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## Nigeria

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Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999 President Olusegun Obasanjo of the Peoples Democratic Party was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties, but most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. On May 5, 1999, the Abubakar Government signed into law a new Constitution based largely on the suspended 1979 Constitution; the new Constitution entered into effect on May 29, 1999. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). The SSS's profile continued to decline under the Obasanjo regime. Until the advent of the civilian administration in May 1999, special paramilitary anticrime squads called "Rapid Response Teams" operated in every state. Under Obasanjo the military personnel dispatched to these units returned to their barracks, but the units remained intact in most states, staffed by regular policemen and with a reduced role and a less menacing presence. The Obasanjo Government lessened its reliance on the army to quell internal disorder and the degree of civilian control over the Rapid Response Teams and the national police force improved during the course of the year. Despite these new controls, members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses.

The economy has declined for much of the last three decades. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the work force. The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Although the great bulk of economic activity is outside the formal sector, recorded gross domestic product per capita was \$250. Much of the nation's wealth continued to be concentrated in the hands of a tiny elite mostly through corruption and nontransparent government contracting practices. During the year, petroleum accounted for over 98 percent of the country's export revenues, most of the government's revenues, and almost all foreign investment. During the year the economy was static, with growth still impeded by grossly inadequate infrastructure, endemic corruption, and general economic mismanagement. The country's ports, roads, water, and power infrastructure are collapsing. Chronic fuel shortages which afflicted the country for several years continued to be a problem. Food production has not kept pace with population growth. An estimated two-thirds of the country's more than 120 million people live in poverty and are subject to malnutrition and disease. Since the end of military rule in 1999, the Government has made progress in liberalizing the exchange rate regime, reducing controls on the private sector, and increasing expenditures for key social sectors.

The Government's human rights record was poor; although there were some improvements in several areas during the year, serious problems remain. The national police, army, and security forces continued to commit extrajudicial killings and used excessive force to quell civil unrest and ethnic violence, although they did so less frequently than under previous military governments. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest of senior officials known for such practices. Shari'a courts sentenced persons to harsh punishments including caning and amputation. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. At different times in the year, the Government released several hundred prisoners in an attempt to ease prison congestion. In May 1999, the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which allowed prolonged arbitrary detention without charge; however, police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system was incapable of providing citizens with the right to a speedy, fair trial. The Government continued to infringe on citizens' privacy rights; however, there were no reports of members of the armed forces looting property, destroying buildings, or driving persons away from their homes. The Government generally respected freedom of speech and of the press; however, there were some exceptions. Security force beatings of journalists, government seizures of newspaper print runs, and harassment of newspaper printers, advertisers, and distributors continued to decline. The Government continued to relax its restrictions on the rights of freedom of association and assembly. The Government occasionally restricted freedom of movement.

The Government restricts freedom of religion in certain respects, and religious freedom deteriorated during the year due to the expansion of Shari'a law in several northern states. In June 1999, the Government established a governmental panel, the Human Rights Violations Investigation Panel (HRVIP), to review cases of human rights violations since 1966; in October the panel began public hearings.

Domestic violence against women remained widespread and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in various local ethnic and religious conflicts throughout the country. In February and May rioting between Muslim and Christian groups over the proposed expansion of Shari'a law resulted in the deaths of more than 1,500 persons. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. The police often could not protect citizens from interethnic, interreligious, communal, and criminal violence. The Government took steps to improve worker rights; however, some restrictions continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of forced prostitution and forced labor is a problem and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Political and Other Extrajudicial Killing

National police, army, and security forces committed extrajudicial killings and used excessive force to quell civil unrest under the Obasanjo Government, although they did so less frequently than under previous military regimes. The Government largely ceased using lethal force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. The state anticrime task forces remained the most egregious human rights offenders. Neither the task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo largely resisted pressure to call in military troops to quell domestic unrest, which reduced the risk that the armed forces would overreact or harass civilians. Instead, Obasanjo preferred to let the police deal with clashes between rival ethnic groups and only sent in military reinforcements when the police were unable to restore order; however, the President threatened to use military troops in various states to reinforce the police. In February and May, the military was deployed in Kaduna state to stem ethnic violence that arose following the proposed introduction of Shari'a law. Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region.

On May 5, a member of Lagos deputy governor's security detail allegedly killed a young woman when she obstructed the security detail as it was trying to clear traffic for a motorcade. Reports vary as to whether she was in a car or was a pedestrian. The security officer was charged with murder by a magistrate court. At year's end, the case had not been transferred to a court with jurisdiction over murder cases and a trial date had not been set.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas regions of Lagos, Kaduna and Abia states. Confrontations between increasingly militant "youths" (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. Reportedly 28 Delta youths were killed in such conflicts over protests or suspected vandalization near oil flow stations.

The use of excessive force to suppress protests was not confined to conflicts pertaining to oil company activities. For example, in March and April police conducted operations in Ogoniland, Rivers State, home of the Movement for the Survival of the Ogoni People (MOSOP), which resulted in the killing of several civilians, the destruction of a number of buildings, and the arrest of several Ogoni activists, including Ledum Mitee, the MOSOP leader. In June police killed two persons in Abuja and injured hundreds of persons who were involved in a 5-day petrol increase strike (see Section 6.a.). In July police killed one person while dispersing a strike by state workers outside of the Lagos State secretariat complex (see Section 6.a.). In July police in Lagos used tear gas to disperse a demonstration by striking public sector workers. One person died in the violence (see Section 6.a.). In August the police protecting President Obasanjo's motorcade killed a Nnamdi Azikiwe University student who was protesting the removal of Senate President Chuba Okadigbo (see Sections 2.a. and Section 3).

On many occasions during the year the Government authorized the use of deadly force to combat crime, and police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. For example, police used deadly force against suspected vandals near oil pipelines in the Niger Delta Region. In June the police killed at least five persons for suspected vandalization. Police were instructed by the Federal Government to use deadly force in conflicts in Lagos State with the Oodua Peoples Congress (OPC) vigilante group. By August police in Lagos reported

killing 509 armed robbers and injuring 113, during the course of making 3,166 arrests; not all of those killed were OPC members. No legal action was taken against these security officials by year's end.

Violence and lethal force at police roadblocks and checkpoints was reduced greatly during part of the year; however, some instances of such violence continued. Obasanjo's order in 1999 to reduce the number of checkpoints and roadblocks also applied to the National Drug Law Enforcement Agency (NDLEA), and resulted in a decrease in the use of violence and lethal force at NDLEA checkpoints and roadblocks. By year's end, the number of roadblocks and checkpoints at major intersections increased again as authorities sought to prevent criminal activity from reaching major cities (see Section 1.f.); however, the violence associated with roadblocks, as reported in the previous year, did not increase.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. The Civil Liberties Organization (CLO) (a credible human rights organization) filed a petition with the National Human Rights Commission and the Justice Pout Panel concerning the death of Godfrey Opuoru while in detention in 1999. Sunday Aghedo, the Lagos state police commissioner under whose command the death occurred was replaced by Mike Okiro on August 2, 1999. The case was referred to a magistrate rather than the High Court, and the case was pending at year's end.

