, 2008). In this context it is estimated that in excess of half of the available workforce for OVC in Nigeria is voluntary. Underlying the difficulty in establishing a national snapshot and profile of the existing available social welfare workforce for OVC is that there is, as yet, no comprehensive list of all organizations and institutions providing OVC services throughout the country.

'…Nigeria is revising and updating its existing OVC National Plan of Action. The current NPA does not include a specific workforce strengthening component which integrates both the formal and informal/voluntary sectors. Existing mandates and responsibility for the social welfare workforce for OVC are spread across multiple ministries and departments at both Federal & State levels – including Federal Ministries for Women's Affairs and Social Development (FMWASD), Health and Education. Additionally, social welfare workforce structures at State level often do not reflect the Federal composition and structure. In particular, functions and capacity are very often inconsistent and can vary significantly from State to State, as well as between Local Government Areas (LGA).

'…Within the current OVC workforce there are limitations in terms of skills, competency levels and expertise. Additionally, there are ill-defined minimum certification or experience requirements in place for most formal Social Welfare positions, due in most part to an inherent lack of understanding and low subsequent valuing of the Social Work field in Nigeria. From the LGA level - where OVC front-line support resides in a Desk Officer, most likely with no Social Work training - to the national level where the minimum criteria may simply be a degree in the Social Sciences (psychology, sociology, and such), the Social Welfare agenda is largely overseen and delivered by staff without the requisite grounding in Social Work.' **[182](pages 2-5)**

24.49 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…Though the health-related

MDGs [millennium development goals] 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]**

24.50 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]**

24.51 Additionally the source noted:

'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]**

24.52 The same Leadership (Abuja) article observed 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]**

24.53 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]**

24.54 A Daily Trust article of July 8 2011, 'Nigeria: Women Ministry Launches Database for Orphans', noted:

'The Ministry of Women Affairs and Social Development has launched a data base for orphans and vulnerable children in the country. Launching the database yesterday in Abuja, Minister of Women Affairs and Social Development Hajiya Zainab Maina said a National Situation Assessment and Analysis (NSAA) of the Nigerian populace in 2008 estimated that there were about 17.5 million Orphans and Vulnerable children (OVC) in the country.

'She said the need for a database to gather, store and disseminate critical information on children to governments, the private sector, analysts, researchers, opinion holders and decision makers cannot be over-emphasized. She encouraged partners, government ministries, departments and agencies as well as members of the general public to feel free to access the information in the data base for planning, budgeting, research and other purposes. "The database is one of the cornerstones of information technology; its contents are properly arranged and well structured to ease accessibility, processing, management and control," she said.

'Earlier, Mission Director of the United States Agency for International Development (USAID) which provided financial and technical support to the ministry for the database, Dr. Ray Kirkland, said the organization allocates $35m annually for the comprehensive care of orphans and vulnerable children in the country. He said part of this fund goes in the form of technical support for implementing partners like Ministry of Women Affairs, management sciences for health among others.' **[56d]**

24.55 A Vanguard article of 20 March 2012, 'Nigeria: HWWN Steps up Care of Orphaned and Vulnerable Children', noted:

'In response to the National Plan of Action on Vulnerable Children, and National HIV & AIDS Prevention Plan; HOPE Worldwide Nigeria 40 implementing agencies have been empowered to ensure comprehensive care to the affected. THE CEO, HWWN, Mr. Ola Clement said Nigeria has one of the highest number of vulnerable children in the world, listing major causes of vulnerability to include poverty, HIV/AIDS, road accidents, high rate of maternal mortality and ethno religious conflicts, gender inequality as well negative cultural practices that have refused to evolve with the changing times. According to him, the organisation is partnering with other CBOs is in its fourth year of a programme tagged 'Assistance and Care for Children Orphaned and at Risk' (ACCORD) designed to bring succor to vulnerable children. Under the ACCORD Follow on Project, HWWN has the mandate of facilitating sustainable improvements in the

wellbeing and productivity of vulnerable groups whilst strengthening health and other social services.

'"Specifically HWWN seeks to scale up OVC care and support and reach 2000 PLHIV and 10,000 young persons with minimum package of prevention intervention in Lagos, Oyo, Osun, Ogun, Cross Rivers, Anambra, Ebonyi and Kogi States. Strategies employed involved strengthening the technical and organisational capacity of focal states and their LGAs as well as Implementing Agencies; all geared towards providing comprehensive care to vulnerable children and increase adoption of safer sexual behaviours". Clement said some children and caregivers on its skills acquisition programme with one of the implementing agencies, LIHOC, benefited from a linkage with skill acquisition service provided by Women Development Foundation, Osun State to empower Orphans and Vulnerable children as part of service delivery for the OVC in Ilare community. Children were trained on computer appreciation with basic instruction on introduction to hardware and software as well as introduction to basic Microsoft packages.' **[29k]**

The Directory of Development Organisations, Nigeria, provided a list of organisations operating in this field in the country.

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EDUCATION

24.56 The Nigeria section of Europa World accessed 18 December 2012, 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]** The USSD 2011 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, authorities rarely provided compulsory primary education, and often charged numerous mandatory school fees. Most educational funding came from the federal government, with state governments required to pay a share; however, some states did not disclose their funding share. Of the country's estimated 30 million primary school-age children, seven million did not enroll in 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 frequently went 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 became involved in 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.' **[3a] (Section 6)**

24.57 An undated section on Children's education on the UNICEF website (accessed 18 December 2012) 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. … 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.' **[19g]**

24.58 The same UNICEF report added:

'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.

'…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]**

24.59 The US Department of Labor (USDoL) 2011 Report, 'Findings on the Worst Forms of Child Labor', published 28 September 2012, stated:

'The Federal Ministry of Education is responsible for implementing the National Framework for the Development and Integration of Almajiri Education in the Universal Basic Education Scheme, released in 2010. Under the Framework, almajiri schools are regulated by state governments to more effectively address the challenges the traditional Islamic Education Sector faces relating to itinerancy and begging. Also under the Framework, the Government announced that it plans to build approximately 400 schools for almajiri children by 2015 and that 100 of these schools are to be completed by the end of 2012. The number of schools built in 2011 is unclear. In early 2012, a

curriculum was developed through the Almajiri Education Program to increase the capacity of almajiri school teachers and managers throughout the country. A strategic plan of action was also developed to guide the Program.' **[77]**

Illiteracy rates

24.60 A 2012 UNESCO report, 'Adult and Youth Literacy 1990-2015', noted that in 2010 Nigeria had a youth illiterate population of 8.6 million. **[177b]** An article in Leadership (Abuja) of 9 February 2012, 'Nigeria: Illiteracy Eradication', further explained:

'Analysts have argued that the problem of militancy in the Niger Delta region, prostitution, child trafficking and the most recent, Boko Haram group in the Northern region of the country are all consequences of the growing illiteracy level across the country. Those in this school of thought argued that the members of these vulnerable groups, majorly youths, are ready tools in the hands of those deploying them for their selfish gains, because, the youths, have no access to literacy education and life skills necessary for their economic and social well- being especially in a country literacy education and allied non-formal education are largely marginalised within the education sector.' **[79g]**

24.61 A September 2010 paper published by the University of Ilorin, 'Fifty Years of Higher Education in Nigeria: Trends in Quality Assurance', noted:

'The state of university education in Nigeria can…be described as one of massive explosion in student enrolment; increasing number of prospective new entrants in the face of inadequate and obsolete infrastructure and equipment; poor library facilities, inadequate academic staff in number and quality; lack of relevance of academic programmes, low level of funding, cultism, examination malpractice and generally therefore low quality graduates as shown by many studies…Corruption displayed by staff, students, parents and others that patronise the Nigerian university system affects quality. The quality process is compromised through corrupt practices in different shades and forms. Admission, discipline, and examination processes are most affected.' **[183]**

The same University of Ilorin paper includes in an appendix a list of universities in Nigeria.
http://www.unilorin.edu.ng/publiclectures/Final-Okebukola-AVCNU-50-Years%20of%20Higher%20Ed.pdf

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HEALTH AND WELFARE

24.62 An undated section of the UNICEF website (accessed 18 December 2012) on 'Maternal and child welfare' noted:

'Although analyses of recent trends show that the country is making progress in cutting down infant and under-five mortality rates, the pace still remains too slow to achieve the Millennium Development Goals of reducing child mortality by a third by 2015. … 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

24.63 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)**

24.64 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)**

24.65 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

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DOCUMENTATION

24.66 A Federal Ministry of Health (FMoH) report of January 2011, 'Saving Newborn Lives in Nigeria', observed:

'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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25. TRAFFICKING

The following section should be considered together with material listed under Children, trafficking

OVERVIEW

25.01 The US State Department (USSD) Trafficking in Persons Report 2012, published 19 June 2012, stated:

'Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerians are recruited from rural, and to a lesser extent urban, areas within the country: women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as South Africa, where they are exploited for the same purposes. Children from West African countries, primarily Benin, Ghana, and Togo, 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 subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor. Nigerian women are trafficked to Malaysia where they are forced into prostitution and to work as drug mules for their traffickers. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them

into situations of prostitution or labor. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and EUROPOL has identified Nigerian organized crime as one of the largest law enforcement challenges to European governments.' **[3d]**

25.02 The same USSD Trafficking in Persons report continued:

'The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant effort to do so. During the reporting period, the government did not demonstrate sufficient progress in its anti-trafficking law enforcement efforts. Roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labor trafficking victims the government prosecuted only two forced labor cases. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), established by the 2003 Anti-Trafficking in Persons Law to coordinate and facilitate the government's anti-trafficking agenda, did not increase its funding for protective services and its victim shelters offered limited reintegration services and were not always well-maintained. Despite documentation of a staggering number of Nigerians trafficking victims identified in countries around the world, the government inconsistently employed measures to provide services to repatriated victims. However, NAPTIP did execute its first joint law enforcement exercise with the Government of Mali which led to the arrest of trafficking perpetrators and to the rescue of Nigerian trafficking victims.' **[3d]**

25.03 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]**

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TRAFFICKING ROUTES AND NETWORKS

25.04 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]**

25.05 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).' **[91a]**

25.06 An Interpol report of September 2011, 'Trafficking of Human Beings in the European Union', observed:

'Nigerian [criminal] groups are mostly formed of cellular structures. The key to their effectiveness is their ability to operate independently while drawing on an extensive network of personal contacts. Women play a particularly important role within these groups, closely monitoring the trafficking process from recruitment to exploitation. Nigerian victims often do not perceive themselves as such, but rather as immigrants who must repay a debt to their facilitators. In this context, victims often become members of the criminal groups exploiting them, ultimately assuming the role of 'madam' in the exploitation of others. In turn, this cultural novelty reduces the likelihood that victims will cooperate with law enforcement.' **[159](page 12)**

