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## 2008 Country Reports on Human Rights Practices - Nigeria

Bureau of Democracy, Human Rights, and Labor  
February 25, 2009

Nigeria is a federal republic of 36 states and a capital territory, with a population of approximately 140 million. In April 2007 Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) was elected to a four-year term as president; the PDP won 70 percent of seats in the national legislature and 75 percent of state governorships. The election was marred by what international and domestic observers characterized as massive fraud and serious irregularities, including vote rigging and political violence. Numerous election tribunals, which continued to hear complaints brought by losing parties at all levels, resulted by year's end in the nullification of nine local-level elections, nine senatorial elections, and 11 gubernatorial elections. On December 12, the Supreme Court rejected the appeals of two major opposition presidential candidates, upholding the election of President Yar'Adua. While civilian authorities generally maintained effective control of the security forces, there were numerous instances in which elements of the security forces acted outside the law.

The government's human rights record remained poor, and government officials at all levels continued to commit serious abuses. The most significant human rights problems included the abridgement of citizens' right to change their government; extrajudicial killings by security forces; the use of lethal and excessive force by security forces; vigilante killings; impunity for abuses by security forces; 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 prolonged pretrial detention; executive influence on the judiciary and judicial corruption; infringement on privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; domestic violence and discrimination against women; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; and child labor.

### RESPECT FOR HUMAN RIGHTS

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

##### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and to disperse demonstrators during the year.

On February 25, police killed approximately 50 persons, burned nearly 100 homes, and destroyed more than 150 market stalls in Ogaminana, just outside Okene, Adavi local government area, Kogi State. Credible reports indicate the police attacked the village in reprisal for the reported killing of a colleague by local youths the previous day. There was no formal investigation of the incident.

On November 27, in Jos, ethno-religious violence erupted during the vote tabulation for the Jos North Local Government Area elections resulting in the deaths of approximately 300 persons. Credible reports indicate the police and military used lethal force during attempts to quell the violence, killing approximately 100 civilians. On December 25, President Yar'Adua constituted an Administrative Panel of Inquiry to investigate the incident. Plateau State Governor Jonah Jang challenged the federal government before the Supreme Court, contending that the federal government did not have authority to investigate state affairs. Jang established a state level judicial panel to investigate the situation on December 30. The House of Representatives also established an eight-member committee to investigate the incident. The investigations were ongoing at year's end.

Police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.

On December 4, a coalition of 15 civil society groups operating under the umbrella of the Osun State Civil Societies Coalition Against Corruption and Rights Violations petitioned the state House of Representatives to investigate extrajudicial killings in Osun State, providing details to 10 alleged incidents, three of which occurred during the year. The state house of representatives had not initiated an investigation by year's end.

For example, on October 14, four police officers from the 'A' Division Police Station in Ede, Osun State allegedly beat Misitura Ademola to death while in custody following her arrest over allegations of theft. There was no formal investigation of the incident. On October 31, the local NGO Network on Police Reform in Nigeria (NOPRIN) reported that police officers in Oshogbo, Osun State beat Dauda Najeem to death in an Ataoja Police Division cell while trying to obtain a confession on charges of theft. The police later claimed that Najeem committed suicide while in custody. There was no investigation by year's end.

There were no developments in the July 2007 case in which police from the Federal Capital Territory (FCT) Command shot and killed Mallam Ibrahim, an Islamic cleric.

There were no developments in the following 2006 cases: the case in which police officers killed two suspected thieves in the Rivers State city of Port Harcourt; the case in which four persons were killed when military and police officers stormed the Ariaria market in Aba, Abia State, on the pretext of preventing vigilantes from operating there; the case in which the media reported that brothers Juth and Romanus Akpowbo were arrested and killed in Kano State after having been accused of armed robbery of the staff quarters of Bayero University; or the case in which police in Umuahia North Local Government Area killed 12 suspected robbers.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued during the year, despite numerous announcements by the inspector-general of police that independent police roadblocks would be eliminated and offenders punished. Police generally ignored the orders. Security forces were known to kill persons while trying to extort money from them. For example, on October 31, a police officer shot and killed 23-year-old Gabriel Mordi at a checkpoint in Agbor, Delta State after an argument began over the police attempting to extort money from Mordi's driver. Five police officers involved with the incident were reportedly arrested in early November, but no further developments occurred by year's end.

There were no developments in the November 2007 case in which a police officer in Anambra State shot and killed 15-year-old Daniel Offiali and wounded six other bus

passengers after the driver refused to pay a 20 naira (approximately \$0.16) bribe. The police officer was reportedly dismissed from the National Police Force and arrested, but at year's end the status of the case was unknown.

There were no developments in the 2006 case in which police officers in the FCT outside Abuja shot and killed a driver who refused to pay a 20 naira (approximately \$0.16) bribe.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence.

On January 3, police in Okeagbe, Ondo State allegedly shot and killed three youths and wounded two others who were demonstrating against local police extortion. There were no further developments in the case at year's end.

On January 15, police allegedly killed four persons in the Sabon Tasha area of Kaduna State protesting the failure of the Power Holding Company of Nigeria to deal with power outages. There were no further developments in the case at year's end.

There were no developments in the following 2007 cases: the January case in which one person was killed and 20 injured by police when violence erupted at the Oshogbo Local Government Office after several members of the local government council asked the council's chairman to explain the expenditure of funds from the federal accounts; or the July case in which police shot and killed two persons in Omi-Adio, Oyo State, during a clash with members of the National Union of Road Transport Workers, who accused police of torturing and killing a union member the day before. The union members set the police station afire and attacked the officer on duty. Police arrested 49 persons. No further information on the status of the case was available at year's end.

The Joint Task Force (JTF) conducted raids on militant groups and criminal suspects in the Niger Delta region, resulting in numerous deaths and injuries (see section 1.g.).

There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta (see section 1.g.).

Unlike last year, there were no reports of killings by unknown assailants that may have been politically motivated.

There were no developments in the following 2007 cases: the February case in which unknown gunmen killed PDP Chieftain Lawson Onokpasa of Delta State; the March case in which unidentified gunmen assassinated Taofiki Onigboho, a relative of a suspected criminal working for Governor Rasheed Ladoja, in Ibadan; or the August case in which Victor Obafaiye, the principal witness for the opposition Action Congress in the Kogi State election tribunal case, was killed.

Despite President Yar'Adua's 2007 directive to the inspector general of police to reopen all unresolved cases of killings of political figures, there were no developments in the May 2007 arrest of nine suspects allegedly connected to the 2006 killing of Lagos State gubernatorial candidate Funsho Williams – including the three mobile policemen responsible for guarding him and four colleagues close to him – all of whom were imprisoned without trial; or the June 2007 reopening of the case of Bola Ige, the former attorney general whose killing in 2001 was widely believed to be linked to a political dispute between the then governor and deputy governor of Osun State.

There were no developments in the following 2006 killings, which may have been politically motivated: the January killing by unknown assailants of Hajiya Saudatu Rimi, wife of former Kano State governor Alhaji Abubakar Rimi; the June abduction and July killing of Plateau State gubernatorial aspirant Jesse Aruku of the Advanced Congress of Democrats party; the August killing of Ekiti State PDP gubernatorial candidate Ayodeji Daramola; and the December killing by unknown assailants of Timothy Ageba Uttah, the

former council chairman of Gboko Local Government Area and PDP aspirant for the state House of Assembly of Benue State.

There were no developments in the 2006 killings of four persons in Emohua and six persons in Gokana by gangs controlled by rival political leaders in Rivers State.

Killings carried out by organized gangs of armed robbers remained common during the year. In Lagos State, groups of street youths, popularly known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists. There were no developments in the case of six "area boys" arrested in 2006 for allegedly killing two Federal Road Management Agency officers.

There continued to be reports of street mobs killing suspected criminals during the year. There were no arrests reported from these mob actions, and no developments in cases from previous years.

#### **b. Disappearance**

There were no reports of politically motivated disappearances; however, there were kidnappings by militant groups in connection with the conflict in the Niger Delta, particularly Port Harcourt (see section 1.g.).

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

Although the constitution and law prohibit such practices and provide for punishment of such abuses, security services personnel, including police, military, and State Security Service (SSS) officers, regularly beat demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians regularly 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.

There were reports that security forces tortured persons and used excessive force during the year. In March 2007 the UN Special Rapporteur on Torture visited the country at the government's invitation to assess reports of official abuse. On the basis of discussions with detainees, visits to prisons and police stations, and forensic medical evidence collected over a one-week period, the rapporteur reported that torture was endemic in law enforcement operations, including police custody, and was often used to extract alleged confessions. According to his report, methods of torture included flogging with whips; beating with batons and machetes; shooting in the foot; threatening a suspect with death and then shooting him with powder cartridges; suspension from the ceiling; and denying food, water, and medical treatment.

On July 26, a police officer allegedly beat Baba Mohammed into a coma at the conclusion of a marathon, when participants began to protest against the event organizer, local cellular phone company MTN, for not distributing prizes as promised. According to eyewitnesses, the police officer struck Mohammed three times with his baton before leaving him unconscious. Mohammed was brought to a local hospital where he continued his recovery at year's end. There was no formal investigation of the incident.

On November 3, Nigerian navy officers pulled Uzoma Okere from her car and beat and stripped her for allegedly failing to move out of the way of the navy officers' vehicle. The incident was filmed by a bystander. President Yar'Adua called for an investigation into the incident and for a report to be submitted. A Board of Inquiry was established and on November 26, Chief of Defense Staff Paul Dike submitted its findings to President Yar'Adua. The report was not made public, but there were allegations that Okere was not allowed to provide testimony. There were no further developments at year's end.

There were no developments in the September 2007 case in which 25-year-old Surajo Mohammed died in detention while being interrogated by a Katsina State police sergeant

who had arrested him for allegedly stealing a bottle of palm wine. Following the incident, State Police Commissioner Dan Doma announced that the officer had been arrested, but no trial had been scheduled by year's end.

There were no developments in the following 2006 cases: the May case in which police in Delta State arrested Segun Pioko, allegedly tortured him, and killed him; in the October case in which Kano State police beat unruly youth with sticks and whips to clear the way for the motorcade of the governor; the April case in which four demonstrators died and 50 persons were arrested when police in the Njaba local government area, Imo State, carried out reprisal attacks after youths rioted outside the local police station to protest police roadblocks in the area; or the June case in which Delta State police officers beat Peter Osimiri and left him for dead when he refused to pay a 20,000 naira (approximately \$156) bribe. Osimiri died shortly after arriving at the hospital.

There were credible reports during the year that security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. Amnesty International (AI) reported that women frequently were raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. In July the National Human Rights Commission (NHRC) reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers around the country. In December 2007 NOPRIN stated it had monitored 400 police stations in 13 states for a year and found that killings, torture, extortion, and rape had become routine because the authorities shielded police officers from the law.