In Anambra State, the state government supported the extrajudicial activities of the vigilante group known as the Bakassi Boys. Like most vigilante groups, the Bakassi Boys kill suspected criminals rather than turn them over to police; however, in some cases, the Bakassi Boys have chosen to cut off the hands or arms of perpetrators, rather than killing them outright. They also were accused of harassing and threatening political opponents of the state government.

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.).

In October the HRVIP began hearings into 150 cases of killings by members of the security forces (see Section 4).

The Government did not address the November 1999 leveling of Odi in Bayelsa State by federal troops. The Government did not hold accountable any of the soldiers involved in the destruction of the town and the killing of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Trials against Keniwer Imo Nnewigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiwei for the alleged murders of 12 policemen and 6 civilians that sparked the Odi incident, were ongoing at year's end. When the prosecution could not produce Odiwei for trial in October, the case was postponed to a later date.

The prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was adjourned repeatedly during the year; defense lawyers for each individual had filed numerous motions for adjournment in the Lagos High Court. The Government continued to investigate and detain former Abacha government officials and family members, including former Minister of the Interior Capital Territory Jerry Useni, former National Security Advisor Ismaila Gwarzo, Abacha's wife Maryam, Abacha's son Mohammed, and Colonel Ibrahim Yakassai, for the murder and attempted murders of other prominent prodemocracy activists in Lagos from 1996 to 1998. All of the cases were ongoing at year's end.

In 1999 the trial against former Army Chief of Staff Ishaya Bamaayi for the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru began. Hamza al-Mustapha, former Lagos Police Commissioner James Danbaba, and Colonel Yakubu, also were charged in the attempt on Ibru but their trials were pending at year's end. All of the defendants were being held at Kiri Kiri maximum-security prison at year's end.

Organized vigilante groups in large cities, particularly Lagos, Kano, and Onitsha, committed numerous killings of suspected criminals. These vigilante groups engage in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses. In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. In October an OPC demonstration against Libya's expulsion of several Nigerian citizens resulted in a number of injuries and the death of a guard at a foreign embassy. On October 14, clashes broke out between members of the OPC and police in Ilorin. The violence spread to Lagos over the following 2 days; however, the fighting in Lagos was between members of the mainly Yoruba OPC and members of the Hausa ethnic group and originated in a dispute over the capture and killing of alleged robbers of the Hausa ethnic group by members of the OPC. The rioting resulted in the deaths of over 100 persons, the destruction of buildings in Lagos and the outlawing of the OPC by the Government. In some southern states, such as Anambra, vigilante groups like the Bakassi Boys are supported and paid by the state government.

There also were numerous reports of street mobs apprehending and killing suspected criminals. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

During the year, there was an upsurge in lethal interethnic and intraethnic violence throughout the country (see Section 5). In February and May, rioting between Muslim and Christian groups over the proposed extension of Shari'a in Kaduna caused the deaths of more than 1,500 persons and massive property destruction (see Section 2.c.). Over 500 persons, predominantly of the Hausas ethnic group, were killed in reprisal violence that took place in Abia, Imo, and other eastern states. Religious and ethnic violence resulted in deaths in other communities as well (see Section 2.c.). For example, one person was killed and one Christian church was

destroyed in Sokoto when "area boys" (neighborhood criminals) took advantage of the absence of police—who were managing a pro-Shari'a student demonstration elsewhere in the city—to attack and loot the church and its rectory in the predominantly Christian part of town. In Damboa, Borno, one person was killed and five churches were burned in a dispute concerning the location of a Christian church in a predominantly Muslim neighborhood. In May the discovery of a corpse sparked riots by Christians in the Narayi neighborhood in Kaduna; at least 500 persons were killed. A National Assembly member, Ibrahim Abdullahi, was burned alive in his car during the rioting.

Clashes between the Ife and the Modakeke ethnic groups caused the deaths of as many as 50 persons and much property destruction in Osun State (see Section 5).

In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states (see Section 5).

A clash between rival groups for the throne of the Owo in Ondo state cost the lives of at least five persons and the destruction of a number of homes and businesses (see Section 5).

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances by government security forces during the past year; however, the OPC charged that the police were responsible for the disappearance of at least two of its members in January (see Section 1.a.).

Members of minority ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees throughout the year to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. Minority youth groups took as many as 250 persons hostage during the year. In all instances the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

In addition to the political rationale for kidnaping, there were numerous instances of strictly criminal kidnaping, in which the perpetrators' sole objective was ransom for the release of the victims. Some kidnapings appear to have been part of longstanding ethnic disputes. For example, in July a group of youths boarded a boat of traders from Okuagbe in Delta State and took all of the passengers captive. The attack was believed to be part of a dispute between the Ijaw and Urhobo ethnic groups. During the year, kidnapings by criminals to extort money were more numerous than those perpetrated for "political" reasons. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnapings were routinely left uninvestigated.

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

The Constitution prohibits torture and mistreatment of prisoners, and the law provides for punishment for such abuses; however, although there were no reports of torture of political dissidents during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. Detainees often were kept incommunicado for long periods of time. The 1960 Evidence Act prohibits the introduction into trials of evidence obtained through torture.

The extension of Shari'a law in many northern states generated a public debate on whether Shari'a punishments such as amputation for theft, caning for fornication and public drunkenness constituted "torture or... inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment is available under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law and has not been successfully challenged in the court system as a violation of the cruel and inhuman punishment clause of the 1999 Constitution. In March in Zamfara state, Malam Buba Jangebi's hand was amputated after he was convicted of cattle rustling in a Shari'a court. Jangebi chose not to appeal his sentence. In September a Sokoto Shari'a court handed down a sentence of amputation for a thief; the sentence had not been carried out by year's end. The first sentence handed down by Zamfara's Shari'a courts was for caning for a pregnant unwed mother and her boyfriend; both had confessed to fornication. In September Bariya Ibrahim Magazu, a 17-year old-girl, was sentenced to 100 lashes for engaging in fornication and 80 additional lashes for naming in court but not being able to prove who the possible father of the unborn child was. Magazu's sentence was suspended until 3 months after the birth of her child and at year's end had not been carried out. In August two motorcycle taxi drivers were caned for carrying Muslim female passengers in violation of the law in Zamfara State (see Section 5). A non-Muslim was pulled from a motorcycle in Zamfara State for breaking the new rule requiring separate transportation for women.

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 3.c), hundreds of persons were beaten and injured severely. Police and security forces failed to respond to many criminal acts in a timely manner and were unable to protect Christians and Muslims caught in sectarian unrest in Kaduna, Kano, Lagos, and Abia states. For example, during the Kaduna riots of late February (see Section 2.c.), Kaduna residents at the Baptist Theological Seminary called upon police for protection from the roaming mobs that were firebombing their buildings. The police told the seminarians that they would have to protect themselves because they were too busy to respond to further calls; five persons were killed in the seminary's compound during the 2 days of rioting that followed. Mosques and Muslim adherents also were attacked during

the rioting but were denied police protection despite pleas for assistance to the authorities. Order was restored only after the military was brought in to quell the disturbances.