25.07 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]**

25.08 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]**

25.09 The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) website, in its Fact Sheet section (undated but accessed 19 October 2012), listed the following external trafficking routes:

'• 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).' **[93]**

25.10 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]**

25.11 An Interpol report of September 2011, 'Trafficking of Human Beings in the European Union', observed:

'Nigerian [criminal] groups engaged in THB [trafficking in human beings] for sexual exploitation use the Southern [Southern Italy] and South West [Spain and Portugal] hubs as springboards for the further distribution of victims, particularly to the Nordic countries. In many cases they use Italian or Spanish residence permits – either falsified or obtained through expedients such as bogus marriages – which allow them to travel within the Schengen zone. It is possible that 'madams' in the saturated markets of Spain and Italy are using the networks and protection of Nigerian organised crime to venture into new destination markets, targeting in particular those in which prostitution is entirely in the hands of such groups.' **[159](page 12)**

25.12 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.' **[91a]**

25.13 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]**

Recruitment practices

25.14 A United Nations Interregional Crime and Justice Research Unit (UNICRI) report of April 2010, 'Trafficking of Nigerian Girls in Italy', noted the 'standard ways of exploitation':

'…[I]nterconnected factors are at the core of the system exploiting Nigerian women and girls. First, the instrumental and often criminal way that the maman [comparable to the English term 'madam': woman who runs a brothel] and her collaborators/recruiters put in place in exploiting the tendency to migrate of many Nigerian young people, i.e. the psychological and actual propensity of many young people to accept proposals for migrating in order to improve their living conditions, to positively respond to having dropped out of school, to contrast long-term unemployment or to exit relative poverty, deriving from economic hardship and therefore the difficulty to buy subsistence goods such as food or the difficulty to live in an adequate lodgings, or the impossibility to enter good schools or, again, the lack of a social network to count on and lack of trust in the institutions

'The second factor is linked to the need to find enough money for travelling abroad, in our case in Italy. This necessity pushes the person into the hands of people - and almost inevitably with organizations specialized in transferring migrants abroad - that lend money (i.e. sponsors), know the legal and often illegal ins and outs for acquiring the necessary documents, and know how to make a binding contract with the people they send abroad. The third factor is of symbolic and ritual significance. The woman or girl must swear in front of the sponsor (the maman or her helpers), i.e. those lending her the money and organizing the journey, that she will pay back to the organization the amount previously established and written in the contract. In doing so the woman swears in front of the local religious leaders (generally the baba-loa) that she will give back the loaned amount.' **[158](page 39)**

25.15 The same UNICRI report continued:

'The woman and the "benefactors" or "sponsors" - usually the maman alone - seal this commitment through rites that recall the traditional practices of woodoo or ju ju. The oath, usually officiated by the baba-loa (generally a male but at times can be a woman as well) [The baba-loa, or the native-doctor or the père-savant, is a woodoo minister, i.e. the officiant, the possessed. He is the one that talks with the loa (spirits and gods) and that can see people's innermost. He is therefore a very important and charismatic figure, the spiritual head of the community] takes place in the shiran, the place where rituals are performed. The oath obliges the women to respect the pact and pay back once they are in the new country and are working in the job that the maman promised them. There is no way of negotiating this oath.

'The persistence these girls show in keeping their word directly stems from the strength that also keeps their cultural model alive thanks to these ritual practices that boasters and selfprofessed baba-loa have been able to transform, thus swindling the women and the girls that want to emigrate. In these rites, performed before the departure, the baba-loa invokes the "spirits" and the woman gives him "small packages" (with small personal items mixed with locks of hair, pubic and armpit hairs) as a medium linking the woman and the baba-loa once she leaves the country. These rites make the woman stronger,

she feels to have a better balance, in a state of possession and therefore she feels to be better fitted for obeying to the "spirits".

'For sealing the pact between the woman's family and the maman, these "small packages" are given to the woman and, at times, to her father or mother as guarantors and witnesses of the undersigned pact and to the maman, as benefactor and sponsor. Once the money has been paid back (according to the promise made by many maman), the woman will receive her back "small packages" as a proof that the pact has been fully respected.' **[158](pages 39 and 40)**

25.16 A Human Rights Watch (HRW) report of 21 August 2010, 'Cote d'Ivoire/Nigeria: Combat Trafficking for Prostitution', stated:

'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]**

25.17 More recently a Voice of America news report of 28 November 2012, 'Enslaved in France, Nigerian Woman Fights Back' traced one 22 year old woman's trafficking journey:

'When she finally made it to Tripoli, Libya, 'AC' was directed to a boat that crossed the Mediterranean Sea and brought her to a camp in Italy. There, she was handed to another person, one in the chain of people connecting the recruiter in Nigeria who convinced her to go to her future "madam" in France. "I was there when the lady came and she was asking for my name. My name is Amaka. So she was asking for me, she wanted to see me. She brought a lawyer to collect me, so that is how they took me to France," she said.

'When she got to France, she learned that she owed the madam 62,000 Euro - that's over $80,000 - and her only job prospect was sex work. The madam had a party for two young women who were leaving. She told Amaka that life is good for her "girls." "She was like doing send off. It was like a celebration. She was cooking. Jubilating," said Amaka. "She introduced those two girls to me. 'You can see, these are my girls. They just finished paying me. Do you know how much they have in their accounts? Do you know they have a house in Nigeria?'"

'After a month of working the streets day and night paying off her debt at about $500 a week, Amaka realized she could never make all that money. She realized that she had essentially become a slave. "So from there we have to involve the police. Because there's no way I can pay 62,000 Euro. I don't have a job there," she said.' **[98f]**

25.18 The same VOA report continued:

'Traffickers count on girls to be afraid to run away because they swear a "juju" oath that many believe has magical powers. Before she left Nigeria, Amaka swore she would obey and pay the madam, or face death. Amaka went to the police anyway. She was immediately detained and questioned and she told them everything. "They arrested the

husband first before they arrested her. That was [when] they booked the flight. And when we were coming back I was not the only person inside the flight that they were taking back, there were up to 14 girls, they were all girls that they were taking back," she recalled…When she got home, Amaka began to pick up the pieces of the life she had left. She once ran a small shop, but she couldn't afford to stock it, so she bought some clothes to hock in the market. At a lively community center in Benin City, she says she's glad to be back, even if she is now even poorer than she was when she left. … But, I ask, is she afraid to be killed by the juju spell? "They said I'm going to die if I did not pay. I should die. But I've been waiting for death and death did not come. I know it will not come. I am very much stronger than juju," Amaka said.' **[98f]**

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GOVERNMENT RESPONSE

25.19 The USSD Trafficking in Persons Report 2012, published 19 June 2012, stated:

'The Government of Nigeria did not demonstrate adequate progress in its anti-trafficking law enforcement efforts during the year. After a severe reduction in prosecutions in 2010, the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011; however the number of cases prosecuted remained low compared to the large numbers of trafficking investigations. Furthermore, sentencing of offenders was inadequate and, despite large numbers of identified forced labor victims, the government continued to neglect the prosecution of labor trafficking crimes. 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 prescribed penalties of five years' imprisonment or a fine not to exceed the equivalent of $645 or both for labor trafficking offenses; these are sufficiently stringent, but the law allows 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 penalties of 10 to 15 years' imprisonment for sex trafficking offenses and a fine of the equivalent of $1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent.' **[3d]**

25.20 The same source further observed:

'The Government of Nigeria made limited efforts to protect trafficking victims during the year, despite the government's considerable resources. NAPTIP maintained a database of trafficking victims identified by the government and NGOs and reported a total of 949 victims identified within the country in 2011, including 386 victims of forced labor, 563 victims of sex trafficking, and 467 children. The government paid a monthly stipend of the equivalent of $2,500 to a local NGO and provided in-kind donations and services to NGOs and other organizations that afforded protective services to trafficking victims. It reported spending about one fifth of its operational budget, or the equivalent of $671,000, on victim protection during 2011. NAPTIP continued to operate eight shelters with the total capacity for 210 victims at a time; this constitutes a 50 percent decrease in capacity from 2010. NAPTIP claimed this reduction was intended to provide more comfortable accommodations for victims. Given NAPTIP's ongoing reported difficulty in adequately staffing and caring for victims in shelters, this reduction of beds is worrisome, especially because the number of identified Nigerian trafficking victims continues to increase. During the reporting period, NAPTIP completed the relocation of

its primary and largest shelter to a higher-capacity facility devoted solely to trafficking victims.' **[3d]**

25.21 The United Nations Office on Drugs and Crime, in a 10 October 2012 report, 'Nigeria launches anti-human trafficking campaign, as two Goodwill ambassadors are named', noted:

'The Government of Nigeria, jointly with UNODC [United Nations Office on Drugs and Crime] and the European Union, has launched a nationwide three-year anti-human trafficking campaign. Entitled "I am Priceless", the campaign is aimed at raising awareness about the reality, dangers and possible impact of irregular migration, as a consequence of either being smuggled or being a victim of trafficking in persons. UNODC also appointed two Nigerian celebrities, Joke Silva and Jude Abaga, as Goodwill Ambassadors to spearhead activities connected to the campaign, particularly among the young and vulnerable.

'A 2009 UNODC threat assessment, Transnational Trafficking and the Rule of Law in West Africa, revealed that thousands of women are trafficked each year from West Africa to Europe in a multimillion-dollar criminal industry. With an estimated value of between $152 million and $228 million annually, the market sees a yearly inflow of between 3,800 and 5,700 women. It is estimated that West African trafficking victims, many of whom originate in Nigeria, comprise about 10 per cent of forced sex workers in Western Europe.