There were reports that security forces beat journalists during the year.

Varying Shari'a penal codes (Islamic law) were in place in 12 northern states, and Shari'a courts delivered "hadd" sentences, for example 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 by year's end. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, adulterers are subject to death by stoning. Although such sentences were handed down during the year, none were carried out, nor were death sentences carried out in cases originating in earlier years. In contrast to the previous year, there were no sentences of amputation handed down. However, there were numerous Shari'a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari'a often were not carried out because of the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Stoning and amputation sentences were consistently overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of statutory law. In some cases convicted persons were allowed to pay a fine or go to jail instead of being caned. These sentences usually were carried out immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death; in practice, appeals often took much longer.

On February 23, an upper Shari'a Court in Katsina State sentenced Mani Sule and Rabo Umaru to death by stoning for adultery for the alleged rape and impregnation of a 16-year-old girl. The sentence was not carried out by year's end.

There were no developments in the May 2007 case in which the Shari'a court of Bauchi State sentenced Ade Dabo to death by stoning for the alleged rape of two female minors in 2003.

There were numerous ethnic or communal clashes during the year. The government generally did not provide police in rural areas with sufficient resources to control societal violence.

#### *Prison and Detention Center Conditions*

Prison and detention conditions remained harsh and life threatening. Most of the 227 prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. The 227 prisons held an estimated population of 40,000, with some prisons holding 200 to 300 percent more persons than their designed capacity. Additionally, the country operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates, all of which housed prisoners and detainees. Reliable data was not available to estimate the number of persons held in these other facilities. The government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding.

On April 14, Superintendent of Prisons and Public Relations Officer of Lagos State Command Ope Fantinikun reported that although the prisons in Lagos only had capacity for 2,905 prisoners, they housed over 4,000.

Makurdi Prison in Benue State, which had capacity for 240 prisoners, housed 464. Ado-Ekiti Prison in Edo State, which reportedly had the capacity for 200 prisoners, held 290 in March.

In July Controller General of Nigeria Prisons Olusola Ogundipe told the NHRC that the Port Harcourt prison had capacity for 808 inmates but actually housed approximately 2,800, of whom 2,000 were awaiting trial.

In March 2007 the UN Special Rapporteur on Torture reported that prison conditions were deplorable, that those awaiting trial suffered more than those already convicted due to lack of funding for their care, and that inadequate medical treatment caused many prisoners to die of treatable illnesses.

Following a July 2007 visit to 10 prisons in the states of Enugu, Kano, Lagos, and the FCT, AI issued a report citing appalling prison conditions, noting that many prisoners were considered "forgotten inmates" because they had been incarcerated for years without trial.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS and tuberculosis were of particular concern. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money. The International Committee of the Red Cross (ICRC) continued to provide health and hygiene items to prisoners during the year.

Harsh conditions and denial of proper medical treatment contributed to many prison deaths. For example, in September 2007 inadequate medical attention allegedly contributed to the death of Olawale Daniel, an inmate at the Agodi Federal Prison in Ibadan. His death sparked a riot between inmates and guards on September 11, which resulted in the deaths of 11 prisoners and injury to an estimated 60 others, including four staff members.

Women were held with male prisoners, especially in rural areas. Although the law precludes the imprisonment of children, Attorney General and Minister of Justice Michael Aondoakaa stated there were more than 300 children in the prisons, many of

whom were born there. Aondoakaa stated that the federal government had ordered the release of those children and the ministry would try to identify and release the mothers as well. There was no information on whether any inmates or children were released by year's end.

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

The UN Special Rapporteur on Torture reported appalling conditions in detention center cells, noting crowded and unsanitary cells and insufficient food, clean water, and access to medical care. The rapporteur noted, however, that conditions for female detainees were much better than those of males.

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

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

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

The Nigeria Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS, which reports to the president through the national security advisor. Due to the inefficacy of the police, who were often unable to control societal violence, the government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The constitution prohibits state- and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and press.

Corruption was rampant, most often at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow a car to continue until the driver paid a bribe. The Inspector General of Police (IGP) made efforts to strengthen the Police Monitoring Unit which was supposed to visit police stations and search police officers for signs of accepting bribes. During the year, the unit visited six police stations in the FCT and reportedly arrested eight officers for extorting bribes from the public. In November, the IGP arrested seven officers for mounting illegal checkpoints at the border between Ogun and Oyo States.

Although citizens could report incidents of police corruption to the NHRC, this agency was not empowered to act in response to such complaints.

On January 8, the federal government inaugurated a 16-member Police Reform Committee to examine the NPF and identify measures to enhance its effectiveness. However, no action had been taken by year's end.

##### *Arrest and Detention*

Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law police may detain persons for 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 and take the accused to a police station for processing within a reasonable time; and provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and denied access to counsel and family members. Detainees often were kept

incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. At the November 2007 All Nigerian Judges Conference, President Yar'Adua reminded judges to respect the rights of citizens while implementing the law. At the same conference, Chief Justice of Nigeria Idris Kutigi called on judges to stop purposely setting bail with almost unattainable conditions. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous detainees alleged that police demanded bribes before they were taken to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.

Persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, they frequently were asked to return for further questioning.

Unlike last year, there were no alleged cases of arbitrary arrest based on political motives.

No action was taken against officials involved in the following 2007 cases: the April case in which the All Nigeria Peoples Party (ANPP) governorship candidate in Kaduna State and other key officials of the party were arrested, detained, and later released ; the April case in which the ANPP governorship candidate in Ebonyi State, Chief Ogonnaya Onu, was beaten, arrested, and released a week later after his supporters protested the results of the gubernatorial election; or the April case in which Emmanuel Ezeazu, secretary general of the Alliance for Credible Elections, was detained and questioned by the SSS in connection with a planned demonstration against the conduct of the April 22 elections. He was asked to sign an agreement not to organize or protest, but he declined to do so and was released on May 1.

Members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo-majority states, initiated frequent violent clashes with the government, particularly in Onitsha, Anambra State. Police sometimes reacted by arresting large numbers of MASSOB members. In June police arrested 78 MASSOB members during a commemoration celebration of the Nigerian Civil War-era secessionist state of Biafra and charged them with conspiracy to commit a felony because of their intent to stage a protest that would result in political unrest.

On May 15, an Abuja Court of Appeal granted MASSOB leader Ralph Uwazurike continued bail after a High Court judge released him on bail in October 2007 for three months. The Court of Appeal also granted bail to the 10 others accused with Uwazurike of treason and stated the evidence in the case was weak. However, on the same day, all of the accused were rearraigned on charges of treason because the High Court judge who had granted bail was transferred, requiring the trial to start anew for the third time since 2005. Although all of the accused remained free on bail, there was no progress in the trial by year's end.

Most of the 69 MASSOB members arrested in a 2006 sweep remained in detention at year's end.

There were no developments involving the trial of Mujaheed Asari Dokubo, who was released on bail in June 2007. Dokubo, the leader of the Niger Delta People's Volunteer Force, was arrested in 2005 for treason.

On April 11, a Lagos State judge acquitted Hamza Al Mustapha and his four codefendants of charges of treason for an alleged assassination attempt on former President Obasanjo. However, on April 15, an Ikeja high court rearraigned Al Mustapha and three of his codefendants on charges of conspiracy and the 1996 attempted murder of Alex Ibru, the minister of internal affairs under the Abacha regime and publisher of *The Guardian* newspaper. The chief judge of Lagos State granted bail to one of the four codefendants, Ishaya Bamaiyi, and transferred his case to another high court. By

separating the cases, the trial was forced to begin anew in June. Despite the attention given in the press, there were no developments in the new trial by year's end, and Al Mustapha remained in detention almost 10 years after his initial arrest.

The Economic and Financial Crimes Commission (EFCC) arrested and detained several state, local, and federal government officials on corruption charges during the year. Critics charged that some arrests were politically motivated and that periods of investigative detention at times exceeded legal limits.

Security forces detained journalists and demonstrators during the year.

Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 65 percent of the prison population, with some awaiting trial more than 10 years. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In a July interview with the NHRC, Controller of Prisons Olusola Adigun Ogundipe stated that there were 40,240 inmates in the country's prisons, 27,287 of whom were awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to provide secure transportation to court for detainees on their trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost. Some state governments released inmates already detained for longer than the potential maximum sentence would be if they were convicted. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could try to complain to the courts, but often found this impossible. Even detainees with legal representation often waited years to gain access to the courts.

On April 14, the local NGO New Initiative for Social Development (NISD) facilitated the bail and release of 11 prisoners as a result of a March 12 workshop entitled "Stakeholders in Access to Justice for Prisoners Awaiting Trial in Ekiti State" that brought together representatives from the prisons service, police, and judiciary to discuss issues related to prisoners awaiting trial.

### *Amnesty*

Despite the government's announcement in 2006 that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country's 40,000 prisoners, little progress was made. However, the government often extended amnesties to those whose pretrial detention period exceeded the maximum sentence they would have received if convicted. In May 2007 the government announced that it would free all prisoners over age 70 and all those over 60 who had been on death row for more than a decade; however, there was no evidence that any inmates were released by year's end.

On April 14, Lagos State Chief Judge Ade Alabi released 36 inmates from Ikoyi Prison in Lagos due to time already served.

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

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling. Judges frequently failed to appear for trials, often because they were pursuing other sources of income, and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation. During the year Supreme Court judges called for a more independent judiciary.

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

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

The constitution provides that states may establish courts based on common law or customary law systems. The law also provides that states may elect to use the Shari'a Penal Code in the courts. While Shari'a courts had been in operation throughout the northern part of the country for centuries, in 2000, Shari'a courts were empowered to also hear criminal cases and pass sentences based on the Shari'a penal code, which outlines hadd offenses and punishments, including caning, death by stoning, and amputation.

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

Defendants have the right to challenge the constitutionality of Shari'a criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The constitution also provides for the government to establish a federal Shari'a court of appeal; however, this had not been done by year's end. The highest appellate court for Shari'a remained the Supreme Court, staffed by common law judges who were not required to have any formal training in the Shari'a penal code.

#### *Trial Procedures*

According to the constitution, defendants have the right to an expeditious trial. The law requires a trial within three months of arraignment for most crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial. The law does not provide for juries. Most detainees were poor and could not afford to pay the informal costs, such as transportation to the court house or bribes, associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants who were not detained employed numerous delaying tactics and in many cases bribed judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting or progressing.

Although the constitution provides for public trials in the regular court system and individual rights in criminal cases, including a presumption of innocence, the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel and have access to government-held evidence; these rights were not always respected or observed due to corruption and lack of institutional capacity within the judiciary. 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.