No action was taken against army personnel responsible for rapes and other abuses in Delta, Bayelsa and Rivers states as reported in 1999.

After the November 1999 release of Jerry Needam, Editor of the Ogoni Star newspaper, the Government representatives failed to appear in court for any hearings relating to his case. Police reportedly beat Needam, forced him to sign a confession, and did not allow him access to medical treatment during his detention in 1999.

In June police killed two persons and injured hundreds of others during a 5-day petrol strike (see Section 1.a.).

In August police reported killing 509 persons and injuring 113 in pursuit of robbers in Lagos state (see Section 1.a.).

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths in detention of numerous prisoners. A reputable human rights organization estimated in 1999 that at least one inmate died per day in the Kiri Kiri prison in Lagos alone. According to the same nongovernmental organization (NGO), dead inmates promptly are buried in mass graves on the prison compounds, usually without their families having been notified. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of poor (if not nonexistent) record keeping by prison officials. A number of NGO's alleged that prison conditions were worse in rural areas than in urban districts.

In practice women and juveniles are held with males, especially in rural areas. The extent of abuse in these conditions is unknown.

The Government acknowledged the problem of overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons (and 83 satellite prisons) with a maximum designed capacity of 33,348 prisoners. Some human rights groups estimate a higher number of inmates--perhaps as many as 47,000. The Controller-General of prisons estimated that two-thirds of prisoners are detainees awaiting trial who have not been charged (see Section 1.d.) and further admitted that the number of such inmates increased by 83 percent in the first half of the year. In May the Yobe state Attorney-General and Commissioner for Justice, Alhaji Audu Mohammed Lawson, announced publicly that 287 inmates were awaiting trial and that at least 2 prisons, in Gashua and Potiskum, were at full capacity. Local officials blamed the lack of functioning police transport vehicles for the overcrowding since the state had no other means to transport prisoners to court securely.

Several times during the year, authorities attempted to ease congestion in some smaller prisons. For example, in honor of the Eid-El-Kabir holiday in March, the Governor of Kano State released 159 prisoners, 52 of whom were pretrial detainees held without charge. Those released also were provided with travel funds to return to their homes.

In September President Obasanjo directed the Ministry of Justice to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation.

Throughout the year, the Government allowed both international and domestic NGO's occasional access to prisons; however, it did not allow them continuous access to all prisons. Prisoners Rehabilitation and Welfare Action and the International Committee of the Red Cross (ICRC) have regular access to the prisons and publish newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International report difficulties at the local level in gaining access to prisons and jails to do rehabilitation programs.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government rarely observed these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution (based on those of the 1979 Constitution), police may arrest and detain persons for 24 hours before charging them with an offense. The law

requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. There was no functioning system of bail, so many suspects were held in investigative detention. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attend court proceedings, an additional payment is demanded by police.

The Committee for the Defense of Human Rights reports that 302 OPC members were arrested in January following clashes with the police in Lagos. Of those detainees, 95 were released during the year. The remaining detainees were not been able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

In March and April, police operations on Ogoniland, Rivers State resulted in the killing of several civilians, the destruction of buildings, and the arrest of several Ogoni activists (see Section 1.a.).

In May, alleged perpetrators of rioting between Christians and Muslims in Kaduna state were detained, but eventually were released without standing trial (see Section 5).

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected (see Section 1.c.). Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). Estimates of the percentage of pretrial detainees held without charge in the prison population range from 33 to 65 percent of the estimated 44-47,000 detainees (see Section 1.c.). Many prisons held 200 to 300 percent more persons than they were designed to hold, and many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Police cited their inability to securely transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be in the vicinity of a crime when it is committed normally are held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police and members of the NDLEA continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less often than under the Abacha regime (see Section 1.f.). There were reports that Imo state prison officials work with some pretrial detainees to blackmail those who knowingly or unknowingly purchased stolen goods from the detainees. These persons, usually prominent individuals residing in larger cities such as Abuja and Lagos, are remanded to Imo state custody and told that they will be prosecuted also for the transfer of stolen goods; however, if they pay a bribe, they are released as is the pretrial detainee who colluded with the prison officials.

On a number of occasions security forces beat and detained journalists (see Section 2.a.).

Students in general are no longer singled out for arrest because of political activities; however, on October 1, police arrested two student leaders, Philip Suaib and Olusegun Oluwole, of the National Association of Nigerian Students (NANS) for disrupting Independence Day activities. The students claim that they were only passing out pamphlets critical of the Government's education policy. The two students were released from custody the following day without formal charge. Many students have been detained for allegedly taking part in cult or criminal activities on university campuses.

On March 23, police in Gombe arrested 19 reportedly peaceful persons for unlawful assembly (see Section 2.c.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities.

No information on political detainees emerged during the year.

In July 1999 Abacha's presidential security officer who is widely believed to have orchestrated killings, torture, and hundreds of extrajudicial detentions brought suit against the Federal Government because he was detained without being charged with a crime (see Section 1.a.). The suit later was dropped. Samaila Gwarzo, the national security advisor to Abacha, was placed under house arrest for 18 months without any charges being brought.

The 1999 Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. For example, all suspects arrested following the February



violence in Kaduna were released allegedly on orders from the Government (see Section 2.c.). Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes.

Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the federal capital territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts have begun to function in nine northern states and have carried out at least one sentence of amputation (see Section 1.c.). The proposed expansion of Shari'a law in Kaduna and other states led to widespread rioting and violence.

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting.

Some courts are understaffed. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due in no small part to their inadequate compensation. For example, a Grand Khadi (judge) in the Sokoto state Shari'a court system was asked to resign because he had contracted to obtain new law books, which duplicated books already donated and in the court's possession, allegedly for personal gain.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims is usually accorded less weight in Shari'a courts (see Section 5).

There were no reports of political prisoners.

The Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Auta Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the 2 year old appeal to clear the names of Saro-wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

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

The Constitution prohibits arbitrary interference with privacy, family, home, or correspondence; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less frequently than under previous military regimes. There were calls by human rights groups for the police to end the practice.

Unlike in previous years, there were no reports of members of the armed forces looting property, destroying buildings, and driving persons away from their homes.

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto states, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks), and in health facilities, the segregation by gender of school children, and bans on the selling of alcohol (see Section 2.c.).

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately was criticized by the media as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press." Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and a violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council. The penalties for practicing without meeting the Council's standards were a fine of \$2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of \$1,000 (100,000 naira). The Nigerian Press Council continued after Obasanjo's inauguration, and in 1999 former Minister of Information Dapo Sarumi expressed the view of the new civilian Government that the council would continue to operate, and said, "It is in line with journalists' demands." The council had not yet begun operating at year's end; however, it remained on the books in principle, and many journalists believe that the existence of such a decree is a significant limitation on freedom of the press.