'Speaking at the launch of the campaign in Abuja, Mariam Sissoko, the head of the UNODC Country Office in Nigeria, said, "Through this campaign, we aim to reach out to law and policy makers and other leaders for the adoption of policies and legal frameworks supportive of the fight against trafficking in persons and smuggling of migrants. We also want to sensitize communities and families who are often betrayed and deceived by people who make false promises of a better future for their children and relatives, within or outside of Nigeria. The more people are aware of these crimes, the more we will be able to put the perpetrators out of business."' **[91b]**

25.22 The Office of the High Commissioner for Human Rights (OHCHR) Report of the Special Rapporteur on Trafficking in Persons, especially Women and Children, of 6 June 2012, observed that 'the Chief Judge of Edo State in Nigeria granted approval to develop two special courts to try human trafficking cases.' **[72b](page 16)** The same OHCHR Special Rapporteur report also observed that 'In some States, laws explicitly provide that restitution and compensation be made to victims of trafficking out of the proceeds of assets seizure…for example, in Nigeria, the Victim of Trafficking Trust Fund manages the proceeds of confiscated assets for the welfare and rehabilitation of the victim.' **[72b](page 20)**. An International Models Project on Women's Rights (IMPOWR) report of 4 September 2012, 'Room for Improvement: Nigeria's Approach to Trafficking', noted that 'efforts to collect assets for the Victims' Trust Fund have been hampered by the lack of technical expertise of authorities. Furthermore, prosecuting traffickers is a lengthy process and the accused could wait up to nine years before being convicted or acquitted, which means there would be a long delay in obtaining assets from the accused.' **[160]**

National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP)

25.23 The Office of the High Commissioner for Human Rights (OHCHR) Report of the Special Rapporteur on Trafficking in Persons, especially Women and Children, of 6 June 2012, noted:

'Success has been achieved in Nigeria through the creation of a national agency for the prohibition of traffic in persons and other related matters. The agency's mandate is two-fold: law enforcement and providing victims with assistance. It recently reported that it had secured convictions against 111 individuals for trafficking violations and rehabilitated more than 4,000 victims since it began its work in 2003. The agency works with other federal agencies, civil society and international organizations to coordinate victim assistance and centralize information on anti-trafficking activities, and has helped to establish State-level anti-trafficking committees.' **[72b](pages 15 and 16)**

25.24 The USSD Trafficking in Persons Report 2011, published 19 June 2012, stated:

'NAPTIP [the National Agency for the Prohibition of Traffic in Persons and other Related Matters] 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]**

25.25 The US 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)**

25.26 The United States Department of Labor (USDoL) 2011 Report, Findings on the Worst Forms of Child Labor (covering the period from January 2011 to July 2012), published 26 September 2012, stated that: 'The Government of Nigeria has a National Plan of Action on Trafficking in Persons (2010-2012) that provides government entities and NGOs a framework for coordinating antitrafficking activities. The Plan sets forth NAPTIP's budget and programming costs through 2012. In addition to the Plan, the Government has a National Policy on Protection and Assistance to Trafficked Persons

in Nigeria (2008), which provides protection and rehabilitation services to trafficking victims.' **[77] (page 468)**

See also: Security forces

Government shelters

25.27 The National Association for the Prohibition of Trafficking in Persons (NAPTIP) website (accessed 11 November 2011) referred to the running of 'eight 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 – 60, Benin – 50, Uyo – 50, Enugu – 50, Kano – 50, Sokoto – 50, Maiduguri – 50.' The same website stated that '[The] Medical unit is responsible for the medicare of the victims and coordination of relationship with other health care service providers. Qualified nurses are attached to the eight mini-clinics of the Agency who renders first aid services and also makes referrals to other health care service providers where necessary.' **[93]**

25.28 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]**

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NGO ASSISTANCE

25.29 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]**

25.30 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]** The NGO WACOL (WomenAid Collective) referred on its website (accessed 19 November 2012) to the existence of a 'Shelter and safe haven for battered and displaced women and girls.' **[164]**

25.31 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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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 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.' **[123](page 13)** The National Center for Biotechnology Information (NCBI) PubMed database report of December 2011, 'The Nigerian health care system: Need for integrating adequate medical intelligence and surveillance systems', (NCBI 2011 Report) noted:

'…In spite of the various reforms to increase the provision of health to the Nigerian people, health access is only 43.3%. The inadequacy of the health care delivery system in Nigeria could be attributed to the peculiar demographics of the Nigerian populace. About 55% of the population lives in the rural areas and only ~45% live in the urban areas. About 70% of the health care is provided by private vendors and only 30% by the government. Over 70% of drugs dispensed are substandard. Hence, the ineffectiveness of the NIHS [Nigerian Insurance Health Scheme] had recently been attributed to the fact that the scheme represents only 40% of the entire population, and 52-60% are employed in the informal sector.

'Over half of the population live below the poverty line, on less than $1 a day and so cannot afford the high cost of health care. Also, a recent study…had reported a poor referral system between the various tiers of health care which probably tells on the poor managerial functions of the health care delivery system.' **[184]**

Healthcare systems

26.02 The NCBI 2011 Report noted:

'The provision of health care in Nigeria remains the functions of the three tiers of government: the federal, state, and local government. The primary health care system is managed by the 774 local government areas (LGAs), with support from their respective state ministries of health as well as private medical practitioners. The primary health care has its sublevel at the village, district, and LGA. The secondary health care system

is managed by the ministry of health at the state level. Patients at this level are often referred from the primary health care. This is the first level of specialty services and is available at different divisions of the state. The state primary health care comprises laboratory and diagnostic services, rehabilitation, etc. The tertiary primary health care is provided by teaching hospitals and specialist hospitals. At this level, the federal government also works with voluntary and nongovernmental organizations, as well as private practitioners.' **[184]**

26.03 The same NCBI report stated:

'…As an effort by the federal government to revitalize the worsening state of health, the Nigerian health insurance scheme (NHIS) that was established in 2005 by Decree 35 of 1999 provided for the establishment of a governing council with the responsibility of managing the scheme. However, Ladi Awosika noted that the scheme was first proposed in 1962 under a bill to parliament by the then Minister for Health.

'The objectives of the scheme were to

Ensure that every Nigerian has access to good health care services

Protect Nigerians from the financial burden of medical bills

Limit the rise in the cost of health care services

Ensure efficiency in health care services

Ensure equitable distribution of health care costs among different income groups; equitable patronage of all levels of health care

Maintain high standard of health care delivery services within the scheme

Improve and harness private sector participation in the provision of health care services

Ensure adequate distribution of health facilities within the Federation

Ensure the availability of funds to the health sector for improved services.

The objectives and functions of the NHIS according to this present review have hardly attained any height as health care delivery continues to be limited; not equitable and does not meet the needs of the majority of the Nigerian people. This is indicative of the high infant mortality rate/poor maternal care, very low life expectancy as at 2010, and periodical outbreak of the same disease, as well as the long period of time spent for control of the various outbreaks.' **[184]**

26.04 Furthermore the source stated:

'Although the total expenditure in health amounts to 4.6% GDP…financial managerial competency, besides inadequate funding, remains a major problem. Current statistics show that health institutions rendering health care in Nigeria are 33,303 general hospitals, 20,278 primary health centers and posts, and 59 teaching hospital and federal medical centers. This represents a huge improvement in regards to the last decades; nonetheless, health care institution continues to suffer shortage. **[184]**

26.05 The slightly dated International Organisation for Migration (IOM) IRRiCO Country Sheet for Nigeria, last updated 13 November 2009, similarly observed:

'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]**

26.06 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]**

26.07 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]**

26.08 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]**

26.09 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)**

26.10 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)**

26.11 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]**

Pharmaceutical providers

26.12 In his 2011 published book, 'Nigeria: Dancing on the Brink', former US ambassador in Nigeria, John Campbell, stated: 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)**

26.13 An IRIN report of 15 January 2013, 'Slow progress on fake drug war in northern Nigeria', noted:

'Pharmaceutical drug-sellers in the northern city of Kano are fighting moves by the National Agency for Food and Drug Administration and Control (NAFDAC) to close their businesses as it tries to clamp down on counterfeit drug sales in Nigeria. Most of northern Nigeria's counterfeit drugs are sold in Kano - the commercial hub of the north - and most of those in Sabon Gari market, where drug traders operate without regulation, according to NAFDAC. Kano's population of 9.2 million also provides a huge market for pharmaceutical drugs. "Anyone can go and buy any kind of drug without control or a prescription, with most of them fake drugs sold like vegetables," said Ibrahim Musa, a doctor at Aminu Kano Teaching Hospital. NAFDAC and Kano State health officials have long accused Sabon Gari traders of running a thriving counterfeit drug business, complete with fake drug warehouses. The most common counterfeit drugs are antibiotics and anti-malarials.

'The World Health Organization (WHO) has rated the market Africa's largest source of fake anti-malarial drugs, according to Ahmed Gana, head of the Pharmaceutical Society of Nigeria (PSN) in Kano, and a member of the Kano Taskforce on Fake and Sub-standard Drugs. A 2008 WHO study put the incidence of fake anti-malarials in sub-Saharan Africa at 64 percent. On 31 December 2012, following months of eviction threats, NAFDAC raided the market to force out 650 drug traders they claimed were selling fake drugs, calling on them to register with a regulation agency and set up shop outside the market.' **[21h]**

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

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.14 Avert.org, in its undated (circa 2010) HIV and AIDS in Nigeria section (accessed 19 December 2012), 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 162.5 million) means that by the end of 2009, there were an estimated 3.3 million people living with HIV…Approximately 220,000 people died from AIDS in Nigeria in 2009. With AIDS claiming so many lives, Nigeria's life expectancy has declined significantly. In 2010 the overall life expectancy was only 52 years.' **[28]**

26.15 The US State Department 2011 report on Human Rights Practices, released 24 May 2012, noted that 'There was widespread societal discrimination against persons with HIV/AIDS. The public considered the disease a result of immoral behavior and a punishment for homosexual activity. Persons with HIV/AIDS often lost their jobs or were denied health care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns.' **[3a] (Section 6)**

26.16 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)** However a Vanguard article of 10 December 2012, 'Nigeria Needs Over N700 Billion for Anti-Retroviral Drugs – NACA', observed:

'Prof. John Idoko, the Director-General, National Agency for the Control of AIDS (NACA), says more that N700 billion is needed to achieve universal access to anti-retroviral (ARVs) drugs in Nigeria…He explained that there was a huge gap between persons accessing anti-retroviral drugs and those requiring them, stressing that government must commit resources towards meeting their need. "Presently, only 432,000 persons living with HIV and AIDS (PLWHA) are accessing the drugs in contrast with the 1.5 million people needing it. "We have realised that the Federal Government need to commit more funds to this cause; drugs are critical they interrupt transmission," he said.

'...Idoko said that government should focus more on making HIV treatment cheaper by reducing the cost of drugs and tests, adding that there was the need to strengthen the health systems. The director-general said that 12 states had HIV burden, adding that PMTCT gap should be closed by ensuring that all pregnant women had access to services to reduce new infections.

'The ARFH [Association for Reproductive and Family Health] President, Prof. Oladapo Ladipo, said that Nigeria had an estimated burden of 17.5 million Orphans and Vulnerable Children (OVCs), stressing that 2.3 million of them were orphaned by AIDS.