In both common law and Shari'a courts, indigent persons without representation were more likely to have their sentences carried out immediately upon being sentenced, although all convicted persons have the right to appeal. The federal government instituted a panel of legal scholars in 2003 to draft a uniform Shari'a penal code to replace divergent Shari'a codes adopted by various northern states; however, the panel

did not produce a report during the year, 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 Shari'a courts. Some "qadis" (Shari'a 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 Shari'a courts. By contrast, men could only be convicted by confessing to the crime or if there was eyewitness testimony. However, Shari'a courts did provide women with some benefits, including increased access to divorce, child custody, and alimony, because it was significantly easier, faster, and cheaper to get an audience in a Shari'a court than a common law court.

#### *Political Prisoners and Detainees*

There were no reports of political prisoners or detainees; however, persons arrested in previous years for alleged treason remained in detention at year's end.

#### *Civil Judicial Procedures and Remedies*

The constitution and law provide for an independent judiciary in civil matters; however, the executive and the legislature also exerted undue influence and pressure in civil cases. A widespread lack of will by authorities to implement court decisions, and corruption, also interfered with due process. The law provides for access to the courts for the redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were extremely difficult to enforce.

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

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

The Federal Capital Development Authority (FCDA) continued to illegally demolish homes and businesses in the FCT. The government typically claimed that the homes or offices that were demolished lacked proper permits and consequently did not provide compensation to the owners, even sometimes to those able to produce paperwork indicating the structures were built legally. There was no transparent legal process for deciding which homes would be bulldozed, and those who had their homes bulldozed had no recourse to appeal and received no compensation. The FCDA maintained the public position that the homes and offices did not comply with the master plan for the city. According to the Swiss-based Centre on Housing Rights and Evictions, authorities demolished more than 800,000 homes in the Abuja area since 2003. There was widespread opinion that the demolitions were primarily motivated by corruption and discrimination based on socioeconomic class, since mostly lower and middle class persons lost their homes and property, which was sold to wealthy persons with connections to government officials once vacated.

In June bulldozers accompanied by police officers razed hundreds of homes and displaced approximately 2,000 persons living in the Toge area of Abuja. Although authorities apparently alerted residents months in advance by marking each home with a giant red X, many residents remained due to poverty.

On August 4, authorities demolished homes in Gabi and Karamagigi villages in Abuja. The district officer in charge of the demolition team reportedly claimed that the residents were given two weeks' notice and that these villages had in fact been demolished two years ago, but the residents illegally rebuilt in the same location.

During the week of November 14, the Lagos State government demolished an estimated

2,000 homes despite a Lagos High Court ruling in May that called for a stay of action until a hearing scheduled for November 18. The Lagos State Ministry of Lands claimed the houses, which had been there over 25 years, were illegal structures and that government was recovering its land.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

The Niger Delta region was home to one of Africa's largest oil industries, which exported nearly 2 million barrels of crude per day. Particularly since 2006, militant groups increasingly employed violence, including kidnapping of oil company workers, to demand greater control of the region's resources. Abductions for ransom, armed robberies, gang turf wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued during the year and contributed to the region's general insecurity and lack of economic vitality.

Criminal gangs in areas such as Port Harcourt, Rivers State, were widely believed to have been sponsored initially by politicians to intimidate opponents and aid election rigging, but have since engaged in crimes unrelated to political objectives. Some of these gangs (locally called "cults") had amassed significant wealth and power. Power struggles between gangs resulted in hundreds of deaths, including of civilian bystanders, and reportedly damaged personal property and homes.

Numerous hostage takings occurred during the year, including the abduction of 82 expatriates, five of whom continued to be held by their kidnappers at year's end. There were four expatriate fatalities in connection with attacks on oil facilities or hostage taking incidents. An estimated 400 persons (nationals and expatriates) were kidnapped in approximately 100 incidents during the year. Some kidnappings were perpetrated by militant groups trying to force the government to develop local economies, increase local control of oil revenues, or release prisoners; others were conducted for financial gain. Oil facility guards and JTF soldiers were among those killed in these incidents. During the year Niger Delta criminals continued to kidnap the relatives (usually children or mothers) of prominent state politicians for ransom or to force payment for services, such as protection details and voter intimidation, which were rendered during the elections. In some areas tensions remained high between oil producing communities and oil company employees and contractors.

Government authorities responded to some incidents by deploying the JTF, a unit composed of the various military branches, security services and the Nigerian Police Force and established by the government in 2003 to restore stability in the Niger Delta region. The JTF reportedly used excessive force and engaged militants and criminals in gun battles, which occasionally resulted in civilian casualties and worsened security. Credible reports indicate the JTF's participation in violent clashes resulted in the destruction of communities.

Multinational and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region

According to a report from the international NGO Doctors Without Borders, violence in Port Harcourt reached unusually high levels in August 2007, resulting in 71 gunshot wounds, 27 stabbings, 16 serious beatings, and one rape; seven persons died from their injuries. Most of the injured were bystanders who were either at a market or near a bus station when armed gangs began shooting indiscriminately into crowds. The government deployed troops and helicopter gunships to the city. There were numerous reports that military fire struck civilian bystanders.

#### ***Killings***

On March 24, the JTF reportedly killed four men near Isaka in the Okrika Local Government Area, Rivers State, when they confronted them and other armed men attempting to hijack a barge. There was no investigation conducted.

On July 24, the JTF reportedly killed 12 suspected militants and arrested 48 others during an attempted crackdown in Bayelsa and Rivers states. No investigation of the incident occurred.

On August 30, a series of violent clashes erupted between the military and militant groups in Bayelsa, Delta, and Rivers states, allegedly resulting in the deaths of 35 persons. Authorities did not investigate the killings.

On September 13, confrontations between the JTF and armed militants in the Elem Tombia and Ogboma communities of Rivers State resulted in an estimated 15-30 deaths, hundreds of displaced persons, and the destruction of homes and property worth millions of naira.

There were no developments in the March 2007 incident in which 10 persons were killed during several days of rival gang clashes in Port Harcourt; or the May 2007 incident in which gang leader Prince Igodo was killed during a gun battle allegedly led by militant Soboma George.

There were no developments in the June 2007 incident in which JTF troops killed a dozen gunmen who were holding two dozen workers and soldiers hostage at a flow station run by Italian energy company Eni; the August 2007 incident in which the JTF launched a raid on an alleged hideout of militants who had been fighting in Port Harcourt for days, resulting in the deaths of at least 40 persons, including innocent civilian bystanders; or the September 2007 incident in which the JTF launched an attack on a suspected criminal hideout near Ogbogoro, Rivers State, using helicopter gunships and ground troops, resulting in an undetermined number of deaths.

Although the JTF perpetrated violence in some situations, some observers reported that the force added to the region's overall level of security by filling a void left by the ineffective NPF.

There were no developments in the 2006 case in which military forces in the Niger Delta opened fire on a boat carrying suspected militants, killing 10 persons.

### *Abductions*

Militants and criminals abducted approximately 400 persons during the year, including women, children, foreign citizens, and an increasing number of prominent citizens or their family members. Many abductions took place at oil facilities despite the presence of armed guards and military police escorts.

On June 19, Movement for the Emancipation of the Niger Delta (MEND) rebels claimed responsibility for an attack on Royal Dutch Shell's offshore Bonga oilfield and in the kidnapping of a U. S. citizen captain of a nearby supply ship. The captain was later released unharmed.

On July 24, armed men attacked a vessel off Bonny Island and kidnapped 11 Russians and one Ukrainian. Seven were released the next day and the remaining five were released on July 28.

On August 2, gunmen attacked a bar in Onne, Rivers State, and kidnapped two French expatriates, who were later released. The attack also resulted in three other deaths.

On September 9, unidentified gunmen seized the vessel "Blue Ocean" with a crew of 23 including five expatriates. One crew member was killed during the seizure. All other crew members were released, except for two British citizens who remained captive at year's end.

On November 3, armed gunmen kidnapped a Lebanese employee of a construction company, killing one and injuring two bystanders during the incident. The Lebanese

employee was later released.

On December 2, two Russian employees of Aluminium Smelter Company of Nigeria were abducted from their housing compound in Akwa Ibom State. They had not been released by year's end.

#### *Other Conflict-related Abuses*

Violent conflict between the JTF and Niger Delta militants resulted in forcible displacement of persons and substantial property destruction.

For example, on August 4, the 78th Battalion of the JTF stormed Agge in Bayelsa State in attempt to flush out armed youths who supposedly were hiding there, resulting in a gun battle that destroyed approximately 500 homes. Bayelsa State JTF Commander Lt. Col. Chris Musa claimed that the community was harboring the criminals and that the JTF was justified in its attack.

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

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, some of whom practiced self-censorship. Some journalists were harassed, intimidated, threatened or detained for reporting on sensitive issues such as President Yar'Adua's health.

There was a large and vibrant private domestic press that frequently criticized the government. Only one national, government-owned daily newspaper was published. Several state governments owned daily or weekly newspapers. These state-owned publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. There were more than 14 privately owned major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

There were 19 independently owned private radio stations. The government owned one radio network with 34 stations.

There were 14 independently owned private TV stations, and two privately owned direct to home satellite network stations. The government owned one TV network, the Nigerian Television Authority, with 96 affiliate stations. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent. On December 16, Chief Executive of National Broadcasting Commission (NBC) Yomi Bolarinwa issued a statement that, starting in 2009, all prime time news broadcast by local stations must be 100 percent local content. The NBC 2004 ban on live broadcast of foreign news and programs remained in force, but it did not apply to international cable or satellite services.

Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The government controlled much of the electronic media through the NBC, which was responsible for monitoring and deregulation of broadcast media.

In contrast to the previous year, there were reports that journalists were killed.

On August 17, unknown assassins killed Paul Abayomi Ogundeji, a reporter for the privately owned *This Day* newspaper and member of its editorial board. The August 19 issues of two other papers, *The Punch* and *The Nigerian Compass*, quoted an unidentified source stating that a uniformed police officer shot Ogundeji. Although the NPF began an investigation, there were no further developments at year's end.

On October 15, six unknown assailants shot and killed the chairman of the Credential Committee of the Nigeria Union of Journalists and Nasarawa State Broadcasting Service, radio journalist Eiphraim Audu in Lafia, Nasarawa State. An investigation was launched but provided no results by year's end.

There were no developments in the 2006 killing by unknown assailants of Godwin Aybroko, editor and columnist of *This Day* newspaper in Lagos.

Security forces beat journalists. For example, on August 1, security operatives beat a Channels TV cameraman who attempted to take pictures of a raid on the house of Niger Delta Peoples Volunteer Force leader Asari Dokubo in Abuja. There were no additional developments at year's end.