During the year there were a few cases of threats against and attacks on the press. In January police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

In March 50 armed policemen entered the International Press Center (IPC) in Ogba, Lagos and arrested 4 journalists who they held for 5 hours and then released without charge. The police subsequently claimed that the attack was not directed at journalists but was to find members of a militant faction of the OPC, who had engaged in battles with the police (see Sections 1.a., 1.c. and 1.d.). The police claimed that they were acting on information that militant members of the OPC were planning to address a press conference at the center.

In March members of the NPF seized most of the print run of the March 4 edition of the Kaduna-based newspaper Today as well as its Hausa language affiliate newspaper, Ayaqu, and sealed off their offices. The police justified their action on the grounds that the publications carried headlines that could have engendered violence in the Shari'a dispute (see Section 2.c.).

On April 4, an armed detachment of SSS sealed off for several hours the premises of Leaders and Company, the publishers of This Day newspaper in order to search the grounds for what the Government described as "subversive and incriminating documents" and to arrest the editor-in-chief, Nduka Obaigbena. Obaigbena was not on the premises at the time and was not arrested. The charges against him were dropped 1 week later, but Obaigbena was told to cease investigations of Obasanjo's national security adviser, Aliyu Gusau (see Section 1.d.). In August police and security agents again sealed off the premises of This Day newspaper and ordered the staff to leave the premises.

State governments also have threatened and detained journalists who have criticized their policies. According to the country's Media Rights Agenda, since May 1999 there were nine cases of arrests and detentions of journalists and vendors; state security personnel were the perpetrators in all of these incidents. In March Ebonyi state police detained two journalists with the Ebonyi Times, Emmanuel Okike-ogah and Ogbonaya Okorie, for publishing what the State Government described as "seditious articles in an unregistered newspaper." The articles claimed that the governor of Ebonyi State had bribed state legislators into approving a list of commissioners. Also in March, police in Aba, Abia state, arrested and detained Ademola Adegbamigbe of The News magazine, and a professional photographer who Adegbamigbe had hired to assist him, while covering the civil violence following the introduction of Shari'a law in the north (see Section 2.c.). On March 2 in Kaduna state, police raided the offices of the Nigerian Tribune in Ibadan after the publication of an article on Islamic law, and Zamfara state seized copies of the Nigerian Tribune, the Guardian, and Vanguard after they published articles critical on Shari'a law (see Section 2.c.).

In January Abuja FCT police accompanied Yusuf Mamman, an Alliance for Democracy (AD) faction leader, to the AD headquarters in Abuja to prevent a rival faction leader, Adamu Song, from holding a press conference. Police attempted to seize the videocamera of an Africa Independence Television cameraman and the digital camera of a This Day newspaperman. Mamman asked police to arrest Song for "invading" AD offices; however, they failed to do so following the press conference. Police routinely are involved in political disputes under the guise of breach of the peace or assault. Nothing was ever done about the potentially improper use of the police in this case.

There are two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be poorly produced, have limited circulation, and



require large state subsidies to continue operating. Several private newspapers and magazines have begun publication since the inauguration of the civilian government. Five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication at year's end.

Because newspapers and television are relatively expensive and literacy is not universal, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. Fifty-one state radio stations broadcast in English and local languages. For many years, the Government prohibited nationwide private radio broadcasting, but the Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. There were six private radio stations operating at the beginning of the year. Several of these stations continue to struggle with financial difficulties, including Raypower FM, which ceased operations in September. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 were still awaiting NBC approval at year's end.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The 1993 Press Law requires local television stations to limit programming from other countries to 40 percent. The 1993 Press Law also restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television. The Government did not restrict Internet access, although unreliable and costly digital telephone service limited access and hindered service providers. All Internet service providers were privately owned.

In October 1999, the NBC, in cooperation with the Information Ministry, revoked the licenses of 20 private radio and television broadcasters for nonpayment of license fees. The Director General of NBC cited Decree 38 of 1992, which mandates the commission to revoke a license where the prescribed fee was not paid on the due date. Several major domestic broadcasters as well as affiliates of international broadcasters such as Voice of America and the British Broadcasting Corporation were among those affected. They were reported to owe a total of \$745,000 (70 million naira). All 20 of the broadcasters paid the delinquent fees and continued broadcasting.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Journalists and editors of state media reportedly no longer fear suspension for their editorial decisions, although some self-censorship lingered. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to stress the extent to which their states are in political accord with the Government.

Since the May 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

Throughout the Abacha regime there was no academic freedom for students or academic staff; however, under Obasanjo's government, concrete steps have been taken to address the problems in the education sector and to restore academic freedom. In May 1999, Obasanjo approved the establishment of four new private universities, but the quality of secondary education continued to deteriorate. However, student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in harassment and arrest by police forces and in one incident, the killing of a student (see Sections 1.a. and 1.d.). For example, in October protests during the country's Independence Day celebrations resulted in the arrests of 2 students in Lagos (see Section 1.d.).

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

The 1999 Constitution provides citizens with the right to assemble freely; and the Government generally respected this right, although some limits remained.

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country. For example, the Kogi state government banned open air preaching and public processions beginning on March 2, but it did so in consultation with a number of religious and traditional groups, and local governments. Also in March, the Kaduna state government banned processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the establishment of Shari'a law in February (see Sections 1.a. and 2.c.).

In late February, the Enugu police halted in mid-session a conference on the history of Biafra that was attended by many eastern-based ethnic groups, including those of Igbo, Ibibio, Oron, and Ikot Ebere ethnicity due to concerns that the conference could fuel to existing ethnic violence. On March 1, the Assistant Commissioner of

Police, Francis Ihechere, was quoted in the Guardian newspaper as stating that the Government had prohibited gatherings of more than four persons. In March Gombe state announced that it had prosecuted and convicted 19 people for unlawful assembly during the Shari'a crisis. The police claimed that the assembly would lead to a breach of the peace and that they were protecting other citizen's constitutional rights to peace and security. The defendants were sentenced to either 6 months' imprisonment or a \$10 (1,000 naira) fine. On September 3, the Lagos police denied a permit to the Committee of Concerned Citizens (CCC), a southern-based interest group comprised primarily of Christian elder statesmen, who wished to hold a 2-day workshop on the adoption of Shari'a law. Police claimed that they knew of plans to disrupt the meeting and were denying the permit to protect the committee and prospective workshop attendees.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. In July Lagos state police used tear gas to disperse a demonstration by striking public sector workers. One person died from the violence (see Section 6.a.). On April 13, Lagos State police prevented approximately 1,000 members of the Movement for the Actualization of Sovereign State of Biafra from staging a rally and raising the Biafran flag.

### c. Freedom of Religion

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in practice in certain respects. The status of respect for religious freedom deteriorated during the year due to the implementation of an expanded version of Shari'a law in several northern states, which challenged constitutional protections for religious freedom and sparked interreligious violence.