He said that presently, an estimated 360,000 children were HIV positive, and that care and support for OVCs should be focused on…The Managing Director, Society for Family Health, Mr Bright Ekweremadu, said that the society had embarked on HIV counselling and testing for 1.8 million Nigerians.' **[29l]**

26.17 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in February 2013 indicated that the following antiretroviral medications were available in Nigeria at the time:-

Abacavir, Didanosine, Emtricitabine, Lamivudine, Stavudine, Tenofovir, Zalcitabine Zidovudine;

Enfuvirtide;

Efavirenz, Nevirapine;

Amprenavir; Indinavir; Lopinavir/Ritonavir (=Kaletra); Saquinavir Mesylate;

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-2767-2013.

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CANCER TREATMENT

26.18 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]** More recently, a Daily Independent (Lagos) article of 5 August 2011, 'Nigeria: 'Access to Cancer Treatment, Virtually Non-Existant', observed:

'It is a gloomy picture for people diagnosed with cancer in Nigeria as Administrative Manager at the Lagos State University Teaching Hospital (LASUTH), Ikeja, Lagos, Mrs Moji Animashaun, who made this observation in an email response to Saturday Independent, noted that although the number of oncologists (doctors who manage cancers) in Nigeria has increased, it is yet to translate to adequate access to cancer treatment because there has not been a commensurate increase in other personnel concerned with cancer management.

'"Cancer treatment accessibility in Nigeria is virtually non-existant," she said, adding that "Where there are less than five functioning cancer centres to cater for the needs of a population of 150 million people, it is virtually impossible to make an impression." She further stated that "If only one per cent of the populace was diagnosed with cancer, the centre to patient ratio would be one centre to 300,000 people," which according to her is grossly inadequate. On the availability of trained personnel involved in cancer management, Animashaun said, "There is a dearth of trained personnel in cancer management. While the doctors (oncologists) are increasing in number, there is still a marked shortage in the areas of other qualified professional staff in oncology such as medical physicists, therapy radiographers, dosimetrists and oncology nurses."'

'...In Nigeria, cancer incidence is between 7,000-10,000 new cases yearly, with breast cancers being the commonest.' **[54c]**

26.19 A Vanguard article of 6 November 2012, 'Is Nigeria winning the war against cancer?', further explained:

'Sadly, in Nigeria, cancer is seen as a death sentence not only because of the nature of the disease but due to a number of reasons such as lack of awareness on the larger proportion of the populace, lack of information, ill equipped hospitals, lack of manpower, high cost of treatment and fewer treatment centres and lack of will power on the government to implement already made policies to tackle the scourge..

'…Prof. Remi Ajekigbe, Consultant Radiotherapist and Oncologist, Lagos University Teaching Hospital, Idi-Araba, was quoted to have said that 2 million cancer cases are recorded in Nigeria and out of the figure, 10 percent or about 200,000 have access to hospitals with radiotherapy facilities.

'...with a dismal public health infrastructure and late detection of the various cancers, critical observers say this has led to worrisome increase in the mortality. The dilemma faced by cancer patients is not only on the cost of treatment but the fact that the country has only about 200 oncologists with a handful of centres exclusively focused on cancer treatment and research…The Federal Government had in 2008 established a 5-Year Nigeria Cancer Control Plan, (2008 – 2013), on advocacy and awareness creation, cancer prevention, early detection through regular screening and cancer management. Unfortunately, observers say Nigerians are yet to reap the benefit of this plan four years after the establishment of the Plan.' **[29m]**'

26.20 An article in Business Day of 21 October 2011, 'Experts make case for cancer care and management in Nigeria', noted:

'…Innocent Ujah, Director- General of Nigerian Institute for Medical Research (NIMR), Yaba Lagos, stated that…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.' **[136a]**

26.21 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]**

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KIDNEY DIALYSIS

26.22 An article in Vanguard of 16 October 2012, 'Nigerians' 32m failing kidneys', noted that: 'Renal failure ranks high among killer illnesses in Nigeria, but unlike malaria and HIV/AIDS, it is ignored. Cost of treating the ailment is high. The required personnel and

facilities to cater for patients are highly inadequate. Nigeria has only 75 neurologists and about 50 functional dialysis centres. Poor earnings and a chaotic medical system deny Nigerians access to these dialysis centres, which are mainly in the urban centres, far from the patients, especially from the rural areas.' **[29n]**

26.23 A Punch article of 7 March 2012, 'Nigeria: 15,000 cases of kidney failure occur yearly — Foundation', referring to a statement made by Banke Ajomale, Executive Director of the Nathan Kidney Foundation, noted:

'"In Nigeria, there is little or no access to renal replacement transplant, meaning many people simply die. In essence, kidney failure is usually a death sentence if not detected early and managed appropriately. Presently, dialysis costs about N5m annually, transplant costs about N4m and a patient needs about N150,000 monthly to get immunosuppressive drugs after a successful transplant. In a country still battling with a myriad of health issues, kidney diseases seem to be on the back burner with little or no attention paid to the millions of Nigerians either living with or at risk of this disease."' **[185a]**

26.24 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]**

26.25 The Nigerian Association of Nephrology provides details of kidney dialysis facilities available in different parts of the country on its website.

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MALARIA

26.26 A Nigerian Tribune article of 2 May 2012, 'Nigeria has highest malaria cases in the world - Health Minister', observed:

'The Minister of Health, Professor Onyebuchi Chukwu, has dislosed that Nigeria has the highest malaria cases in the world, adding that the country alone contributes 23 per cent, which is almost a quarter of the global malaria cases.

'...He said the country had been making efforts to contain the scourge through measures such as massive distribution of long lasting insecticide-treated nets, saying 46.8 million nets had been distributed so far in 30 states of the country. Other measures

taken to combat malaria, according to him, included scaling up in the use of indoor residual spraying (IRS) and larviciding; massive distribution of anti-malarial medicines and commodities; capacity building for health workers at both national and states' levels and the establishment of effective coordination structures at national and states level. According to him, the Malaria Household Survey conducted in 2010 in nine states of Kano, Jigawa, Bauchi, Gombe, Kaduna, Anambra, Delta, Akwa Ibom and Rivers revealed an increase in the percentage of households with at least one insecticide treated net (ITN) from 2.2 per cent to 88 per cent. "There is also an increase in the percentage of children under five years of age who slept under nets the night preceding the survey from 3 per cent to 44.6 per cent," he added.' **[114f]**

26.27 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]**

26.28 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)**

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HEART DISEASE

26.29 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)**

26.30 A Punch article of 2 July 2012, 'Minister advises on overseas treatment', noted:

'Minister for Health, Prof. Onyebuchi Chukwu, has urged Nigerians to seek local medical solutions to their heart problems instead of wasting large sums of money travelling abroad for treatment. Chukwu made the call on Friday while inaugurating the Cardiovascular Centre at the University College Hospital, Ibada

'According to the minister, the UCH [University College Hospital] has the facilities and qualified doctors to treat heart disease, urging those affected to take advantage of the services being offered by the hospital. The disease, according to him, accounts for the death of many Nigerians on a daily basis…Chukwu commended UCH for being the first government tertiary health institution to inaugurate the centre in the country…He expressed the need to set up foundations for the treatment of cardiovascular diseases. According to him, this will assist those who cannot afford high cost of heart surgeries. He praised private initiatives such as the Kanu Heart Foundation as well as pet projects of wives of some state governors dedicated to assisting heart patients.' **[185b]**

26.31 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in February 2013 indicated that the following cardiovascular medications were available in the country at the time:

Atenolol; Captopril; Nifedipine; Hydrochlorothiazide; Furosemide; Spironolactone; Losartan; Irbesartan; Methyldopa; Hydralazine; Atropine;

Digoxine; Lidocaine; Epinephrine; Amiodaron;

Isosorbide-5-mononitrate; Nitroglycerine; Isosorbide-di-nitrate;

Acetylsalicylic acid; Coumarin derivatives such as Acenocoumarol/Sintrom. (Reference for this enquiry: BMA no: NG-2767-2013 **[135]**

See the websites of the Nigeria Heart Foundation and Nigeria Cardiac Society for more information.

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SICKLE CELL DISEASE

26.32 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]**

26.33 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)**

26.34 A Business Day article of 31 May 2012, 'Checking sickle cell prevalence in Nigeria', noted:

'In 2006 the World Health Organisation (WHO) pronounced Nigeria as the country with the highest number of sufferers of sickle cell anaemia in the world…The global health watch dog puts the annual number of sickle cell anaemia suffers in Africa at about 200,000, noting that Nigeria accounts for 150,000 sickle cell anemic children every year. Medical findings show that about 30 per cent of Nigerians are carriers of the mutant gene, with the prevalence rate at 20 per 1,000 births.
"With the carrier frequency ranging between 20 per cent and 30 per cent of Nigeria's population, it means that more than 30 million Nigerians are carriers," the report stated.

'The disease, according to medical sciences, is inherited from both parents and is usually caused by some abnormalities in a type of haemoglobin called haemoglobin-s. Symptoms of the disease vary, but a research conducted by A. A. Adeyokunnu and R. G. Hendicks, both of the University College Hospital, Ibadan, shows that sufferers have painful episodes, usually referred to as crises which can last between hours and days. … "Some carriers suffer abdominal pain, breathlessness, delayed growth and puberty, fatigue, fever, ulcers, among others," the report states.

'Sen.Gyang Dantong, Chairman, Senate Committee on Health, notes that sickle cell anaemia has been proved to be more fatal than HIV and AIDS. He describes the effects of the disease as very devastating, and declared that Nigeria could not afford to remain its "world capital". Dr.Artemos Francis, a Kaduna-based medical practitioner, believes that the first step toward checking the menace is to prevent its occurrence."Sickle cell can only occur when two people, who carry the sickle cell trait, have a child together. We must intensify counseling intending couples to go for tests to determine their status. … "Currently, some churches and mosques insist on the tests, but we have to step that up via legislations that would make it a compulsory state policy," he says…Francis also suggests steps to prevent the crises. "The sufferer must maintain good oxygen level to prevent dehydration. He or she must avoid strenuous activities, stress, smoking, high altitudes and too much sun exposure." Francis also suggests that a child with sickle cell anaemia should wear a Medic Alert Bracelet, while information on such children must be shared among teachers and other care givers. He further suggests that sickle cell anaemia patients should join support groups where members share common experiences that could relieve stress.' **[136b]**

26.35 The same Business Day article continued:

'Mrs. Mary Atanu, a Jos-based public health expert, shares Francis' suggestion that much attention be paid to the prevention of the disease. She explains that such is more helpful as the treatment for the ailment is usually very expensive…"All the treatment for sickle cell anaemia related complications are usually very costly; some complications

require kidney transplant and gallbladder removal. Other complications also require surgery for persistent painful erections, eye problems and ulcers." She notes that bone marrow stem cell transplant can cure sickle cell anaemia, but points out that they are very expensive and out of reach of the poor. Atanu notes that bone transplant abroad costs between N12 million to N15 million. Marrow bone transplant was carried out last year on seven-year-old Matthew Ndik at the Universityof Benin Teaching Hospital (UBTH) at the cost of N5million

'The Federal Government has also expressed readiness to resuscitate the local production of Niprisan, the drug known for its universal efficacy in the management of sickle cell anaemia. Health minister Prof.Onyebuchi Chukwu says "the stoppage of production of the drug created a huge vacuum in the management of sickle cell anaemia, and the resumption of production of the drug would restore hope for sickle cell sufferers."