On September 4, police officers in Lagos reportedly beat three journalists, Adewole Ajayi from the *Nigeria Tribune*, Emmanuel Oladesu from *The Nation*, and Bimbo Ogunnaike with the *Nigerian Compass*, for attempting to cover an Action Congress (AC) political rally. The officers were escorting a politician from the AC. Joe Igbokwe, the AC Publicity Secretary in the State, offered an apology after the incident. No further action was taken by year's end.

There were no developments in the May 2007 case in which journalist Dare Folorunso was taken to a hospital in a coma after several Ondo State policemen, including Deputy Commissioner Joshua Mumbo, beat him. Folorunso later recovered and was discharged. The local Union of Journalists asked police to pay compensation and offer Folorunso a public apology; however, no action was taken by year's end.

Security forces detained journalists and seized newspapers during the year. Several journalists were detained and their media outlets seized for reporting on President Yar'Adua's health.

On January 24, Akwa Ibom State security operatives arrested Essien Asuquo Ewoh, a newspaper distributor in Uyo, and on January 27 arrested Sam Asowata, chairman of the editorial board of the weekly newspaper *Fresh Facts*. Police allegedly also ransacked *Fresh Facts'* office. Both were charged with sedition and "conspiracy to distribute copies of *Fresh Facts* newspaper with the intent to bring hatred or contempt to the governor of the state" with a story about Akwa Ibom State Governor Akpabio's alleged ties to corrupt persons. Owoh and Asowata were later released.

In March the Kano State government arrested Hausa filmmaker Hamisu Lamido, known as Iyan Tama, for operating his company Iyan Tama Multimedia without registration and for releasing the film "Tsintsiya," a Hausa adaptation of the film "West Side Story," in Kano without having it first reviewed by the state censorship board. The trial initially was scheduled for May 12, but was moved to a new location without notification to the defendant, resulting in Lamido's arrest for violation of bail by not appearing. Lamido was later released on bail and the trial was rescheduled. On December 30, a Kano magistrate court found Iyan Tama guilty and sentenced him to 15 months in prison and a 300,000 naira fine. Attorneys for the defendant filed an appeal to the High Court and the case was ongoing at year's end.

On April 12, security forces arrested four U. S. filmmakers and one Nigerian for attempting to make a documentary about the effects of the oil industry on the Niger Delta region. Charges were later dropped and all five were released after four days in detention.

On October 18, SSS operatives arrested Jonathan Elendu, owner of the *Elendu Reports*, an on-line publication, when he arrived at the airport in Abuja from abroad. Elendu was detained for nearly two weeks without charge, reportedly due to several reports published speculating about President Yar'Adua's health, before being released. Authorities seized his passport to prevent his travel outside the country until the investigation, which continued at year's end, concluded.

On October 28, the SSS arrested a dual U. S.-Nigerian citizen upon his arrival at the Murtala Muhammad International Airport in Lagos allegedly for running several items about President Yar'Adua's health on his online magazine website. The accused was released on bail on November 4; but the SSS retained his passport and prevented him from leaving the country until an investigation was concluded.

On November 14, SSS officials detained *Leadership* newspaper publisher Sam Nda Isaiah and questioned him for two days regarding a November 8 story reporting that President Yar'Adua was critically ill. On November 27, President Yar'Adua issued a directive for the NPF to arrest Isaiah, Daily Editor Abdulrazaque Bello-Barkindo, Weekend Editor Laura Olugbemi, and former Associate Editor Simon Imoboswam for alleged "defamation of character and injurious falsehood," over the story. All four were released on bail pending trial which was postponed until 2009.

There were no developments in the January 2007 case in which SSS agents raided the offices of daily newspaper *Leadership*, seized documents, and detained reporter Danladi Ndayebo for nine hours.

There were no developments in the January 2007 case in which SSS officials detained Abuja *Inquirer* publisher Dan Akpovwa and editor Sode Abbah in connection with a story that claimed a military coup was possible because of a public disagreement between former president Obasanjo and former vice president Atiku Abubakar. SSS agents sealed the newspaper's office and seized computer discs, a hard drive, and copies of the newspaper. Akpovwa was released after 36 hours, and Abbah 12 hours later.

There were no developments in the June 2007 case in which 15 armed men, including two uniformed police officers, stormed the printing plant of privately owned weekly paper *Events* in Uyo, Akwa Ibom State, and allegedly seized an estimated 5,000 copies of the newspaper.

There were no developments in the October 2007 case in which the SSS arrested *Events* editor Jerome Imeime and charged him with sedition for criticizing the state's governor on the front page of the paper. Imeime was released three weeks later.

The government suspended television and radio stations during the year.

For example, on September 17, the NBC announced the suspension of operations and revocation of license for Channels TV following its September 16 closure by the SSS. Federal agents, led by Minister of Information Odey, shut down Channels TV in Lagos and Abuja for broadcasting a "false news story ... ." Channels TV had broadcast a story stating the president might resign due to health reasons. The station and many other news outlets apparently received the information from an email address claiming to be News Agency of Nigeria (NAN). NAN denied any involvement and stated that the e-mail address did not belong to it. Five staff members of Channels TV were detained for three days. On September 19, NBC gave Channels TV permission to resume broadcasting and confirmed the release of all journalists without charges.

In April 2007 SSS backed by police forcefully entered the studio of AIT and forced the staff to stop transmitting a documentary critical of President Obasanjo and the ruling PDP. SSS agents seized tapes of all commercially sponsored programs that were scheduled for that day and shut down AIT's sister radio station, Ray Power FM. Press reports quoted an SSS spokesman as saying that the programming had "security implications." The NBC warned the station that it would face "serious sanction" if it aired the program again.

In May 2007 armed men invaded the Broadcasting Corporation of Oyo State, where the Oyo State radio and television stations were located. Some workers were injured as the men vandalized the studios, carted away broadcast equipment, and disrupted broadcasting. The affiliation of the armed men had not been determined by year's end.

Local NGOs suggested that newspaper editors and owners underreported killings and other human rights abuses, due in part to government intimidation.

The law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limited the circumstances in which media defendants could rely on the defense of "fair comment on matters of public interest" and restricted the right to freedom of expression. Penalties for libel ranged from one to seven years' imprisonment.

#### *Internet Freedom*

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. However, several Internet news sites critical of the government experienced server problems which site owners attributed to government interference. Such disruptions in service usually lasted a few hours to a day.

Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A 2006 survey revealed that only 1.3 percent of households owned a personal computer and that 1.5 percent had fixed line telephone service. Cyber cafes, unmonitored by the government, were widely available in metropolitan areas.

#### *Academic Freedom and Cultural Events*

State governments continued to restrict academic freedom by controlling curriculum at all levels, including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of gangs on campuses, particularly in the south, continued to hamper educational progress.

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

#### *Freedom of Assembly*

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

Police frequently cited the 1990 Public Order Act to disband meetings critical of the government, in spite of the Abuja High Court's 2005 decision to strike down the act, which required a police permit to be issued for all public rallies and processions. The attorney general and the NPF appealed the decision, and in December 2007 the Court of Appeal in Abuja declared that a permit would no longer be necessary for any assembly, and that the Public Order Act infringed upon fundamental constitutional rights. Following the ruling, however, the inspector general of police announced that the NPF would appeal to the Supreme Court. There were no developments in the case at year's end.

The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

There were no developments in the March 2007 case in which groups affiliated with the PDP and DPP went on a 48-hour vandalism spree in Sokoto, destroying each other's party offices and members' vehicles. Several injuries were reported, and the police responded by banning all political rallies in the state through the April 2007 elections.

Security forces forcibly dispersed and arrested demonstrators during the year, resulting in numerous injuries.

There were no developments in the May 2007 case in which Abuja police detained more than 235 persons for attempting to protest the recent elections, and police in Lagos arrested approximately 80 others during the nationwide Labor Day celebrations, or the July 2007 case in which a team of mobile police officers accompanied by officials on the Abuja Environmental Protection Board (AEPB) disbanded an Abuja rally held to draw attention to hunger in the country. AEPB officers arrested Ojobo Atuluku, the country's nominee to the UN Committee on the Rights of the Child, and 20 other employees of ActionAid International, Nigeria (AAIN). AEPB official Muhammed Abuja, who led the arrest, stated that the march was illegal since the organizers did not obtain the board's permission. Police officers roughly handled the AAIN employees and used teargas to disperse the crowd.

### *Freedom of Association*

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 50 parties registered with the Independent National Electoral Commission (INEC) at year's end.

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

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

The constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community; however, states, whether predominantly Christian or Muslim, generally favored the faith practiced by the majority of their residents. Many Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari'a legal system and the continued use of state resources to fund the construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for the pilgrimage to Mecca in the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the NGO Civil Liberties Organization (CLO) contended that the establishment of a Ministry of Religious Affairs and the creation of a preacher's council in Zamfara State were tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches.

The constitution provides that states may establish courts based on the common law or customary court law systems. Individual states in the north had elected to create Shari'a courts alongside the common law and customary courts. Many other states, including central states Benue and Plateau, had Shari'a appellate courts. In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari'a legal system. Prior to 2000 the courts used the Shari'a system to adjudicate civil matters only. Adherence to Shari'a criminal law was compulsory for Muslims in some states and optional in others. While the constitution technically does not permit non-Muslims to consent to Shari'a jurisdiction, in practice non-Muslims have the option of doing so when the penalty under Shari'a is less severe than under civil law (e.g., a fine rather than a prison sentence).

Although several northern states continued to ban public proselytizing to forestall ethno-religious violence, some Christian proselytizing groups nonetheless remained active. The bans generally were enforced on a case-by-case basis.

The constitution does not require students to receive religious instruction in secular public schools. However, state governments occasionally passed laws seeking to

incorporate religious studies into the curriculum. NGOs such as the CLO claimed that the 12 northern states had made Islamic religious education compulsory in previously secular public schools. Authorities of several of these states claimed that schools did not require students to attend classes of a religious group other than their own, and that students could request a teacher of their own religious beliefs to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools.

Although the government generally did not restrict distribution of religious publications, it sporadically enforced a ban against broadcasting religious notices on state-owned radio and television stations. Private radio stations regularly broadcast religious programming.

Although the expanded jurisdiction of Shari'a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari'a, such as the separation of the sexes in public schools, health care, and public transport, also affected non-Muslim minorities in the north at times.

A number of states with expanded Shari'a laws sanctioned enforcement by private groups known as the Hisbah, which were funded by state governments. In some cases these groups had authority to make arrests, but they primarily served as traffic wardens and helped regulate commercial activity in the marketplace. Hisbah groups were active during the year in Zamfara, Niger, and Kano states.