The Constitution prohibits state and local governments from adopting an official religion; however, it also provides that states may elect to use Islamic (Shari'a) customary law and courts. About half of the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religion or no religion. Since independence, the jurisdiction of Shari'a courts has been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims and non-Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters. Several Christians have alleged that, with the adoption of an expanded Shari'a law in several states and the continued use of state funds to fund the construction of mosques, teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj), Islam has been adopted as the de facto state religion of several northern states. However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority explicitly favor the majority faith. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. Many states allow the teaching of Koranic or Biblical knowledge in primary and secondary schools; however, in almost all states with religious minorities, there are reports that students are forced to take classes that violate their religious principles. Islam is a mandatory part of the curriculum in public schools in Zamfara and other northern states, to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. In practice the dominant religion of the state is taught in the school, and students cannot use these other mechanisms. There are reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access Koranic teaching in the public schools.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts. Christians in the northern, predominantly Muslim part of the country accused local government officials of attempting to use zoning regulations to stop or slow the establishment of non-Muslim, usually Christian, churches. Typically, a small section of a city was unofficially segregated for non-Muslims to build their places of worship. In several cases, citizens in these enclaves reported that they were discriminated against by not receiving police protection or waste removal services.

Purdah continued in parts of the country leading to continued restrictions on the freedom of movement of women (see Section 5).

In October 1999, the governor of Zamfara state signed into law two bills aimed at instituting Islamic Shari'a law in his state. Implementation of the law began on January 22. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. Following Zamfara's lead, several northern states began to implement varying forms of expanded Shari'a; by year's end 9 states had adopted variations of Shari'a law - Sokoto, Niger, Kano, Kebbi, Jigawa, Yobe, Zamfara, Katsina, and Kaduna states. Previously, Shari'a law had been practiced in the north in the areas of personal law, only if both litigants agreed to settle their disputes in Shari'a courts. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence.

As the result of nationwide violence in February and March related to the expansion of Shari'a laws (see Section 5), several northern state governments banned open air preaching and public religious processions. The Kogi state government enacted such a ban on March 1, and the Kaduna State government followed shortly thereafter, enacting a ban on all forms of "processions, rallies, demonstrations, and meetings in public places."

On March 23, Gombe state officials arrested 19 reportedly peaceful persons for "unlawful assembly capable of causing a breach of peace in the state." Such bans were viewed as necessary public safety measures after the death of approximately 1,500 persons. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country.

On February 29, in response to the nationwide violence (see Section 5), President Obasanjo convened a meeting of the Nigerian Council of State, a consultative body consisting of the President and Vice President, all past heads of state and past chief justices, all governors, the Attorney General, and the President of the Senate and Speaker of the House. The result of the meeting was an agreement that northern governors would halt initiatives to expand Shari'a laws and return to the northern Nigerian Penal Code; however, a few states continued to expand their Shari'a laws. Niger state declared that it would expand Shari'a laws on the same day as the Council of State meeting, and the amputation of the cow thief's right hand in Zamfara state occurred on March 23 (see Section 1.c.).

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara state, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks) and bans on the selling of alcohol. Niger State also enforced a ban on selling alcohol. However, the federal Government has disregarded the ban on alcohol sales in military installations. All Muslims were subjected to the new Shari'a provisions in the states that enacted them, which, according to many legal scholars, constitute an abridgement of their freedom of religion and conscience. The implementation of Shari'a law has been challenged constitutionally. For example, in May an international human rights nongovernmental organization (NGO), Huri-Laws, took the Zamfara state government to court, challenging the constitutionality of Zamfara's expanded Shari'a penal code. The case was ongoing at year's end. No other cases had reached the Supreme Court. In the meantime, Shari'a courts have begun to execute sentences of amputation, at least in Zamfara state (see Section 1.c.).

In September, Lagos police denied the CCC a permit to hold a workshop on the adoption of Shari'a law (see Section 2.b.).

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of religious (Christian) literature. The Right Reverend Samson Bala, First Bishop of Zamfara, Gusau diocese, said that the state radio station had "closed its doors to Christians." Commercials and paid advertisements containing Christian literature are not accepted, he said, and only Islamic religious programs are aired.

Following violence in relation to the expansion of Shari'a laws in Kaduna in February, several northern state governments banned any type of proselytizing, in spite of the fact that it is permitted by the Constitution. Missionaries reported that law enforcement officials harassed them when they proselytized outside of majority Christian neighborhoods. Proselytizing did not appear to be restricted in the southern part of the country.

The Federal Government continued to settle property claims by Muslim Brotherhood leader Ibrahim El-Zakzaky for compensation for his home and mosque, which were razed by law enforcement in 1997. All 96 of the Muslim Brotherhood followers jailed under the previous regime were released during the year.

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

The Constitution entitles citizens to move freely throughout the country and reside where they wish, and in general, the Government respected this right; however, police occasionally restricted this right by setting up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Sections 1.a. and 1.c.). For example, the Governor of Niger State allegedly instructed state police on March 1 to install roadblocks to prevent southerners from returning to their homes. The southerners, particularly Igbo traders, were attempting to return home because they feared violent reprisals in response to the deaths of Hausas in Aba and Owerri (see Section 1.a.).

Clashes between the Ife and Modakeke ethnic groups resulted in a dusk-to-dawn curfew following the deaths of as many as 50 persons (see Sections 1.a. and 5). In June youths set up roadblocks outside of the Osun state town of Ife and killed passengers who were not members of the same ethnic group (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law; however, the law also provides that women are required to obtain permission from a male family member before having an application for a passport processed. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5).

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country as did many economic refugees. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed international airport. These persons, all of whom were opponents of the Abacha regime, were identified in immigration computer systems as individuals to be questioned by immigration or security officers. For example, Dr. Oluwa Kamalu, deputy president of MOSOP, reported that the SSS seized his passport on July 25. Dr. Kamalu was planning a trip to Ghana to attend a visa interview at a foreign embassy.

During periods of civil unrest, numerous persons were displaced temporarily from their villages. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in February and in May. A large number of Muslim families left the city of Onitsha due to continued ethnic and religious tension in nearby Aba, Abia State. Hundreds of persons voluntarily left other states throughout the country in anticipation of violent reprisals following interfaith and interethnic clashes in Kaduna and Onitsha (see Section 2.c.). Typically, only the head of household returned to areas of unrest after authorities regained control. Most returnees remained apprehensive about continuing to work in these areas and returned only to finish business contracts or to sell their homes in order to arrange a more organized departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however the federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.).

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee established under Decree 52 of 1989, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Government also resettled in the country 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

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

In 1998 and 1999 citizens had the opportunity to exercise their right to change their government. General Abdulsalami Abubakar oversaw a transition to civilian rule that included elections for local governments (in December 1998), state governors and assemblies (in January 1999), and national legislators and the president (in February 1999). Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former President Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the votes.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election where, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and a handful of north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. INEC issued a report on the conduct of the election in July 1999 that documented the fraud. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office on May 29, 1999. The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their involvement in corrupt activities in the 1999 election.