'Prof. Kaniwen Gamaliel, Director-General, National Institute of Pharmaceutical Research and Development (NIPRD) agrees with the minister. "The resuscitation of the Niprisan project would rekindle hope to sickle cell patients, and I want to assure all Nigerians that we are fully committed to it," he assures. Medics and non-governmental organisations are of the view that public enlightenment should be intensified as sickle cell anaemia is avoidable. They also commended efforts made to reduce the pains of sufferers.' **[136b]**

See the website of the Sickle Cell Foundation Nigeria for more information.

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MENTAL HEALTH

26.36 The World Health Organisation 2011 Mental Health Atlas for Nigeria noted with regard to the governance arrangements over mental health availability in Nigeria:

'An officially approved mental health policy exists and was approved, or most recently revised, in 1991. Mental health is also specifically mentioned in the general health policy…A mental health plan exists and was approved, or most recently revised, in 1991. The mental health plan components include:

● Shift of services and resources from mental hospitals to community mental health facilities.

● Integration of mental health services into primary care.

Dedicated mental health legislation exists and was initiated, or most recently revised, in 1958. Legal provisions concerning mental health are also covered in other laws (e.g., welfare, disability, general health legislation etc.).' **[32a]**

26.37 The same source noted that information on mental health and mental hospital expenditures by the government health department were not available. **[32a]**The report went on to list mental health care delivery in the country as follows:

'Primary Care … Prescription regulations authorize primary health care doctors to prescribe and/or to continue prescription of psychotherapeutic medicines but with

restrictions. Similarly, the department of health authorizes primary health care nurses to prescribe and/or to continue prescription of psychotherapeutic medicines, with restrictions. Official policy enables primary health care nurses to independently diagnose and treat mental disorders within the primary care system.

'The majority of primary health care doctors have not received official in-service training on mental health within the last five years. The majority of primary health care nurses have not received official in-service training on mental health within the last five years. Officially approved manuals on the management and treatment of mental disorders are not available in the majority of primary health care clinics. Official Mental Health Atlas 2011 - Department of Mental Health and Substance Abuse, World Health Organization. Official referral procedures for referring persons from primary care to secondary/tertiary care do not exist . Referral procedures from tertiary/secondary care to primary care do not exist.' **[32a]**

See report for statistical analysis:
http://www.who.int/mental_health/evidence/atlas/profiles/nga_mh_profile.pdf

26.38 A 2012 Journal of Public Health in Africa report, 'Pathways to psychiatric care for children and adolescents at a tertiary facility in northern Nigeria', noted that 'There is limited availability of mental health services in Nigeria…Available services are also often under-utilized because of widespread ignorance and supernatural beliefs about the etiology of mental illnesses.' **[193]** A research paper published in the Journal of Nursing and Midwifery, published in May 2012, 'A comparative study of mental health services in two African countries: South Africa and Nigeria', stated:

'…psychiatric care is only provided at a few large mental hospitals in big cities…Nigeria's mental health facilities consist of eight federally funded psychiatric hospitals and six state-owned mental hospitals financed and managed by various state governments, for a population of over 150 million people. Given the limited number of these hospitals, their catchment's areas often go beyond their immediate location in terms of city or even state. None of the facilities have beds for children and adolescents. There is only one private community residential facility available with 10 beds in Lagos State and it is administered by a religious organization for rehabilitation of persons with drug problems.' **[192](pages 52 and 53)**

26.39 Information obtained from MedCOI (medical advisors in the country of origin via the Dutch Ministry of Interior and Immigration Service) sources in February 2013 indicated that the following mental health drugs were available in the country at the time:

Chloropromazine; Fluphenazine; Haloperidol; Bromperidol; Risperidon; Olanzapine; Quetiapine; Clozapine; Penfluridol; Pipamperone; Pimozide; Thioridazine;

Amitriptyline; Nortryptiline; Mirtazapine; Fluvoxamine; Fluoxetine; Venlafaxine; Paroxetine; Sertraline; Citalopram; Clomipramine; Duloxetine;

Diazepam; Temazepam; Oxazepam; Zolpidem; Zopiclon; Nitrazepam; Clorazepate;

Lithium carbonate. **[135]** (References for this enquiry: BMA no: NG-2767-2013)

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27. FREEDOM OF MOVEMENT

27.01 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012 (USSD 2011 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 ethnoreligious violence. They also routinely set up roadblocks and checkpoints, sometimes every few miles, to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks.

'The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCFR), its federal commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee, on which the UNHCR had observer status, governed the granting of refugee status, asylum, and resettlement, and it also reviewed refugee resettlement.

'During the year state officials imposed dusk-to-dawn curfews in response to sectarian conflicts. For example, authorities imposed curfews in August and September in areas of Kaduna State and Plateau State, following ethnoreligious violence. In some cases state and local governments, such as Yobe State and Maidugiri, Borno State, imposed curfews or otherwise restricted movement in the aftermath of Boko Haram attacks.

'There are no legal grounds for forced exile, and there were no examples of formal legal proceedings to exile a citizen. However, some citizens chose self-exile for political reasons. For example, Nuhu Ribadu, former chairman of the EFCC, left the country in 2009 after threats on his life. Ribadu voluntarily returned to the country in June 2010 and ran as an opposition candidate for the presidency in the April election.'
[3a] (Section 2d)

27.02 Freedom House's Countries at the Crossroads report 2012, released 17 September 2012, stated:

'All Nigerians have the right to own property under the constitution. However, under the 1978 Land Use Act, state governments 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. The application process can take many years, which causes individuals living on land without a certificate to be subjected to undue hardship because they cannot legally sell or develop it. Citizens can also be denied the right to own land if they are a 'foreigner' living in a region that is not their area of origin. 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.'
[30a](Rule of Law)

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28. INTERNALLY DISPLACED PERSONS (IDPS)

28.01 The opening paragraphs of an Internal Displacement Monitoring Centre (IDMC) report of 8 June 2012, 'Increasing violence continues to cause internal displacement', noted:

'Internal displacement is a common consequence across Nigeria of inter-communal and political violence, flooding and forced evictions. While some of the conflicts appear to be caused by overlapping and mutually reinforcing regional, religious and ethnic divisions, but violence often stems from competition for scarce opportunities and communal resources.

'Current levels of displacement are deemed particularly high by a number of organisations, but in the absence of a functioning monitoring mechanism, no accurate figures are available. Ad-hoc local registration exercises have hinted at the scale of the phenomenon, but those who seek shelter and support from family and friends - and who make up the majority of internally displaced people (IDPs) - tend not to be counted.

'The government has not yet adopted a national IDP policy, leaving national, international and local agencies to assist IDPs in an uncoordinated way and on a sometimes selective basis. Ratification of the legally-binding Kampala Convention, which Nigeria signed on 23 October 2009, is expected to be completed shortly. This may signal the government's intention to address internal displacement in a more consistent and coherent manner.' **[7a](page 1)**

28.02 A report of 5 December 2012 on the African Union website, 'Entry into Force of the African Union Convention for the Protection and Assistance of internally Displaced Persons in Africa (Kampala Convention)', noted:

'The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which was adopted by African Heads of State and Government at the Special Summit of the Union held in Kampala on the 22 October 2009, will enter into force on 6 December 2012…So far, the Convention has been signed by 36 Member States, with instruments of ratification deposited by 15 Member States…[one of which is] Nigeria…The Commission also appeals to Member States that have ratified the instrument to domesticate it into their national legislations.' **[205]**

28.03 The IDMC report of 8 June 2012, 'Increasing violence continues to cause internal displacement', further observed:

'Since Nigeria's return to civilian rule in 1999, thousands of people have been killed in recurring inter-communal conflicts and politically motivated violence that have also led to consistently large waves of internal displacement. Flooding and forced evictions have caused further, significant population movements.'

'The latest episodes of inter-communal violence include election-related clashes that forced more than 65,000 people to flee their homes in April 2011. The January 2012 national strike called by labour organisations to protest the withdrawal of fuel subsidies led to communal tensions and resulted in the displacement of more than 4,000 people in Edo state. Renewed clashes over land between ethnic Tivs and Fulanis in the central state of Benue also displaced up to 15,000 people in March 2012.

'Since 2009, the Islamist group Boko Haram has been responsible for the majority of violence carried out in the name of political objectives in northern and central Nigeria, leading to significant displacement. Prior to 2009, political violence was mostly in the form of fighting between government forces protecting oil installations in the Niger Delta

and militants demanding more local control over resources. The level of such violence has decreased, but fighting still occurs periodically in Delta state.' **[7a](page 3)**

28.04 The same IDMC report noted on numbers:

'Estimates provided by the government and NGOs are inconsistent, generally not disaggregated by cause, age and sex, and often include only people who have sought refuge in temporary camps or shelters such as schools, churches, police and army barracks. Most IDPs, however, are hosted by relatives. There are no permanent IDP camps in the country and makeshift settlements often lack basic sanitation and health facilities. According to provisional data collected by the Nigerian Red Cross, almost 50,000 IDPs sought refuge in temporary settlements and shelters between January and May 2012.' **[7a](page 4)**

28.05 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]**

FLOODING IN 2012

28.06 A Reliefweb report of 30 October 2012, 'Nigeria: Millions displaced by floods struggle with escalating food prices', observed:

'Since July [2012], at least 1.4 million people have been displaced, 550,000 homes have been damaged, some 431 fatalities have been reported, and many more remain missing in devastating floods which affected 30 of the country's 36 states. Attributed to torrential rains, the floods have further caused the loss of houses, crops, livestock and property, as well as causing major damage to roads, bridges and other infrastructure.