Although most Shari'a states did not criminalize alcohol consumption by non-Muslims, Kano State maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. However, there were no reports of non-Muslims being penalized during the year. In spite of the ban, alcohol was available in Kano at some hotel bars and restaurants and in the Sabon Gari area of Kano, where a majority of non-Muslims lived. During the year, however, the governor and state Hisbah began cracking down on the import of alcohol into Sabon Gari by mounting checkpoints and impounding vehicles carrying alcohol. The Legal Director of the Hisbah Board reportedly claimed the Hisbah had authority to operate throughout the state. Others responded that the federal constitution, which permits the sale of alcohol, has priority over the Hisbah's mandate. In some northern states, government officials restricted the sale and public consumption of alcohol to federal government installations, such as military and police barracks.

On November 17, press reports indicated that the Chairman of the Liquor Licensing Board announced that 427 persons were arrested and 54 convicted in Minna, Niger State for violating the state liquor law which prohibits the sale and consumption of alcohol in specified areas. The sentences for those convicted could not be confirmed.

#### *Societal Abuses and Discrimination*

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

Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups. Interreligious tension between Christians and Muslims remained in some areas, and conflicts of a socioeconomic or political nature often divided persons along religious lines.

There were a few instances of societal abuse and discrimination against members of

Jehovah's Witnesses who refused for religious reasons to join local age-grade associations or women's associations.

Ethno-religious violence resulted in numerous deaths and the displacement of thousands of persons throughout the country.

On November 27, in Jos, ethno-religious violence erupted during the vote tabulation for the Jos North Local Government Area elections, resulting in the deaths of approximately 300 persons. As with previous such outbreaks, local elites may have exploited underlying tensions between the Muslim Hausa-Fulani in Jos North and surrounding Christian ethnic groups for political purposes. Credible reports indicate police used lethal force during attempts to quell the violence, killing many civilians (see section 1.a.).

On August 31, Muslims in Ilorin, Kwara State, allegedly set fire to the four-year-old, 20 million naira (approximately \$170,575), Christ Apostolic Church building in the Baboko area due to its proximity to a mosque. Local Muslim leaders had complained to the Inter-Religious Committee, an interfaith panel established by the state government to mediate Muslim-Christian conflicts, and after initially rejecting their complaint, the committee offered the congregation 3 million naira (\$24,580) and ordered them to relocate. The church leadership rejected the directive and appealed to the committee to reconsider. There were no additional developments at year's end.

There were no reports of anti-Semitic acts during the year. There are an estimated 30,000 members of the Jewish community and 26 synagogues in the country.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and while the government generally respected these rights, police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethno-religious violence, and routinely set up roadblocks and checkpoints to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks. On some roads police maintained checkpoints every few miles.

Following the November ethno-religious riots in Jos, security forces instituted a 7:00 pm to 6:00 am curfew throughout Jos. The curfew remained in place at year's end.

The FCDA continued to demolish homes and businesses illegally in the FCT, which left numerous persons homeless.

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

Ethnic conflict along the borders of Benue, Taraba, and Ebonyi states resulted in the displacement of hundreds of persons throughout the year as they fled their homes to avoid further persecution in the decades-old ethnic disputes over farmland and political power. The governors of Benue, Taraba, and Ebonyi states attempted to quell the violence through meetings with local leaders, curfews, and development programs. The federal government deployed mobile police units to affected areas to prevent further violence.

For example, on January 19, a week of renewed hostilities erupted between the Agile community in Benue State and their Mgbo neighbors in Ebonyi State. Residents of Agile fled their homes; schools, churches and homes were destroyed; and five persons were reported killed.

On March 25, violence erupted between the Jukun and Kuteb communities of Taraba State, which reportedly resulted in the deaths of seven persons, destruction of property,

and displacement of the Kuteb community. The government deployed mobile policemen to the area to prevent further violence. On December 28, the violence reignited when the Kuteb protested the Jukun trying to hold a cultural festival known as Puje. The Kuteb were previously prohibited by the government from holding their own cultural festival, Kuchicheb, earlier in the year. The clash reportedly resulted in millions of naira worth of damage, thousands of residents fleeing for safety, and seven deaths.

On July 23, a violent clash between the Atagenyi and Omelemu communities of Benue State resulted in attacks and counterattacks that left five persons dead, property destroyed, and which displaced all residents of Atagenyi, Omelemu, and neighboring Ojantle.

On August 14, the federal government ceded the Bakassi Peninsula to Cameroon in accordance with a 2002 International Court of Justice decision. The Cross River State Emergency Management Agency estimated that 3,855 Nigerians were displaced and resettled in the Ekpiri Ikang Local Government Area (renamed the Bakassi Local Government Area) of Cross River State, where the federal government was constructing homes and facilities for the IDPs. A majority of the IDPs, however, did not remain in the resettlement center and relocated on their own, claiming that the facilities were inadequate and that they would rather decide for themselves where to live. By October, all non-native Cross River IDPs had reportedly resettled in Delta, Bayelsa, Rivers, and Akwa Ibom States.

### *Protection of Refugees*

The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum. The government cooperated with 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, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.

Refugee camps were generally overcrowded, and refugees' requests for police and judicial assistance usually received no attention. Refugees, like citizens, had poor access to the courts.

In early February, due to escalating violence in neighboring Chad, more than 2,000 refugees fled to Gamboru-Ngala in Borno State. According to the ICRC, the State of Borno housed the refugees in an abandoned building and new camp on the outskirts of town, while the Nigerian Red Cross and the Nigeria Immigration Service registered all the refugees. By February 10, after the violence subsided, most refugees had returned to Chad.

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

In August 2007 the government signed a multipartite agreement with the governments of Liberia and Sierra Leone, the Economic Community of West African States, and UNHCR to locally integrate Liberian and Sierra Leonean refugees. In November 2007 the government held a national conference in Abuja to develop a plan to implement the integration; however, the plan had not been implemented by year's end.

### **3. Respect for Political Rights: The Right of Citizens to Change Their Government**

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; however, citizens' right to change their government was abridged during the most recent national and state elections in April 2007, which were conducted amid widespread fraud and numerous incidents of violence.

#### *Elections and Political Participation*

In May 2007 Umaru Musa Yar'Adua was sworn in as president with his Vice President Goodluck Jonathan. The inauguration marked the first transition from one elected presidential administration to another since the country gained independence from Britain in 1960. However, the 2007 election that brought them to power was deemed fundamentally flawed by citizens and international observers alike. In August 2007, as part of his pledge to address the shortcomings in the electoral system, President Yar'Adua established the Electoral Reforms Committee (ERC), consisting of governmental and NGO representatives, which was charged with bringing the electoral process up to international standards. On December 11, following regular meetings throughout the year and public hearings across the country in May and June, the ERC submitted its report to President Yar'Adua. The report cited the lack of independence for INEC and state electoral committees as key deficiencies in the April 2007 electoral process, and it recommended a system of proportional representation for both legislative and local elections as well as the reinstatement of independent candidacies. The report also called for the creation of three new commissions that would alleviate INEC of many responsibilities, in an effort to allow it to focus solely on conducting elections.

The April 2007 presidential, national assembly, gubernatorial, and state-level elections were marred by poor organization, widespread fraud, and numerous incidents of violence. The government, through INEC, undertook voter registration; however, this effort was poorly organized, seriously flawed, incomplete, and not widely publicized. Although INEC claimed 60 percent voter turnout nationwide, most independent observers estimated it at less than 20 percent. In some states, local and international observers reported that they were unable to locate any open polling stations where voting was supposed to be taking place, despite INEC's later claims of voter turnout well above 50 percent for those polling stations. In other states, observers noted polling stations did not open until the late afternoon and were forced to close in the early evening due to darkness or state curfews, thereby restricting the number of voters who could be processed and allowed to vote.

A total of 43 parties participated in the national assembly elections, and 24 parties in the presidential election. The European Union Election Observation Mission stated that the elections "fell far short of basic international and regional standards for democratic elections," while the Transition Monitoring Group – a coalition of over 60 organizations throughout the country that monitors elections, encourages voter participation, and promotes proper voting procedures – described the elections as "a charade." All major independent observer groups, international and domestic, issued statements questioning the fairness of the elections and cited problems throughout the country including ballot stuffing, intentional miscounting at both polling stations and ballot compilation stages, underage voting, multiple voting, intimidation, violence, and at least 300 deaths, including some politically motivated killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those by other parties.

Following the elections, election tribunals received over 1,250 legal motions filed across the country to overturn the results of individual elections for all levels of government posts, including the presidency. Both major rival candidates of Yar'Adua – Atiku Abubakar and Muhammadu Buhari – petitioned for the annulment of the presidential race. The tribunal upheld the election, but Abubakar and Buhari appealed to the Supreme Court. On December 12, the Supreme Court rejected the appeals, thereby upholding the election of President Yar'Adua in a 4-3 decision. The cases filed to overturn National Assembly results included a case contesting the election of Senate President David Mark in Benue State. Although the tribunal challenged the results of Mark's election in part of the district, this ruling was overturned by the Court of Appeal.

By year's end several tribunals had concluded their deliberations, resulting in the nullification of nine local-level elections, nine senatorial elections, and 11 gubernatorial elections. Due to discrepancies during the 2003 elections, the government passed the Electoral Act of 2006, which outlines the legal procedures for conducting and contesting an election. Although it was widely accepted that the 2007 elections were fraudulent, most of the tribunals overturned elections based on technicalities such as lacking the party logo on the ballot or not having the party name listed, rather than for criminal activity or fraud related to the elections.

In some cases in which elections were rerun after the original results were annulled by tribunals, observers noted the same type of irregularities repeated as witnessed during the April 2007 elections.

Political violence occurred at federal, state, and local levels, as well as within political parties. However, NGOs could not agree on what constituted political violence or how many such incidents occurred. By March 2007, 51 cases of killings, kidnappings, and clashes among supporters in Bayelsa, Bauchi, Benue, Rivers, and Delta states were recorded by the Nigerian Alliance for Peaceful Elections. The South Africa-based Institute for Democracy claimed that as many as 280 persons were killed in the country between February and March 2007. The government made little effort to investigate or bring charges in any of these cases of political violence.

On January 24, 10 persons were wounded when members of the PDP and AC clashed in Ibadan, Oyo State.

There were no developments in the February 2007 case in which at least 35 persons were killed during seven days of clashes in the Ogoni region of Rivers State, where two of former Governor Peter Odili's associates were fighting over political control; the March 2007 case in which fighting broke out between PDP and ANPP supporters in Abeokuta, Ogun State, resulting in the death of four persons; or the March 2007 case in which armed DPP supporters in Gombe stormed a magistrate's court, forcibly freeing DPP gubernatorial candidate Abubakar Habu Hashidu and wounding the judge presiding over his case.

There were no developments in the 2006 cases in which violence marred PDP local government congresses in several states.

The electoral law allowed those who felt they had been disenfranchised to leave their existing party and form a new one. Parties generally formed around individuals rather than on ideological grounds. There were allegations that new parties were established by the PDP for the purpose of confusing voters with large numbers of candidates.