The Constitution outlaws the seizure of the government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. In November 1999, Senate President Evan Enwerem was removed after another credentials scandal. His replacement, Chuba Okadigbo, was removed in August after an internal Senate investigation on contracting procedures resulted in his indictment. Several other public officials were subjected to close scrutiny by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the new government acted independently during the Administration's first year in office. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took the screening of government ministers, ambassadorial appointments, budget review, and other executive initiatives seriously and amended the Government's budget request, anticorruption commission bill, and various personnel procedures. They also rejected several ministerial and ambassadorial appointments. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see

Section 4). However, the judicial branch remained weakened by years of neglect and politicization.

Abubakar's military Government, which consulted with a selected group of constitutional and legal experts around the country to revise the 1979 and 1995 Constitutions, promulgated the 1999 Constitution on May 5, 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue allocation and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted and there were continued calls for a national conference, mainly from the southwest.

Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states. In anticipation of the 2003 election INEC began preparing a draft electoral law for the National Assembly to consider in the next legislative session. Public forums were held during the year in all 36 states and the federal capital territory of Abuja to solicit citizens' views on the draft law. Over 10,000 citizens participated in these public fora; however, the draft law was not subject to much public debate outside of this exercise. The new law is designed to specify the requirements of party formation and registration.

Women are underrepresented in government and politics, although there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena. NGO's continued to protest the underrepresentation of women in the political process, and women were underrepresented in the new civilian government. Only 6 women were appointed as ministers out of a total of 56 positions. There were 3 women among the Senate's 109 members, and only 12 women were elected to the 360-member House of Representatives. Women's rights groups pushed local, state, and the Federal Government (and local levels as well) to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to insure representation of every group in the Government. The federal- and state-level ministers generally are selected to represent the country's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive Government. The 56-member Cabinet and 109 ambassadorial slots were allocated to an equal number of candidates from each state to achieve a regional balance. Despite this effort, northerners and southeasterners criticized the Government for favoring westerners or ethnic Yorubas, while the southwesterners criticized the Government for relying too heavily on northern and southeastern appointments.

Middle-belt and Christian officers dominate the military hierarchy. In June 1999, Obasanjo retired all military officers who held political office, which meant that a disproportionate number of northern Hausa officers—who dominated the upper ranks under the previous military regimes—left the service.

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

The Government permitted local human rights groups to operate and did not interfere with their activities; nor did it detain, intimidate, or harass their members. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy. In June President Obasanjo, along with a number of cabinet members and National Assembly members, met with a number of prominent human rights representatives for discussions.

The Catholic Secretariat, a local sectarian interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations at year's end.

The International Committee of the Red Cross (ICRC) is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health.

The National Human Rights Commission (NHRC) was established by Decree 22 in 1995 and tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's, and was moving slowly toward establishing its credibility as an independent monitoring body. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC is represented in some states by state-level affiliates. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002, and was in the process of developing a national action plan to be deposited with the UNCHR.

The HRVIP, commonly known as the Oputa panel, is a one-time panel that was established in June 1999 by President Obasanjo to investigate human rights abuses dating to 1966 and the time of the first military coup. The Oputa panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel will hear individual cases to establish patterns of abuses. The most common cases involved allegations of unlawful arrest,



detention, and torture. The panel will also hear cases in which the rights of groups were violated. On October 23, the commission began a series of public hearings across the country to investigate the claims of over 10,000 petitioners.

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

The 1999 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

### Women

Reports of spousal abuse are common, especially those of wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continue to be problems. Prostitution is rampant, particularly in urban areas. A number of states, including most northern states which have begun the enforcement of Shari'a law, have begun to enforce existing laws or to introduce new laws to combat prostitution. Katsina, Jigawa, and Edo states have recently criminalized prostitution but it is not illegal in Lagos State; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes (See Section 6.c). The adoption of Shari'a-based legal systems by northern states has led to the strong enforcement of laws against prostitution for both adults and children (see Section 2.c.). Southern states, like Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18. There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.). In some parts of the country, women continue to be harassed for social and religious reasons. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment; however women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress, both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws take virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required to shave their heads and dress in black garments. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Polygyny continues to be practiced widely among all ethnic groups and among Christians as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in Shari'a courts. If one woman testifies, a second woman must also to provide testimony to equal the weight of the testimony of one man.

A number of states--Zamfara, Niger, Katsina, Jigawa, Sokoto, Kano, and Yobe--have adopted Islamic (Shari'a) law in varying degrees. In Zamfara state, local governments are instituting laws that will require the separation of Muslim men and women in transportation, health care, and primary educational services (see Section 2.c.). Separate transportation and health facilities for men and women already had begun to be implemented. A woman was pulled from a motorcycle and injured by vigilantes for breaking the new rule requiring separate transportation for women in a local government area of Zamfara State. The woman was not a Muslim. In September an unmarried 17-year-old woman was sentenced to 180 lashes for fornication and false testimony (see Section 1.c.).

A national network of women's rights NGO's described the Government's 1998 report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the period 1986-94 as "inaccurate" in its positive portrayal of the status of women. The NGO Coalition for a Shadow Report on



the Implementation of CEDAW (NGO CEDAW Coalition) issued its alternative report in March 1999, which was critical of the Government's failure to remove legal impediments and social discrimination faced by women. During the year, there reportedly was not much progress made to rectify the problems described in the NGO report.

#### Children

Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution's general provisions call for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment to compulsory education, compulsory primary education rarely was provided, particularly in the north (see Section 6.d.). Girls are discriminated against in access to education for social and economic reasons. The literacy rate for males is 58 percent but only 41 percent for females. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools. In the south, economic hardship also restricts many families' ability to send girls to school and, instead, they are directed into commercial activities such as trading and street vending. While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government only occasionally criticized child abuse and neglect, and it made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income. Young girls often are forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecency" associated with premarital sex.

A number of states have adopted Islamic (Shari'a) law in varying degrees. While most schools in the north traditionally have separated children by gender, it is now required by law in Zamfara, Sokoto, and Kebbi state schools (see Section 2.c.).

There was evidence of trafficking in children (see Section 6.f.).

The Government publicly opposes Female Genital Mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. There are no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. Edo State banned FGM in October. Ogun, Cross River, Osun, Rivers, and Bayelsa states banned FGM during the year. However, the punishments imposed are minimal, in Edo state the punishment is a \$10.00 (1,000 Naira) fine and 6 months imprisonment. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Centre for Peace and Development (WOPED) estimated that at least 50 percent of women are mutilated. Studies conducted by the U.N. Development Systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from Northern states are less likely to be mutilated; however, those affected are more likely to undergo the severe type of FGM known as infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless, most observers agree that the number of females who are currently subjected to FGM is declining.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

#### People with Disabilities

While the Government called for private business to institute policies that ensured fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of the disabled to work.

#### Religious Minorities

The law prohibits religious discrimination; however private businesses frequently are guilty of informal religious discrimination in their hiring practices and purchasing patterns.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is overwhelmingly Muslim as are the large Hausa and Fulani ethnic groups of the region. Many southern ethnic groups are predominantly Christian. Consequently, at times it is difficult to distinguish religious discrimination and tension from ethnic and regional discrimination and tension, which are pervasive. Religious tensions underscored what were predominantly ethnic confrontations throughout the year.