'By mid-October, there were 36 IDP camps situated throughout the most affected areas of the north-central regions. The situation in camps remains dire, with IDPs reporting a severe lack of food and clean drinking water, alongside reports of discrimination in aid delivery…With the rainy season not yet over, neither the flood warning system nor the recent evacuation order of the Niger river plains have resulted in improved protection for people and their property. As food inflation escalates in line with the crisis, President Goodluck Jonathan has promised to release additional funds for the procurement of medicine and seedlings for victims, particularly those in Benue state.' **[190]**

28.07 A News 24 report of 8 October 2012, 'NEMA sets up 3 camps for internally displaced persons', noted:

'The National Emergency Management Agency (NEMA) has set up three camps for the Internally Displaced Persons (IDP) in Yenagoa, the Bayelsa capital [in southern Nigeria]… 'NAN [News Agency of Nigeria] reports that the worst-hit local government areas are Sagbama, Ekeremor, Yenagoa, Ogbia, Southern-Ijaw and Kolokuma/Opokuma [all in the Niger Delta states of Bayelsa or Delta, in southern Nigeria]. The three camps are located at the Samson Siasia Stadium, Bishop Dimeari Grammar School (BDGS) and Igbogene.' **[191]**

28.08 According to an IRIN report of 9 November 2012, 'Nigeria: Flood waters recede but millions remain displaced':

'Efforts to repair infrastructure and restore livelihoods destroyed by Nigeria's recent flooding - the worst in five decades - require urgent funding and will take six months or longer, say aid agencies. Flooding between July and October affected seven million people, displaced 2.1 million and killed 363, according to the National Emergency Management Authority (NEMA). "Never before has there been a disaster of this scale or magnitude," said Oxfam's deputy regional humanitarian coordinator in Nigeria, Dierdre McArdle. "Finding partners who have the capacity to deal with it is challenging."

'President Goodluck Jonathan is channelling US$110 million to the 33 affected states. He also set up a committee on flood relief and rehabilitation and is holding a fundraising event today. But he was late to declare a state of emergency, which many observers and some aid agencies say slowed down the response and hampered coordination. … Olusoji Adebowale Adeniyi, of the UN Children's Fund (UNICEF), told IRIN the scale of the disaster caught everyone off-guard. "It is because it is so vast that it could not be addressed quickly," he said, adding that the government has a disaster preparedness plan in place, but that it addresses the needs of 500,000 people rather than 2.1 million.

'…A joint NEMA, UN and Oxfam emergency conducted across 14 states called for $38 million to address education, health, water, sanitation, food security and protection needs. Sixty-three percent of those displaced in the 14 states were staying with family and friends; the rest were camping out in temporary sites or public buildings such as schools. Over half the schools in these states are unusable because of damage.' **[21f]**

28.09 The World Weather and Climate Information website (undated but accessed 1 February 2013) noted that in Nigeria there is 'a wet season from April to October, with lower monthly temperatures and the wettest month being June. Also a dry season from November to March.' **[206]**

28.10 A Think Africa Press article of October 2012, 'Nigeria: The Need to Prepare for a Rainy Day' noted that:

'Nigeria has two rainy seasons, the first lasting from March to the end of July and the second commencing in early-September and ending around mid-October. The country often experiences flash floods in these periods, but this year [2012] the scale of latter rainy season was unusually intense. In central Nigeria, which saw much of the worst flooding, heavy rains can lead the Niger River to overflow, requiring the Jebba and Kainji dams to be opened. This is what happened this September when, following weeks of intense rainfall, local authorities were forced to open the dams which were visibly overflowing and in danger of collapse.' **[149c]**

FORCED EVICTIONS

28.11 The Centre on Housing Rights and Evictions (COHRE) observed in an undated section of its website on Nigeria (accessed 10 January 2012):

'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]**

28.12 An Amnesty International Press Release of 7 December 2012, 'Forced Evictions From African Cities', noted:

'Port Harcourt, the capital of Rivers State is located in Nigeria's oil rich Niger Delta. The waterfront settlements are built on reclaimed land along the city's shoreline…In July 2008 the governor of Rivers State announced that all waterfronts would be demolished as part of the Great Port Harcourt Master Plan to develop the city. This urban renewal program has been developed without any consultation or participation of the affected communities…Between 27 June and 2 July 2012 thousands of people were forcibly evicted from their homes in Abonnema Wharf waterfront when the Rivers State government demolished the entire community. Most Abonnema Wharf residents were not offered any compensation, alternative housing or even emergency shelter to mitigate the impacts of the demolition. Many people were forced to sleep outside on the street or in cars, or shelter in nearby churches when their homes were destroyed with little or no notice in many situations. Furthermore, the demolitions were carried out in pouring rain during the rainy season, when it was extremely difficult to move around to find shelter.' **[12r]**

28.13 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]**

28.14 An article in the Guardian (Nigeria) of 22 July 2012, 'Thousands Homeless in Makoko', noted:

'With ongoing demolition of structures in Makoko [in Lagos], over 7,000 people have been rendered homeless. They were given three days quit notice, after which the government moved in and began razing the marked structures. Many had to contend with the very few belongings their canoes could take. By the time the demolition in some of the areas was complete, what was left were dismembered woods, bamboos and the stilts that once served as foundation for the houses… all the elected officers who promised that they would not be displaced had abandoned them in their most trying times… the claim that they are foreigners was a lie as they are Lagosians from Badagry and they are mostly Egun people.' **[186]**

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29. FOREIGN REFUGEES

29.01 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released on 24 May 2012 (USSD 2011 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 8,806 refugees, with another 1,529 refugee applications pending at year's end. Most of these refugees came from Liberia, Cameroon, and the Democratic Republic of the Congo.

'An office operated by the NCFR [National Commission for Refugees] in Maiduguri, Borno State, assisted refugees from Chad…The UNHCR provided food, education, and job skills training, and refugees could move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

'As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. Authorities decommissioned the camp at Oru, near Lagos, although refugees continued to occupy buildings without permission. Some of the 2,500 refugees in the camp received 75,000 naira ($463) to integrate into the local community. At year's end others still sought to repatriate or resettle in third countries…The government also provided temporary protection to a few hundred individuals who may not qualify as refugees.' **[3a] (Section 2d)**

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30. CITIZENSHIP AND NATIONALITY

30.01 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]**

30.02 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]**

30.03 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]**

30.04 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]**

30.05 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]**

30.06 An paper by Lenshie, Nsemba Edward and Johnson Abel published in the March 2012 African Journal of Political Science and International Relations, entitled 'Ethnicity and citizenship crisis in Nigeria: Interrogating inter ethnic relations in Sardauna Local Government Area, Taraba State', noted:

'The unequal treatment of ethnic groups on certain basis of identity is central to [the] citizenship question … [This] question in Nigeria is a contested outcome of individual struggles for rights to participation and socio-economic welfare in a multi ethnic state. Generally, [the] citizenship question is invoked when there is an entrenchment of ethnicity and other primordial factors' **[187](page 50)** The article, citing the academicKazah-Toure, characterised this citizenship question as based on: '"...the manipulation of ethnicity and religion by [a] ruling elite and the monopoly of political power by a dominant ruling elite from particular ethnic or religious group - while others are kept away from sharing power."' **[187](page 50)**

For further information on discrimination of particular ethnic or religious groups in Nigeria see: Freedom of religion and Ethnic groups and the relevant subsections listed in the contents.

NATIONAL IDENTITY CARDS

30.07 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.'

'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]**

30.08 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]**

30.09 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]**

30.10 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]**

30.11 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]**

30.12 A further Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) of 5 February 2011, 'Nigeria: The number of National Identity Cards (NIC) issued to date and their usage (2005-January 2011)', noted:

'A 10 August 2005 article in This Day, a daily in Lagos, stated that National Identity Card holders can use the card for, among other things, "consumer credit, driver's licence, access to health insurance, and voting." According to the National Identity Management Act,

'27.-(1) … the National Identification Number issued to [an] … individual [registered in the National Identity Database (NID)] must be presented for the following transactions, that is:

a. application for, and issuance of a passport;

b. opening of individual and or personal bank accounts;

c. purchase of insurance policies;

d. … purchase, transfer and registration of land … ;

e. such transactions pertaining to individuals as may be prescribed and regulated by the Pensions Reform Act, 2004;

f. such transactions specified under the Contributory Health Insurance Scheme;

g. such transactions that have social security implications;

h. all consumer credit transactions;

i. registration of voters;

j. payment of taxes;

k. such relevant government services … (Nigeria 2007).' **[38o]**

30.13 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]**

30.14 A Channelstv.com article of 26 June 2012**,** 'Every Nigerian must have a national identity card by 2015-Jonathan', observed:

'President Goodluck Jonathan has declared that he wants every Nigerian to have his/her national identity card by 2015. The president made this known in Abuja on Tuesday, while speaking at the inauguration of the new board of the National Population Commission (NPC)… president charged the NPC teamm on what he called two sensitive population issues, first is that they must ensure that every Nigerian gets his national identity card by 2015 and that they should set up a committee to advocate the need to manage the population. He also expressed his desire to see the nation's vast

population and human resources, utilised as an asset for national development …' **[188a]**

30.15 A Daily Trust article of 5 December 2012, 'Nigeria: Commission to Issue 40 Million Identity Cards Next Year', stated:

'Director General, National Identity Management Commission (NIMC) Mr. Chirs Onyemenam, has said at least 40 million national identity cards would be issued to Nigerians next year [2013] in the first phase of the exercise.

'Addressing a stakeholders forum yesterday in Enugu, Onyemenam said not less than 13 million enrolments are currently being expected from citizens who must be issued the new identity cards. He said the cards ensure a trusted means of identification, improved physical security and more secured business environment. He said the period of processing the new national ID card and making it available to every citizen that enrolled would take about 30 months, adding that the old national identity card would be phased out gradually.

'He said the concept of the latest national ID card is to ensure that nobody has multiple identity cards in Nigeria. "The system that we are using now is geared towards ensuring that an individual will have only one identification means from birth to death. We want to be able to ensure that the identity of a particular person doing business in Nigeria is well-disclosed or known. What we are doing now will eliminate the multiplication of identity cards in the country. We want to create a national identity database that will contain vital information on an individual's, information that will be updated periodically," he said.