There were no developments in the 2006 cases in which the SSS detained and questioned the leader of the Advanced Congress of Democrats, a political party that had recently been formed by former members of the ruling PDP; or in which eight leaders of the Turaki Vanguard, a campaign group supporting the vice president, were charged with belonging to an unlawful society.

Although there were more than 500 ministerial and National Assembly positions, men still accounted for more than 90 percent of the country's appointed and elected officials. There were only six female ministers out of 42, nine female senators out of 109 and 30 female representatives out of 360 at year's end. Although there were no female governors, five out of 36 states had female deputy governors.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country – this is referred to as Federal Character. The Yar'Adua administration was an example of this diversity: President Yar'Adua is a Fulani from the northern city of Katsina, the vice president is an Ijaw from the southern state of Bayelsa, and the senate president is an Idoma from the central state of Benue. The government also attempted to balance other key positions among

the different regions and ethnic groups. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the government.

### *Government Corruption and Transparency*

Corruption was massive, widespread, and pervasive, at all levels of government and society. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office.

The EFCC's anticorruption efforts waned, with little progress on prosecutions of federal, state, and local officials accused of corruption. On May 15, President Yar'Adua appointed Farida Waziri, a former assistant inspector general of police, as the new EFCC chairman. The Yar'Adua administration continued to voice publicly its commitment to fighting corruption at all levels; however, critics continued to claim that some EFCC investigations were politically motivated, singling out political opponents of the administration while turning a blind eye to actions of those in favor, and that the EFCC did not always follow proper criminal procedure. Penalties for corruption, if found guilty, remained insufficient to serve as a deterrent.

On June 30, the EFCC arrested former ministers of aviation Femi Fani-Kayode and Babalola Borishade following a Senate probe into the 19.5 billion naira (approximately \$166 million) Aviation Intervention Fund. The two former ministers were charged with conspiracy and diversion of public funds due to inflating a 6.5 million naira (\$55,000) contract. On July 10, both Fani-Kayode and Borishade were released on bail. On December 22, however, the EFCC rearrested Fani-Kayode on charges of corruption and violations to the EFCC Money Laundering Act and Lagos Federal High Court remanded him to Ikoyi Prison in Lagos where he remained in custody at year's end. Trials for both defendants remained pending at year's end.

On July 31, the EFCC arrested former Adamawa governor Boni Haruna on a 21-count charge of misappropriating 93 million naira (approximately \$790,000) of the state's money. He was released on bail on August 8, and his trial was pending at year's end.

On August 7, the EFCC arrested former chairman of the Nigeria Ports Authority (NPA) Board of Directors Bode George and five other members of the NPA on a 163-count charge of abuse of office with the intent to defraud and illegal award of contracts worth 84 billion naira (approximately \$700 million). On October 28, the charges were reduced from 163 to 68 counts and the defendants were granted bail. The trial was pending at year's end.

On December 18, a Federal High Court in Enugu convicted former Edo State governor Lucky Igbinedion on only one-count of corruption despite the 142 counts filed alleging embezzlement of over 3.6 billion naira (approximately \$24 million). The court released Igbinedion and fined him 3.5 million naira (\$23,000), which he paid immediately. The EFCC was appealing the verdict due to the meager sentence.

There were no new developments in the July 2007 arrest on money laundering charges of four former governors – Chief Orji Kalu of Abia State, Saminu Turaki of Jigawa State, Reverend Jolly Nyame of Taraba State, and Joshua Dariye of Plateau State.

The EFCC prosecuted former governor of Abia State Orji Kalu for allegedly laundering an estimated 3.1 billion naira (approximately \$24.5 million) of Abia State funds. The Federal High Court in Abuja remanded Kalu to Kuje Medium Security Prison, where he spent 16 days before posting bail in August 2007. The attorney general attempted to have the trial discontinued based on an earlier Abia State High Court ruling that was intended to shield Kalu from arrest and trial. In September 2007 the EFCC appealed and insisted it had the right to arrest and prosecute Kalu. There were no new developments at year's end.

The trial of former Delta State governor James Ibori on a 103-count charge of abuse of office, corruption, and money laundering continued to be delayed at year's end. The EFCC arrested Ibori in December 2007 and remanded him to Kaduna Central prison until February 10, when a Federal High Court granted him bail.

The EFCC also investigated numerous federal government officials for allegedly accepting bribes from international companies. In December 2007 the government suspended dealings and canceled a supply contract with Siemens Telecommunications pending an investigation into allegations it paid more than 687 million naira (approximately \$4.5 million) in bribes to federal officials in connection with four telecommunications contracts valued at 20 billion naira (\$130 million). Also in December 2007 the EFCC investigated numerous federal officials over a 700 million naira (\$6 million) bribe allegedly paid by Wilbros Group to facilitate a gas pipeline contract. Investigations were ongoing at year's end.

The trial of former governor of Ekiti State Ayodele Fayose was repeatedly delayed and rescheduled for February 2009. On January 7 a Lagos High Court granted Fayose bail and later gave him permission to travel abroad for medical treatment. In December 2007 Fayose surrendered to the EFCC to defend himself against allegations that he fraudulently obtained 11.8 billion naira (approximately \$101 million) from Ekiti State funds. The Federal High Court in Lagos remanded Fayose to Ikoyi Prison in Lagos on a 51-count charge of fraud, money laundering, and illegal diversion of public funds. Fayose pleaded not guilty but was denied bail. While still in custody, the Ekiti High Court issued a warrant for Fayose's arrest for the murder of Tunde Omojola, a former AC gubernatorial candidate who reportedly tried to stop Fayose from stealing a ballot box during local government elections in 2005.

There were no developments in the 2007 case involving the former Plateau State governor Joshua Dariye, who was arrested and later released on bail for alleged corruption.

There were no further developments concerning the July 2007 case of former Bayelsa State governor Diepreye Alamieyeseigha, who was arrested in 2005 on charges of money laundering, denied bail in 2006, pleaded guilty to six of the charges, was sentenced to 12 years in prison, but was released due to time already served. The court also ordered the confiscation and forfeiture of his assets, which allegedly consisted of six companies, nine properties located in several countries, and funds in excess of 2.4 billion naira (approximately \$20.4 million).

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

On September 23, President Yar'Adua required approximately 70 political office holders within the Presidency to take an oath of secrecy. Although a presidential spokesman downplayed the event as routine, NGOs and the press criticized the move as an attempt to limit transparency within the government.

#### **4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; but the government's capacity, and at times willingness, to follow through on necessary reforms was lacking.

In September 2007 in an incident that observers described as a government effort to intimidate local civil society groups, the SSS detained and charged with espionage the American director of an NGO that worked to promote conflict management in the Delta region, her Nigerian colleague, and two German filmmakers for filming oil installations in the Delta. However, the government later claimed that the filmmakers deliberately

falsified their reason for entry into the country on their visa applications and were caught filming sensitive installations in the Delta without permission. In the process of trying to collect evidence, the SSS searched other NGO offices in the Port Harcourt area that were known to have a connection to the American. In November 2007 the attorney general filed a motion for the dismissal of the charges and all were released.

Numerous domestic and international NGOs were active in the country. Significant NGOs included AI, Civil Society Legislative Advocacy Center, the Alliance for Credible Elections, the Open Society Institute, ActionAid, the Campaign for Democracy, the Center for Law Enforcement Education, the Committee for the Defense of Human Rights, Global Rights, Human Rights Watch (HRW), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women's Consortium of Nigeria. NGOs were generally independent of the government although some, such as WOTCLEF, which the previous vice president's wife chaired, had close government ties.

The government frequently met with NGOs and civil society organizations; but few results came from their communications.

International NGOs, including AI and HRW, as well as the UN Special Rapporteur on Torture, actively addressed human rights issues in the country during the year.

The NHRC, which the government tasked with monitoring and protecting human rights, had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC's operations were limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the government. The commission published an annual report detailing specific human rights abuses including torture, prison conditions and extra-judicial killings.

## **5. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the government did not enforce the law effectively.

### *Women*

The law criminalizes rape and provides penalties of 10 years to life imprisonment and/or 200,000 naira (approximately \$1,560) fine, but societal pressures and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions. Although the occurrence of rape is widespread, the stigma attached to victims, rather than the attackers, deters many from reporting crimes or pressing charges as perpetrators are rarely brought to justice.

The constitution provides for equality and freedom from discrimination; but there are no laws that criminalize gender-based violence, while some federal laws condone such violence. Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code, Northern Nigeria law 1963 cap 89, permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. In more rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse, if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

Project Alert on Violence Against Women, a local NGO, initiated various outreach efforts to combat domestic violence. During the year they conducted training programs with the police in an effort to sensitize them to domestic violence, a "Catch Them Young" project that aimed to educate young people about physical and sexual abuse, and assisted faith-based organizations on providing counsel to victims of domestic abuse. Project Alert also maintained a shelter, called Sophia's Place, specifically for victims of domestic violence, which offered services such as counseling, legal aid, and skills acquisition. The Women's Rights Advancement and Protection Alternative was also a leading voice in the campaign on violence against women and continuously engaged in legislative advocacy for the passage of various bills on the protection of women's rights.

AI estimated in 2005 that two-thirds of the women in certain communities in Lagos State experienced physical, sexual, or psychological violence in the family, with husbands, partners, and fathers responsible for most of the violence. Discriminatory laws exacerbated the problem. For example, the penalty for sexual assault of a man is more severe than the penalty for the same offense against a woman.

The NDHS estimated that 19 percent of females had been subjected to FGM, although the incidence had declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the southern region among the Yoruba and Igbo. Women from northern states were less likely to undergo the most severe type of FGM, infibulation. 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, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had been subjected to it before their first birthday.

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

During the year there were no known prosecutions resulting from a 2005 Osun State law intended to punish persons who encouraged FGM. The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; and any person who other than for medical reasons performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of 50,000 naira (approximately \$385), one year's imprisonment, or both for a first offense, and doubled penalties for a second conviction.

FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention) during childbirth as scar tissue from the cutting often opens and tears. Additionally, women who suffered from fistula were often victims of other forms of abuse and neglect. The three delays that caused most fistulas were: delay in seeking care; delay in reaching a health facility; and delay in receiving care. Overcoming the first two delays in many Nigerian homes is dependent on the husband or male relative permitting the women to seek skilled care and providing resources for transportation. Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. Fistula sufferers were often abandoned or neglected by their husbands and families and ostracized by their communities. Without treatment, prospects for work and family life were greatly diminished and the women were often left to rely on charity.