When Kaduna state announced plans to implement Shari'a law, the large Christian minority in the state protested on February 21, leading to several days of violent confrontations. Estimates of the number of persons killed range from 1,000 to 1,500; many churches and mosques were burned. Many Christians in the north, fearing continued violence, returned to their historic homelands in the southeast.

On February 28, when the bodies of the victims from the Kaduna violence were returned home to the southeast, reciprocal violence erupted in Aba, Abia state, and, to a lesser extent, in the neighboring towns of Owerri, Imo state, and Onitsha, Anambra state. This violence was characterized by attacks on the minority Muslim Hausas by the majority Igbos. Estimates of the number of persons killed range from 400 to 500. Many of the Hausas were victimized due to their ethnic identity rather than their religious beliefs.

In addition to the violence related to the expansion of Shari'a law in Kaduna, Aba, Owerri, and Onitsha, there was civil unrest on March 7 in Sokoto following a pro-Shari'a rally by university students. Although there were no confirmed deaths, at least one church was burned and two others were vandalized. Local Christians sought refuge in military barracks, but they returned to their homes once calm was restored.

On March 27, at least one person was killed and several were injured in Borno State when a long-festering argument over the location of a church escalated into violence between Muslims and Christians. The church was burned down.

On May 22 and 23, rioting erupted in Nayari, Kaduna state after Christian residents found the body of a person whom they believed to have been a Christian killed by Muslims. Christians retaliated against Muslims and almost completely destroyed all Muslim residences and businesses, causing most Muslim residents to flee. Press reports indicated that as many as 200 persons were killed, although this total could not be confirmed. The exact cause of the outbreak remains unclear, although some observers believe that the violence was organized and preplanned by Kaduna Christians in order to prevent Muslims from returning to the neighborhood to rebuild their community following the violence related to the expansion of Shari'a laws in February (see Section 2.c.). Some alleged perpetrators were detained, but eventually were released without standing trial.

In September Christians attacked Muslims in the Bambam community in southern Gombe State. The attackers, protesting against the arrival of the state's Shari'a committee, killed 18 persons and burned a number of buildings including places of worship for both Muslims and Christians, businesses, and at least 20 residences.

Sporadic incidents of attacks on individual religious leaders were reported, but the nature and perpetrators of the attacks varied (see Section 2.c.).

#### National/Racial/Ethnic Minorities

The country's population of about 120 million is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The three largest ethnic groups, the Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast, together make up about two-thirds of the population. The Ijaw of the South Delta area, the fourth largest group, claim a population of 12 million, roughly the same as the Kanuri population in the far northeast and Tiv population in the south. Because of the lack of reliable statistics, it is difficult to determine the populations of the various ethnic groups.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution 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 in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. The Government of Olusegun Obasanjo was an example of this diversity. Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance key positions and deputy positions among the different regions and ethnic groups. For example, the Minister of Defense is from one of the middle-belt states, while his deputy is a southwestern Yoruba. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. The ethnic groups of the Niger Delta, in particular, continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Obasanjo Government of favoring southerners. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity is widely

practiced by members of all ethnic groups and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Sections 1.a. and 2.c.).

Clashes between the Ife and the Modakeke ethnic groups, both composed of Yoruba speakers and located in Osun state, increased from March to May, prompting a dusk-to-dawn curfew following the deaths of as many as 50 persons and much property destruction. Youths from both sides reportedly stopped vehicles at roadblocks to determine the ethnic status of passengers and shot those not of the same ethnic background. In the east, over 150 persons were killed in border disputes between Cross River and Akwa Ibom states. A clash between rival groups for the throne of the Owo in Ondo state resulted in the deaths of at least five persons and the destruction of a number of homes and businesses, resulting in another dusk to dawn curfew. In all of these inter-religious and interethnic clashes, the police were accused of favoring sides based on their own religious or ethnic identity.

The competing aspirations and tensions among the smaller ethnic groups related to the control and powers of subnational governments occasionally erupted into violence. Clashes occurred between rival ethnic groups in Delta, Rivers, Benue, Cross River, Bayelsa, Osun, Kaduna, Nassarawa, and Taraba states, often resulting in fatalities (see Section 1.a.).

There were unconfirmed reports that members of the armed forces beat and raped members of ethnic minorities (see Section 1.c.).

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom states, have echoed the Ogoni ethnic group's claims of environmental degradation and government indifference to their development in the Delta. Groups such as the Ijaw, Itsekiri, Urhobo, and Isoko continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces increased in the delta area, particularly after the Ijaw Youth Council issued the Kaiama Declaration in December 1998 (see Section 1.a.). Other ethnic groups saw the Kaiama Declaration, which terms the entire Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the delta region (see Section 1.b.). In August Ijaw youth took 250 persons hostage in a Mallard Bay facility during a protest for more contracting jobs. As a result of this ongoing violence, many oil companies continued to employ local police, and in some cases military troops, to protect their facilities and personnel. Local youths claimed that these "militias" engaged in extrajudicial killings and other human rights abuses, in some cases with the support of foreign oil companies (see Section 1.a.).

In late October, the Niger Delta Development Commission (NDDC), an entity proposed in 1999 to increase government resources committed to the area and grant more local autonomy over expenditure of these resources, began operations. The 19 members of the commission come from both oil producing and non-producing states, ostensibly to provide a balanced representation of interests. The National Assembly must authorize a separate budgetary appropriation in order for the NDDC to begin the bulk of its work. The commissioners are scheduled to begin consultations in the Delta region in early 2001.

The Government continued its investigation into all contracts previously awarded under the auspices of the Oil and Minerals Producing Areas Development Commission. This commission, established in 1992 during the regime of General Ibrahim Babangida, widely was regarded as corrupt and ineffective in improving the conditions of Niger Delta residents.

In February the Enugu police halted a conference on the history of Biafra (see Section 2.b.)

## Section 6. Worker Rights

### a. The Right of Association

The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect despite repeals of parts of the military-era antilabor decrees. Only a single central labor federation (the Nigerian Labour Congress) is permitted, and the Government recognizes only 29 trade unions. Trade unions must be registered formally by the Federal Government, and a minimum of 50 workers is required to form a trade union. Nonmanagement senior staff are prevented from joining trade unions, and senior staff associations are denied a seat on the National Labor Advisory Council. The ILO Committee of Experts has repeatedly cited several of these restrictions; however, the Government had not addressed these problems by year's end.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers include members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export-processing zone may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the Nigerian Labour Congress, total union membership is approximately 4 million. Less than 10 percent of the total work force belongs to unions. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not unionized. The informal sector and small and medium enterprises remain mostly nonunionized.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers—primarily blue-collar workers—are organized into 29 industrial unions with a membership of approximately 4 million persons and are affiliated with the NLC. Twenty-one unions make up the Senior Staff Consultative Association of Nigeria (SESCAN), which has a membership of approximately 400,000 to 600,000. SESCOAN—which is composed primarily of white-collar workers—has not been officially sanctioned by the Government, is prohibited from affiliating with the NLC, and is not seated on the National Labor Advisory Council. In 1999 SESCOAN continued, without success to lay the legal and political groundwork to achieve government recognition, which will require legislation.