'Onyemenam said the commission would collaborate with the Nigerian Immigration Service to ensure only foreigners who entered the country legally, and have lived in it for not less than two years would obtain the new national ID card. On the fear that the new ID card might be faked by fraud stars (sic), the Director General said the new ID card has certain inbuilt security features that made it impossible for anyone to fake. On how the rural dwellers can obtain the new ID card, he said the commission would gradually reach out to the grassroots, using its various offices at regional, state, and then local government council level.' **[56e]**

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31. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

31.01 The International Organization for Migration report 'Migration, Human Smuggling and Trafficking from Nigeria to Europe', published in March 2006, stated that:

'Corruption plays an important part in facilitating emigration in violation of Nigerian and European immigration policy and laws. For instance, rings of organized crime are specialized in forging and selling travel documents to Nigerian citizens who themselves may not be aware of existing legal procedures for the issuance of passports and visas... 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] (pages 7 and 23)**

31.02 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)**

See section on Trafficking

31.03 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]**

31.04 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]**

31.05 However, more recently an opinion piece in the Daily Trust of 14 December 2012 about passports, 'The Worth of a Nigerian Passport', observed: '…ostensibly in order to ensure that only Nigerians enjoy the privilege of obtaining it [a Nigerian passport], the passport has been enhanced with advanced security mechanisms and protection features making it an e-passport in its current improved booklet design … Nigeria reportedly introduced it under pressure from some western countries, which had lamented [the] high rate of forgery of the old passport' **[56f]** However the same source further remarked that the process of obtaining passports was still 'corruption-ridden', enabling many non-Nigerians to obtain them. **[56f]**

31.06 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)**

31.07 With regard to the arrest of persons for forgery, a Vanguard article of 14 June 2011, 'Nigeria: Immigration Arraign Seven Persons for Forgery, Unlawful Possession of Passport And Trafficking', noted that: 'Seven persons, including three women were arraigned recently at the Federal High Court in Lagos State, by the Nigeria Immigration Service for various immigration offences, ranging from forgery of the Nigeria Standard passport, trafficking of passport to unlawful possession of excuse passport data pages, property of the Government of the Federal Republic of Nigeria.' **[29o]**

31.08 An article in the Moment of 29 September 2011, 'CAC President Docked for Forgery', similarly noted:

'President of the Christ Apostolic Church (CAC) Worldwide was among four persons arraigned at the Federal High Court, Ring- Road, Ibadan, Oyo State, on Wednesday for forgery. Pastor Elijah Howard Olusheye was arraigned alongside Elder Johnson Olabisi, Pastor Okegwemeh and Mr. Abdul-Hakeem Muhammed on a four-count charge of forging documents to obtain a new certificate of incorporation for the church in 1995.

'According to the charge sheet, Pastor Oluseye, Elder Olabisi, Pastor Okegwemeh and Pastor Orangun (now deceased), allegedly conspired to forge documents and swore to an affidavit at the Chief Magistrate Court, Iyaganku on September 18, 1991, in defence of the forged papers to procure certificate of incorporation for the church at the Corporate Affairs Commission (CAC).' **[189]**

See section on Corruption

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32. EXIT AND RETURN

32.01 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

32.02 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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33. EMPLOYMENT RIGHTS

33.01 The US State Department Country Report on Human Rights Practices 2011, Nigeria, released 24 May 2012 (USSD 2011 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; however, 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. It also provides that other trade unions may not be registered in the event that a trade union already exists. Workers, except members of the armed forces and employees designated under the Trade Unions Act as essential public sector workers, may join trade unions. Essential workers included government employees in the police, prison service, immigration and customs departments, mint, and Central Bank.' **[3a] (Section 7a)**

33.02 With regard to the right to strike the same source noted:

'The law limits the right to strike to disputes of rights, including those arising from the negotiation, application, interpretation, or implementation of an employment contract or collective agreement, or those arising from a collective and fundamental breach of an employment contract or collective agreement, such as one related to wages and conditions of work. Strikers are prohibited from blocking airports or obstructing public highways, institutions, or premises of any kind. Strikes in "essential services" are prohibited. **[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.
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]**

2012

January	Fuel price strike causes major disruption. Unions suspend action when government reverses decision to drop fuel subsidies. More than 100 killed in single day of co-ordinated bombings and shootings in Kano, shortly after Boko Haram tells Christians to quit the north.
April -	Chadian President Idriss Deby calls on countries neighbouring northern Nigeria to set up a joint military force to tackle Boko Haram militants as they continue their attacks. He warns of the danger of the Islamist group destabilising the whole Lake Chad basin area.
June	Boko Haram claims responsibility for attacks on two churches in Jos city and Borno state, in which one person died and dozens of others were injured. An angry crowd kills six Muslims in Jos in retaliation.
July	Nigeria signs a preliminary $4.5bn deal with US-based Vulcan Petroleum to build six oil refineries. Nigeria lacks refinery capacity and has to import most of its fuel needs, despite being a major oil producer.
August	The army kills 20 Boko Haram fighters in a shootout in the northeastern city of Maiduguri. The government says it has started informal talks through "backroom channels" with Boko Haram to try to end attacks. Boko Haram ruled out peace talks shortly beforehand.
October	Boko Haram bomb army bases in the northern city of Maiduguri, the Islamists' stronghold. The army says it kills 24 Boko Haram fighters in subsequent clashes, and arrested Boko Haram senior commander Shuaibu Muhammed Bama.
November	At least 100 people are charged with treason after a march supporting independence for Biafra in the region's main town, Enugu. The army says it has killed a senior Boko Haram commander, Ibn Saleh Ibrahim, in a major military operation in Maiduguri.
December	A French engineer is abducted in northern Katsina state. The Islamist group Ansaru claims responsibility. At least 20 Christians are killed in attacks by suspected Islamist militants in the northern states of Yobe and Borno over the Christmas/New Year period.

2013

January	The army says it has arrested a senior Boko Haram leader, Mohammed Zangina, in Maiduguri. **[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 of Nigeria [18]
Registered political party. Based in Abuja. National Chairman – Chief Adebisi Bamidele Akande

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 Peoples Alliance [18]
Registered political party. National Chairman – Chief E.O. Okereke

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

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.

Congress for Progressive Change [18]
Registered political party. National Chairman – Senator Rufai Hanga.

Democratic Front for People's Federation [18]
Registered political party. Based in Abuja. National Chairman – Prof. Wole Soyinka

Democratic People's Party [18]
Registered political party. Based in Abuja. National Chairman – General J.T. Useni (Rtd.)

Kowa Party [18]
Registered political party. Based in Abuja. National Chairman – Alh. Umar Mustapha

Labour Party [18]
Registered political party. Based in Abuja. Chairman – Barr. Dan Nwanyanwu.

Mega Progressive Peoples Party [18]
Registered political party. Based in Abuja. National Chairman – Hon. Aderemi Banjo.

National Conscience Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Osagie Obayuwana.

New Nigeria People's Party [18]
Registered political party. National Chairman - Dr B.O. Aniebonam.

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.

Peoples Party of Nigeria [18]
Registered political party. Based in Abuja. National Chairman – Prince Abiodun Odusanya

Progressive Peoples' Alliance [1]
Registered political party. Based in Abuja. National Chairman – Clement Ebri..

Social Democratic Mega Party [18]
Registered political party.

United Democratic Party [18]
Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United Progressive Party [18]
Registered political party. Based in Abuja. National Chairman – Dr Umaru Dikko.

See Independent National Election Commission – Political Parties, undated (accessed 7 January 2013)
http://www.inecnigeria.org/?page_id=18

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Annex C

PROMINENT PEOPLE

CIA World Factbook, World Leaders, as at January 2012

President	Goodluck JONATHAN
Vice President	Namadi SAMBO
Minister of Agriculture	Akinwunmi Ayo ADESINA
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

[52]

PROMINENT PEOPLE IN AND OUTSIDE THE GOVERNMENT

Abacha, General Sani **[1]**(Europa World)
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](Human Rights Watch)
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]**(Independent National Election Conmmission)
He was a presidential candidate in the April 2007 presidential election and gained second place with 19 per cent of the votes cast. **[1]**

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](BBC News)
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

BOKO HARAM: TIMELINE OF EVENTS

A Human Rights Watch report of 11 October 2012, 'Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria', provided a timeline of major incidents (from 2009 to September 2012):

'July 26-31, 2009 Five days of clashes between Boko Haram and government security forces, and targeted killings both by members of Boko Haram and the security forces, left more than 800 people dead in Borno, Bauchi, Yobe, and Kano states. The police in the city of Maiduguri summarily executed the group's leader, Mohammed Yusuf, in custody.

June 2010 Abubakar Shekau, who was Yusuf's deputy, appeared in a video claiming to be the group's new leader. He pledged to avenge the killing of group members by the police.

July 2010 Boko Haram began a campaign of increasingly deadly violence, starting with the assassination of police officers and then Muslim critics in northeast Nigeria.

September 7, 2010 Boko Haram raided a prison in the city of Bauchi freeing more than 700 prisoners, including at least 100 of its members.

December 24, 2010 Gun attacks on Christmas Eve on two churches in Maiduguri killed a Christian cleric and five other Christians.321 A series of explosions in Christian neighborhoods in Jos, Plateau State, on Christmas Eve killed 33 people, sparking a month of sectarian bloodletting in and around Jos, which left another 200 dead—both Muslims and Christians.

December 31, 2010 An explosion at an outdoor beer garden on New Year's Eve next to a military barracks in Abuja killed at least four people.

April 8, 2011 A bomb exploded at the offices of the National Electoral Commission in Suleja, Niger State, killing 16 people.

June 16, 2011 A Boko Haram suspect detonated a car bomb in the parking lot of the police headquarters in Abuja, leaving at least two dead in the first reported suicide bombing in Nigeria.

August 26, 2011 A suicide car bomber drove his car into the United Nations building in Abuja, killing 25 people and injuring more than 100.

November 4, 2011 Boko Haram carried out a series of attacks on government security targets, banks, and churches in Damaturu, Yobe State, leaving more than 100 people dead.

December 25, 2011 On Christmas Day, a suicide bomber detonated a car bomb outside a church in Madalla, Niger State, killing 26 worshipers and 17 bystanders.

December 31, 2011 President Jonathan declared a state of emergency in parts of Borno, Niger, Plateau, and Yobe states.

January 2-11, 2012 Boko Haram issued a three-day ultimatum on January 2 to southern Nigerians to leave the north. The group carried out a series of attacks on Christians and churches after the deadline passed.

January 20, 2012 Boko Haram launched coordinated attacks on police facilities in the city of Kano, leaving at least 185 people dead—the highest death toll from a single attack since 2009.

February 2012 Boko Haram burned or destroyed at least 12 schools in Maiduguri.

April 8, 2012 A suicide car bomber detonated a bomb on Easter Day along a busy street in the city of Kaduna, killing at least 41 people.