Prostitution was pervasive, particularly in urban areas. There are statutes at both the federal and state levels criminalizing prostitution. All states that had adopted Shari'a had criminalized prostitution, and this ban was enforced with varying degrees of success. The police frequently used the antiprostitution statutes as tools for harassment, arresting prostitutes and holding them until they paid a bribe, but rarely prosecuting the cases in court. Corporate prostitution – the hiring of women as corporate employees in the formal sector to perform sexual acts to attract or retain clients to a company – was a problem, particularly in the banking industry.

Sexual harassment was a common problem. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common. In some parts of the country, women continued to be harassed for social and religious reasons. *Purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. Although women's movement was restricted during daylight hours, many women pursued economic and social activities outside the home in the evening.

Women also experienced considerable economic discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination under traditional and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that many businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work. According to the Human Development Report 2007/2008 published by the United Nations Development Program, women earned only 40 percent of what men did and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

Although some women made considerable progress in both the academic and business worlds, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property.

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

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

Women in the 12 northern states were affected to varying degrees by Shari'a. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. Kano State's 2005 ban prohibiting commercial motorcycle taxis from taking women as passengers remained in place; however, it was not strictly enforced.

The testimony of women was given less weight than that of men in many criminal courts.

#### *Children*

The government seldom enforced even the inadequate laws designed to protect the rights of children.

Public schools continued to be 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; however, compulsory primary education rarely was provided, and the numerous required school fees meant schooling was not free. A 2004 NDHS survey showed primary school net attendance rates of 64 percent for boys and 57 percent for girls, with approximately 96 percent of those attending completing five years of primary education. Secondary school net attendance was considerably lower, at 38 percent for boys and 33 percent for girls. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send children to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. The literacy rate was 58 percent for men but only 41 percent for women.

While most schools in the north traditionally separated children by gender, the law requires this practice in Zamfara, Sokoto, and Kebbi state schools. In August, Bauchi State banned coeducation at all junior and senior level schools. The law listed the need to fight teenage pregnancy and poor performance as justification. Private schools were exempt.

To lessen the gap between boys' and girls' access to education, the UN Children's Fund (UNICEF) collaborated with the government on a Strategy for Acceleration of Girls' Education in Nigeria, which resulted in the launch of the Girls' Education Project (GEP) in 2004. The GEP proved to be a successful pilot, and enrollment for girls improved as did attendance and retention rates. In 2007 the government allocated 822 million naira (approximately \$7 million) for the provision of water and sanitation facilities at schools. However, the GEP program ended in 2007, leaving the local governments responsible for maintaining the progress. During the year, the GEP was only implemented in a small number of schools in a few states.

Girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunization series against childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.

FGM was commonly performed on girls in southern areas of the country.

Cases of child abuse, abandoned infants, child prostitution, and physically dangerous child labor practices remained common throughout the country. The government criticized child abuse and neglect but did not undertake any significant measures to stop traditional practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north. On January 3, Kano State Deputy Police Chief Suleiman Abba reported an upsurge of child rape, noting that the 54 recorded cases during the final six months of 2007 accounted for two thirds more than the number recorded for the first six months.

Many children were homeless and lived on the streets. There were no known statistics on their numbers. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community. HIV/AIDS also greatly increased the numbers of orphaned street children.

In the north, an estimated two million children were "almajirai," or children whose

parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children were effectively homeless. During the year the government distributed 90 million naira (approximately \$770,000) to 15 states for the induction of Koranic education into the mainstream educational system. Officials at the Universal Basic Education agency reported that each participating state received six million naira (\$51,300) for the project which was targeted at the rehabilitation, integration, and education of the almajirai.

### *Trafficking in Persons*

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

The country was a source, transit, and destination country for trafficked persons during the year. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for Prohibition of Trafficking in Persons (NAPTIP) came from Akwa Ibom and Edo states. In 2006 the executive director of the Women's Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in trafficking to, from, and within the country. In 2005 the International Labor Organization (ILO) estimated that 40 percent of child street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution and domestic labor to Italy, Austria, Spain, Norway, Belgium, the Netherlands, Greece, the United Kingdom, Russia, and countries in West and Central Africa. UNICEF estimated between 50,000 and 70,000 African female trafficking victims were in Italy for prostitution, of whom 70 percent were from Nigeria. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated 5,000 Beninese children were trafficked into Abeokuta, Ogun State, and forced to work in the granite mines.

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

The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and pay. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic to threaten victims with curses to

procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, Libya, and Morocco.

Child trafficking increased in the southeast states of Abia, Ebonyi, and Enugu, specifically the selling of babies through illegal and unregistered hospitals and maternity homes. Many young girls, upon discovering they were pregnant, decided to enter these hospitals in order to make money from selling the baby. NAPTIP officials reported that the girls received 20-30,000 naira (approximately \$170-\$255) for selling the baby; the baby was then resold for 300-400,000 naira (\$2550-\$3400) in illegal and undocumented transactions. Reportedly babies were sometimes sold to legitimate couples who wanted a child, but also many babies were sold for use in rituals during which they were killed.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Prison terms range from 12 months to life, while fines range from 50,000-200,000 naira (approximately \$375 to \$1,500).

NAPTIP, a 585-employee agency nationwide with 109 investigators and 27 prosecutors dedicated to trafficking, bears primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also had antitrafficking units.

On August 20, the federal government passed the National Plan of Action (NPA) on Trafficking In Persons that was presented initially to former President Obasanjo in 2006. The NPA is a broad framework of action that covers research, prevention, prosecution, and protection and requires coordination between government, law enforcement agencies, the legislature, NGOs. Despite the passage of the NPA, implementation had not begun by year's end as the government continued to devote inadequate resources to curb trafficking. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and recordkeeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events. On September 4, NAPTIP, in association with the American Bar Association – Rule of Law Initiative, commissioned the Trafficking in Persons database, Very Small Aperture Terminal (VSAT) and solar power project. The database connected all NAPTIP zonal offices via VSAT with a solar-powered server, providing 24 hour access and operational capacity, despite frequent power outages. The database was established to allow law enforcement and civil society across the country to collect and collate data in an effective and efficient manner to better track both criminals and victims, enhancing both prosecution and protection.

Preliminary data indicated that during the year NAPTIP investigated 149 new cases, prosecuted 37 new cases, and obtained 20 convictions. At year's end there were 66 cases pending. Observers attributed the low conviction rate to witnesses' reluctance to testify and the slow progress of cases through the courts.

The NPF Antitrafficking Task Force was established in 2005 and staffed 22 units in states with the worst trafficking problems. Officials complained of insufficient funding to support investigative field work.

The government increased collaboration on investigations with law enforcement agencies in the Netherlands, France, Spain, Italy, and Benin. Officials attended international workshops on trafficking, and the government collaborated with Benin to arrest traffickers and repatriate trafficking victims. In August 2007 UNICEF and NAPTIP held a border coordination forum along the Nigeria-Benin border to discuss crossborder trafficking issues. During the year officials from NAPTIP conducted digital video conferences with Ghanaian officials and civil society members to instruct them on how Ghana's newly formed antitrafficking task force could best combat trafficking and create an agency similar to NAPTIP.

On September 10, NAPTIP announced the arrest of 60 Nigerians in eight European

countries for human trafficking. In coordination with international agencies, NAPTIP had co-organized Operation Koovis, which was carried out in Belgium, France, Spain, Italy, Ireland, Germany, the Netherlands, and Britain, where the offenders faced prosecution.

Reports continued from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking persons across the country's borders. NAPTIP provided training to police and customs officials on trafficking. The law provides punitive measures for officials who aid or abet trafficking; however, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges. In 2006 one police inspector was arrested in Abuja for releasing two trafficking suspects after receiving specific orders to hold them, but he was later released due to lack of evidence.

On November 12, the government passed the National Policy on Protection and Assistance to Trafficked Persons in Nigeria which focused on the protection and rehabilitation of victims; but continued to provide limited funding for assistance. NAPTIP served as the point of contact for immigration and police officials when victims were found; 867 victims passed through the agency during the year. NAPTIP provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP maintained a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received approximately 77 calls during the year. During the year the government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families.

The Ministry of Employment, Labor, and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. In 2006 the ministry used funding from the ILO International Program on the Elimination of Child Labor (IPEC) to repatriate 350 trafficked child laborers to their countries of origin; however, this funding was not available for subsequent years, and the ministry did not repatriate any child trafficking victims during the year. The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja, Benin City, Uyo, Enugu, Sokoto, and Kano. The Ministry of Women Affairs operated two shelters, one in Kano and another in Benin City.

The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the police officers worked together to provide assistance. NAPTIP organized "town hall" meetings with NGOs to bring together community and traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued efforts to protect victims. An Edo State NGO, Idia Renaissance, operated a youth resource center, funded by UNICEF and foreign organizations, which provided job-skills training and counseling to trafficking victims and other youths. The Society for the Empowerment of Young Persons, with support from the American Bar Association, provided vocational training and business mentoring support to trafficking victims in Edo State.

The stakeholder forum, established by NAPTIP in 2003 to conduct training of security and immigration officials and hold meetings with local government leaders to raise awareness of trafficking issues, was supposed to meet monthly in each state and quarterly in Abuja; however, involvement at the state level waned over the year. Two national forums were held in Abuja during the year, both with large attendance by law enforcement officials, ministerial and government representatives, NGO groups and diplomatic missions. NAPTIP officials met with several major traditional leaders to raise their awareness regarding trafficking and the antitrafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. On August 5-6, NAPTIP conducted the First Anti-Human Trafficking Awareness Week in Abuja to celebrate the fifth anniversary of the agency

and to launch the Red Card to Human Trafficking. The Red Card is an informational card for distribution that includes facts about trafficking and phone numbers for NAPTIP's zonal hotlines. Events consisted of press conferences, a charity walk, a two-day sensitization workshop, a benefit dinner, an awards dinner, and the launch of the Victims Trust Fund. The government continued implementing the ILO/IPEC West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in commercial agriculture, especially cocoa production.

State-level antitrafficking committees consisting of immigration officials, civil society organizations, law enforcement agents, and federal ministries existed in 26 states; but not all were active. These groups were charged with coordinating action in trafficking cases among their respective organizations. Several state governments continued significant prevention efforts during the year, including awareness campaigns among at-risk populations. NAPTIP's Public Enlightenment Unit conducted several awareness events throughout the country.

See also the State Department's [2008 Trafficking in Persons Report](#).

#### *Persons with Disabilities*

There are no laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. There are no laws requiring physical accessibility for person with disabilities.

Persons with disabilities faced social stigma, exploitation, and discrimination, and were often regarded by their own families as a source of shame. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Many indigent persons with disabilities begged on the streets.

The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist blind and otherwise physically incapacitated individuals to become self-supporting. Persons with disabilities established a growing number of self-help NGOs such as the Hope for the Blind Foundation in Zaria, the Kano Polio Victims Trust Association, the Joint National Association of Persons with Disabilities, and Comprehensive Empowerment of Nigerians with Disabilities.

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

The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group; however the three major groups – Hausa, Igbo, and Yoruba – jointly constituted approximately half the population. Ethnic discrimination was practiced widely by members of all ethnic groups and was evident in private-sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a low rate of intermarriage across major ethnic and regional lines. There was a long history of tension among some ethnic groups.

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. In particular the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum agencies and committees and within the 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. Traditional relationships continued to be used to impose pressure on individual government officials to favor their own ethnic groups for important positions and other patronage.

In 2006 HRW published a report on discrimination against nonindigenes. While all citizens have the right to live in any part of the country, state and local governments frequently discriminated against those whose ethnic group was not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country where their ethnic group originated but to which they had no personal ties. The government sometimes compelled nonindigenes to move by use of bulldozers, threats with clubs and torches, and discrimination in hiring and employment. When they were allowed to stay, these persons experienced discrimination including denial of scholarships and exclusion from employment in the civil service, police, and the military.

In Plateau State, the Hausa and Fulani, most of whom were Muslim and considered nonindigenes, claimed to face significant discrimination from the local government in scholarships and government representation.

Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups continued to express unhappiness regarding the economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area.

Religious differences often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.

Interethnic fighting in Warri, Delta State, continued to wane following a 2004 ceasefire.

Interethnic fighting elsewhere displaced thousands of persons. For example, on October 2, Ebonyi State Governor Martin Elechi announced the immediate relocation of the Ezza-Ezillo community to Egu-Echara, a nearby village, for no less than 90 days. The governor also declared a dusk to dawn curfew and asked for military assistance to restore normalcy after months of continued violence. The tensions began on May 10, when approximately 200 homes were razed due to a clash over control of the local market land. On November 27, ethno-religious fighting in Jos resulted in the killings of hundreds of persons and the displacement of thousands to makeshift camps, in which access to food, water, and other necessities was sporadic. Most of the displaced persons had vacated the camps and returned to their homes by year's end.

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

#### *Other Societal Abuses and Discrimination*

Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a law, adults convicted of engaging in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year. Because of widespread taboos against homosexuality, very few persons were openly homosexual.

On September 12, local newspapers *Nation*, *Vanguard*, *PM News* and the *Sunday Sun* published photos, names, and addresses of members of the House of Rainbow Metropolitan Community Church, a lesbian, gay, bisexual, and transgendered-friendly church in Lagos. Following publication, persons started harassing the 12 members. One woman was attacked by 11 men, while others were threatened, stoned, and beaten. No investigation was initiated by year's end.

There were repeated delays in the trial of 18 men arrested in August 2007 by Bauchi State police and charged with "addressing each other as women and dressing themselves as women," which is illegal under the Shari'a penal code. The men, all in their twenties, also were charged originally with sodomy, but the charges were later changed to "vagrancy" under the Bauchi State Islamic code. All 18 accused remained free on bail at year's end, but no developments occurred in their trial.

There was widespread discrimination against persons living with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons living with HIV/AIDS often lost their jobs or were denied health care services. Public education campaigns were implemented to reduce stigma and change perceptions of the disease.

In September the Bauchi State Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair up HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to say yes or no to a partner suggestion. By year's end more than 70 HIV positive couples were matched and married. UNAIDS voiced concern over the plan due to the increased risk of passing the virus on to any children born and the possibility of leaving the children orphaned.

## **6. Worker Rights**

### **a. The Right of Association**

The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Some of these restrictions were put in place to curb the practice of forming thousands of small unions with as few as three or four employees each.

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

According to figures provided by the Michael Imoudu National Institute for Labor Studies, eight million workers belonged to unions. Approximately 60 percent of formal sector workers belonged to a union. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employed most workers, was not organized. The agriculture sector is considered both formal and informal. Farmers that produced at subsistence level are mostly considered informal; while commercial farmers, particularly plantation owners, government extension workers, and mechanized farmers, are mostly considered formal, since they pay wages. There is no law that forbids the informal sector from organizing, but it is a difficult group to define into recognized sectors, and as a result not easy to organize. Most workers in the informal sector operate through thrift and cooperative societies, which help with daily savings and loans to meet business needs.

Trade union federations, now called "central labor organizations," must be registered formally by the government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union.

The law allows unions to conduct their activities without interference; however, the law also narrowly defines what union activity is legal.

The law limits the right to strike to matters pertaining to breach of contract or wages and conditions of work, thereby prohibiting strikes over matters of national economic policy; however, the ILO ruled that this policy is contrary to ILO conventions. The government chose not to enforce this provision of the law during the June 2007 strike over fuel prices and other national policy issues.

Workers outside the legally defined category of "essential" had the right to strike, although they were required to provide advance notice. A worker under a collective

bargaining agreement cannot participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the government. Workers can bring labor grievances to the judicial system for review; however, the courts did not ensure due process in the protection of workers' rights. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed under the law. Despite this restriction, workers successfully closed airports during the June 2007 national strike without punitive reaction from the government.

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

#### **b. The Right to Organize and Bargain Collectively**

The law provides for the right to both organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. However, collective bargaining in the private sector was restricted.

The Ministry of Labor is responsible for monitoring and addressing reported cases of antiunion discrimination, but in most cases workers' fears of negative repercussions prohibited them from reporting antiunion activities.

There were reported cases of Chinese employers failing to comply with labor laws pertaining to the protection of union organizing, especially in the construction sector.

Workers and employers in EPZs were subject to sections of the national labor laws pertaining to EPZs, which provided for a 10-year prohibition on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition the law allows the Nigerian Export Processing Zones Authority, which was created by the federal government to oversee management and operations of EPZs, to handle the resolution of disputes between employers and employees, instead of workers' organizations or unions.

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

Although the law prohibits forced or compulsory labor, including by children, there were reports that it occurred. Enforcement of the law was not effective in many parts of the country. During the year the government undertook training and sensitization programs in several regions to improve enforcement.

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

The Nigeria Labour Act sets a general minimum age for employment of 12 years. Young persons under age 14 may only be employed on a daily basis, and must receive the day's wages at the end of each work day, and be able to return each night to their parents' or guardian's residence, but these regulations do not apply to domestic service. The Act also provides exceptions for light work in agriculture and horticulture for work in which the employer is a family member.

For industries and work on vessels, where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific

conditions.

High numbers of children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children also worked in the agricultural sector and in mines. Boys were forced to work as bondage laborers on farms, in restaurants, small businesses and granite mines, street peddlers, and beggars; while girls were forced to work as domestic servants, street peddlers, and were exploited for commercial sex purposes. The 2005 UNICEF State of the World's Children report estimates that 39 percent of children aged five to 14 were involved in child labor (not necessarily exploitative) in the country. Similarly, a 2003 study conducted by the Nigerian National Bureau of Statistics in conjunction with the International Labor Organization (ILO) estimated as many as 15 million children were working in Nigeria, with as many as 40 percent of them at risk of being trafficked for forced labor. The same study estimated as many as two million children work more than 15 hours a day.

In addition to Nigerian children, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun State. In Abakaliki, Ebonyi State, children could be seen from the road hammering down large pieces of rocks, bundling them into bunches, and carrying them on their heads; but there were no official statistics on their country of origin.

The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems and had an inspections department responsible for enforcement of legal provisions relating to conditions of work and protection of workers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Complaints rarely were made by victims or their guardians due to intimidation and fear of losing their jobs. Labor inspections were mostly random, but occasionally occurred when there is 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. NAPTIP bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

The government's child labor policy focused on intervention, advocacy, sensitization, legislation, the withdrawal of children from potentially harmful labor situations, and rehabilitation and education for children following their withdrawal. The Ministry of Employment, Labor, and Productivity was responsible for enforcement of the law. During 2007 the ministry conducted 110 child labor inspections, 410 regular labor inspections, and four comprehensive inspections. In 2006 the ministry also trained approximately 120 labor inspection officers on child labor laws; trained 80 officers to perform inspections in high-risk activities in agriculture, mining, and the informal sector; and trained 20 officers to perform rapid assessment surveys in these critical sectors. As of year's end the exact amount of funding for continued training programs could not be confirmed; however, the ministry reported that 10 training and awareness raising programs and additional child labor staff were funded by the government during the year.

Public awareness of child labor increased, and the government demonstrated its commitment to addressing the problem throughout the year. The federal government passed the Child Rights Act in 2003; but it required state level ratification for full implementation. Four states passed the law during the year: Akwa Ibom, Benue, Osun, and Edo; bringing the total to 20 states plus the FCT. The following states previously ratified the Child Rights Act: Abia, Anambra, Bayelsa, Delta, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Oyo, Plateau, and Taraba. UNICEF continued work with stakeholders to ensure enforcement of the law in these states and advocate for passage in the others.

In an effort to keep them from and withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers.

Private and government initiatives to stem the incidence of child employment continued but were ineffective. The government continued to gradually implement the ILO/IPEC Sustainable Tree Crop Program (STCP) in the cocoa and other agricultural subsectors, a component of which was to sensitize farmers on hazardous child labor and child trafficking for labor exploitation issues. Akwa Ibom, Ondo, Cross River, and Abia states participated in the STCP during the year.

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

The law sets a minimum wage, which was reviewed infrequently by a tripartite committee which provides recommendations to the National Assembly. The national minimum wage did not provide a decent standard of living for a worker and family. The government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage. Some federal ministries, states, and private sector companies raised their monthly minimum wage for all employees to 9,000 naira (approximately \$71.42). However, there were complaints that the minimum wage was not being implemented in some states. Following the June national labor strike, the monthly minimum wage increased 15 percent to 8,625 naira (\$68.45) with a 13-month year as the law mandates and extra month's pay for the Christmas holiday. On June 28, the National Union of Teachers began a nationwide strike which lasted almost two months, closing schools and sending pupils home. The union called for a standardized national wage structure and an increase in salaries to a living wage. The government, through the Ministry of Labor and the Ministry of Education, refused to negotiate with the union, since teachers' wages are set at the state level. The Ministry of Employment, Labor, and Productivity is responsible for monitoring compliance with the minimum wage, which was strictly enforced for companies with more than 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it was capable of paying the minimum wage and then issued a ruling.

The law mandates a 40-hour workweek, two to four weeks' annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees. Labor leaders reported that the law can be interpreted as prohibiting some forms of excessive, compulsory overtime; however, workplace health and safety conditions were not properly monitored, and enforcement was irregular due to insufficient police and factory inspectors. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the inspectorate division of the Ministry of Employment, Labor, and Productivity inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety oversight at most enterprises, particularly construction sites and other nonfactory work locations. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, the law was not strictly enforced. The Factories Law provides for the protection of employees in hazardous situations, including the right to remove themselves from such situations; however, the law did not provide similar provisions for other workers.

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

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