April 26, 2012 A suicide car bomber detonated a bomb at the ThisDay newspaper offices in Abuja, and a bomb detonated outside the newspaper's offices in the city of Kaduna. At least seven people were killed. The group threatened to attack other media outlets.

June 2012 Suicide car bombers on June 17 attacked two churches in Zaria, Kaduna State, and a church in Kaduna, Kaduna State, killing at least 21 people, and sparking sectarian bloodletting in Kaduna State that left at least another 80 people dead—both Muslims and Christians.

Two days of clashes on June 18-19 between Boko Haram members and security services in Damaturu, Yobe State, left at least 40 people dead.

September 2012 Boko Haram members carried out a series of attacks on more than two dozen mobile telephone towers in at least seven northern states.' **[22i](pages 93 to 95)**

A subsequent IRIN 'Timeline of Boko Haram and related violence in Nigeria' included a chronology of incidents from September 2012 to January 2013:

'28 January 2013: A purported BH commander declares a ceasefire on behalf of the sect.

27 January 2013: Assailants kill eight residents of Gajiganna village near Maiduguri.

23 January 2013: Assailants behead five residents in the Gwange area of Maiduguri.

22 January 2013: Gunmen kill five men playing draughts and injure two others in the Dakata District of Kano.

21 January 2013: Some 18 local hunters are killed by gunmen in an attack on a market in Damboa town in Borno State.

19 January 2013: Two Nigerian soldiers are killed and five others seriously injured in a bomb attack on a contingent of Mali-bound Nigerian troops in central Kogi State. BH splinter group Ansaru claims responsibility. Five people are killed in an attack on the convoy of the emir of Kano Ado Bayero in Kano.

18 January 2013: Nigerian authorities announce the arrest of two masterminds of a 25 November 2012 twin-car bomb attack on a church in Jaji military cantonment near Kaduna.

17 January 2013: Nigeria begins troop deployment to Mali to help fight Al Qaeda-linked Islamists, some of whom it has accused of providing support to BH. Four people, including two BH gunmen, are killed in a shootout with soldiers at a military checkpoint in Kano. Five gunmen are arrested.

13 January 2013: A key BH commander is arrested in Maiduguri.

4 January 2013: Five BH gunmen, a soldier and a policeman are killed in an attack by Islamists on a military checkpoint in Marte town near the border with Cameroon.

2 January 2013: BH attacks a police station, kills two policemen and two civilians in Song town of Adamawa State.

1 January 2013: Thirteen gunmen and a soldier are killed in a shootout in Maiduguri.

30 December 2012: A policeman and a civilian are killed in a blast at a police station in Bunkure town outside Kano. The police station is burnt in the attack.

29 December 2012: Four BH gunmen and a policeman killed in a security raid on a sect hideout in Potiskum, Yobe State.

28 December 2012: Assailants kill 15 Christians in Musari area on the outskirts of Maiduguri. Five residents and two policemen killed in bomb and gun attacks on government buildings in Maiha town in Adamawa State.

27 December 2012:Five BH Islamists killed in a military raid on a sect hideout in Rigasa area of Kaduna where arms are recovered.

24 December 2012: Six Christians, including a priest, killed in a church attack in Piri village outside Potiskum.

23 December 2012: Ansaru claims responsibility for the kidnap of a French national in Rimi village outside Katsina, cliting France's planned intervention in northern Mali.

22 December 2012: Two suicide bombers attack two mobile telecom companies in Kano.

19 December 2012: Islamists kidnap a French national in Rimi village outside Katsina.

9 December 2012: Three Islamists and a police officer killed in an attack on a regional police formation in Potiskum.

1 December 2012: Assailants kill 10 Christian residents in Chibok town outside Maiduguri. Two policemen killed in BH attacks on security border posts in Gamboru Ngala on the border with Cameroon.

27 November 2012: Troops kill three Islamists and arrest 31 others in a raid on a sect hideout in Maiduguri. A soldier is killed and another injured in the raid.

25 November 2012: Two policemen killed and 30 detained Islamists freed in an attack by Ansaru gunmen on the Special Anti-Robbery Squad (SARS) headquarters in Abuja. Eleven killed and dozens injured in a twin-car bomb attack on a church in Jaji military cantonment outside Kaduna. A Christian couple and their child are killed by BH gunmen in Kano.

23 November 2012: Nigerian military declares 19 BH leaders wanted and offers reward for information leading to their capture.

21 November 2012: Islamists enter three homes of security personnel in Maiduguri and kill five children.

15 November 2012: Soldiers kill a top BH commander accused of killing ex-General and Nigerian civil war hero Mamman Shuwa in Maiduguri.

10 November 2012: Gunmen kill five Christians in Gaidam town in Yobe State.

9 November 2012: Three policemen killed and three churches burned in coordinated attacks in Bonny Yadi town, Yobe State.

7 November 2012: BH gunmen kill two Chinese construction engineers in an attack on a Chinese construction company yard in Benishek town outside Maiduguri.

6 November 2012: Four Islamists killed and four others arrested in a military raid on a sect hideout in Fika town, Yobe State.

4 November 2012: Three killed in drive-by shooting by BH Islamists in the Kawo area of Kano.

2 November 2012: BH gunmen kill ex-General and Nigerian civil war hero Mamma Shuwa in his home in Maiduguri. A firefighter and two security guards are killed by Islamists while trying to put out a fire (started by Islamists) in a local government secretariat building in Damboa town outside Maiduguri.

1 November 2012: A purported BH commander makes conditional talks offer to the Nigerian government.

28 October 2012: Ten killed and 145 injured in a suicide bomb attack on a church in Kaduna and reprisal attacks by Christians on Muslim residents.

21 October 2012: Six soldiers killed in a bomb attack targeting a military patrol vehicle in Potiskum.

20 October 2012: Gunmen kill eight residents of Potiskum in targeted killings.

19 October 2012: Troops arrest a high-profile BH member in the home of a Nigerian senator in Maiduguri. A Chinese construction worker is killed at a construction site in Maiduguri.

18 October 2012: Twenty-three killed in coordinated bomb and gun attacks by BH in Potiskum. Several government buildings and schools are burnt in the attacks.

15 October 2012: Troops kill 24 BH Islamists in shootout in Maiduguri.

14 October 2012: A Christian couple and their child are gunned down as they leave a church in the Gwange area of Maiduguri. A local chief in the area is also killed in his house.

11 October 2012: Human Rights Watch puts the death toll of those killed in BH violence at 2,800 since 2009, saying Nigerian security forces as well as BH may both be guilty of crimes against humanity.

2 October 2012: Gunmen suspected to be BH Islamists shoot and slit the throats of 26 people in a student housing area in Mubi town in Adamawa State on the border with Cameroon.

30 September 2012: A bomb blast and gunfire shake an area around an Islamic boarding school in the city of Zaria, leaving two BH Islamists dead and three others wounded.

29 September 2012: Nigerian military announces the arrest of an immigration officer in Yobe State over link with BH.

25 September 2012: Troops kill a senior BH Islamist leader and arrest 156 suspected sect members during a weekend raid in Mubi town in Adamawa State.

24 September 2012: Soldiers kill 35 BH Islamists in a crackdown on the insurgent group in the northeastern city of Damaturu.

23 September 2012: A suicide bomber blows up his explosives-laden car near a church in the city of Bauchi, killing a female worshipper and her son and injuring dozens. Authorities announce a round-the-clock curfew in Damaturu and Potiskum in a bid to hunt down BH members.

20 September 2012: Soldiers in Maiduguri kill two senior BH commanders in a shootout. Eight suspected Islamists are also arrested in a separate incident.

17 September 2012: Nigerian soldiers shoot dead BH spokesman on the outskirts of Kano. Gunmen kill Borno State justice commissioner in his hometown of Bama and also an ex-Nigerian prisons chief in Azare town in Bauchi State.

16 September 2012: Six are shot dead and nine injured when BH gunmen fire into a group of ludo game players in Bauchi. Islamists kill a Nigerian security officer and three members of his family in Kano.

12 September 2012: Troops arrest 11 Islamists and recover arms and explosives in a raid near Maiduguri.

7 September 2012: Soldiers gun down seven Islamists in a shootout in Maiduguri.' **[21i]**

Annex F

Correspondence from the Foreign and Commonwealth Office to the UK Border Agency

Letter from FCO to UKBA of 1 February 2013 about proxy marriage

01 February 2013

Country of Origin Information Service
UK Border Agency

British High Commission
19 Torrens Close
Mississippi Street
Maitama, Abuja

Dear

You contacted me to ask about proxy marriages in Nigeria. The British High Commission consulted its honorary legal adviser in collating this response.

Are proxy marriages recognised as being legal by the Federal Government of Nigeria?

"Proxy marriage" is a fairly common practice amongst communities in Nigeria. It is recognised under Nigerian customary law as a form of customary law marriage. A marriage is by proxy where the presence of the bride and groom is not required at the ceremony. In most cases, it is celebrated by the immediate and extended family of the bride and groom.

"Proxy marriages" find their origin in the fact that under customary law, marriage creates a relationship not only between the parties to the marriage but also between their families.

Because customary law marriages are legally binding and recognised as one of the types of marriages in Nigeria, "proxy marriages" which form part of customary law marriages are also legally binding where celebrated in accordance with the native law and custom of the particular community.

If proxy marriages are legal, what process is followed in order to obtain legal recognition of the marriage?

One of the functions of local governments in Nigeria is to register all marriages. This is provided for in the Fourth Schedule to the 1999 Constitution of the Federal Republic of Nigeria. As a result, some local governments have bye-laws for the registration of customary law marriages.

Some of these bye-laws make registration of customary law marriages compulsory and prescribe a penalty for failure to register such marriage. In addition to the foregoing, the Birth, Deaths etc (Compulsory Registration) Act Cap.B9, Laws of the Federation of Nigeria, 2004 (the "Act") also stipulates that a customary law marriage be registered within a specific period after its celebration. Specifically, section 30 of the Act provides as follows:

"Notwithstanding anything contained in any enactment every customary marriage is to be registered within sixty (60) days in the area court or customary court where the marriage was contracted."

The foregoing provision of the Act presupposes the statutory and therefore legal recognition of customary law marriages. The Honorary Legal Adviser is therefore of the opinion that so called "proxy marriages," as an aspect of customary law marriage, are legal; and legal recognition is conferred by registration in an area or customary court.

This letter has been compiled by staff of the British High Commission in Abuja from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s), nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA.

Yours sincerely

[signed]

1st Secretary Political
British High Commission, Abuja

[2c]

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