In August the Government decertified the maritime workers union on the grounds that the union had not scheduled internal elections in accordance with its charter's requirement. In September the Government issued directives requiring maritime workers to register with specific contracting firms. As a result this historically powerful union was weakened; however, it continued to challenge the Government's action during the year.

Workers have the right to strike; however, certain essential workers are required to provide advance notice of a strike. Essential services include banking, postal services, transportation, firefighting, public health, and utilities.

There were several strikes throughout the year. The most important strike occurred in June, following a government decision to increase fuel prices by 50 percent. The NLC called a general strike that was widely observed, resulting in significant economic disruption. Following negotiations, the fuel price increase largely was eliminated. The strike action damaged relations between the NLC and the Government (see Section 2.b.). The oil worker unions National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (Pengassan) successfully went on strike in September over wages in order to force oil marketing companies to negotiate. The oil workers' wage demands were triggered in part by the Government's announcement of public sector salary increases in May. The oil worker unions also called wildcat strikes over issues including the firing of one company's tanker truck drivers who sought to affiliate with NUPENG, and, the raiding of a NUPENG office during civil unrest in the Delta. Academic and teacher unions went on strike several times during the year over nonpayment of wages and poor working conditions, as did doctors in Ibadan.

In July Lagos public sector workers went on strike to protest the state government's refusal to pay a higher minimum wage. On July 5, the protests turned violent when police used tear gas to disperse workers demonstrating outside of the Lagos State Secretariat complex. One person reportedly died in the violence, although the reason for the death was unclear. A compromise package offered by the state was accepted by the workers; however, the local union leadership continued to press for more pay at year's end.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel (IAP) with prior approval of the Labor Ministry. The IAP's decisions are binding on all parties but may be appealed to the Nigerian Industrial Court (NIC). Union representatives have described the arbitration process as cumbersome and time consuming, and as an ineffective deterrent to retribution against strikers.

The NLC and labor unions are free to affiliate with international bodies; however, prior approval from the Minister is required. The NLC has affiliated with the Organization of African Trade Unions.

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

The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurs throughout the public sector and the organized private sector. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation and conciliation. The Labor Minister may refer unresolved disputes to the IAP and the NIC (see Section 6.a.). Union officials have questioned the independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders also have criticized the arbitration system's dependence on the Labor Minister's referrals. The previous Labor Minister made no referrals to the IAP. The IAP and NIC were active during the year, following the Government's appointment of new members to these bodies. The Ministry referred to the IAP and NIC a high-profile case involving the wages of Lagos state workers. Those bodies decided in favor of the employer.

Under the law, a worker under a collective bargaining agreement may not participate in a strike unless his representative has complied with the requirements of the Trade Disputes Act, which include provisions for mandatory mediation and for referring the labor dispute to the Government. The Act allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The Act also forbids any employer from granting a general wage increase to its workers without prior approval by the Government. However, in practice the Act does not appear to be enforced effectively; strikes, including in the public sector, are widespread (see Section 1.a.) and private sector wage increases generally are not submitted to the Government for prior approval. The Government retains broad authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives.

In 1999 the Government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the national minimum wage (see Section 6.e.). The Government's decision was taken without consultation with the civil service unions. Several state governments have argued

that they are unable to pay the approximately \$65 (6,500 naira) monthly minimum wage to their employees (see Section 6.e.). An important case involving Lagos state, the largest public sector employer outside the Federal Government, was dismissed as unready for adjudication by the NIC. Other states are pursuing pay concessions, layoffs, the elimination of "ghost" workers, or a combination of all three actions to meet the new wage scale.

An export-processing zone (EPZ) remains under development in Calabar, Cross River State, while a second EPZ is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a 10-year amnesty on trade unions in EPZ's from the startup of an enterprise. The ILO has commented that this prohibition and a 10-year prohibition on strikes and lockouts is incompatible with Convention 87 (on freedom of association and protection of the right to organize). The 1992 Export Processing Zones Decree has been criticized by the ILO for not allowing any unauthorized person to enter any EPZ.

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

The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor; however, trafficking in women and children for purposes of forced prostitution and forced labor is a problem (see Sections 5 and 6.f.). In addition, forced labor has been used in "Environmental Saturday" community clean-up projects that continued until Obasanjo abolished them in July 1999. "Environmental Saturday" was observed the last Saturday of every month in Lagos and was purportedly a community-based clean-up effort. However, uniformed "sanitation police" had the power (and regularly exercised it) to invade citizens' homes and force them to clean the areas surrounding their homes until the police deemed them clean. Widespread harassment of citizens by police was reported on "Environmental Saturdays."

Although employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work, the Government does not specifically prohibit forced and bonded labor by children. There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries where children are imported to work as domestic servants (see Sections 5 and 6.f.). The reports suggest that Nigerian children are exported to other African countries for domestic and agricultural work, and that children from neighboring countries are imported to work as domestic servants.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The 1974 Labor Decree prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age 13 under specific conditions.

Primary education is compulsory until grade 6, although this requirement rarely is enforced. Studies indicate declining school enrollment due to continuing deterioration of public schools and to increased economic pressures on families. The lack of sufficient primary school infrastructure and high school fees has ended some families' access to education, forcing them to place children in the labor market. Growing economic difficulties have led to a substantial increase in the use of children in commercial activities aimed at enhancing family incomes which tend to be meager. The ILO estimates that upward of 12 million children ages 10-14 (25 percent of all children) are employed in some capacity. The use of children as beggars, hawkers, and bus conductors is widespread in urban areas. The use of children as domestic servants is common. According to an ILO statement in 1998, the incidence of trafficking in children for forced prostitution also is growing (see Sections 5, 6.c., and 6.f.).

Private and government initiatives to stem the growing incidence of child employment continue but have not been effective. UNICEF operated a program in Kaduna that sought to remove young girls from the streets where they hawked petty goods and relocate them to an informal educational setting. UNICEF reported that despite the narrow focus on young girls, the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August a formal agreement establishing the program was signed by the ILO and the Labor Ministry; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry.

The Labor Ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country, and the Ministry conducts inspections only in the formal business sector where the incidence of child labor is not significant.

The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws; however, there continue to be cases of trafficking in children as indentured servants or for criminal activities such as prostitution (see Sections 5, 6.c and 6.f.).

#### e. Acceptable Conditions of Work

The 1974 Labor Decree set a minimum wage, which is reviewed on an ad hoc basis. In April the minimum wage was reviewed and increased, along with the public sector wage scale.

In May the minimum wage increased to \$75 (7,500 naira) per month for federal workers and \$55 to \$65 (5000 to 6500 naira) per month for state employees. Private employers in the formal sector track the public sector wage scale. Along with the many allowances that are paid, this boost in the minimum wage appears sufficient to support a decent standard of living. However, many government agencies were slow to pay the new wage scale, and all federal salaries were frozen for 3 months during the summer, pending a census of government employees. "Ghost workers" (who appear on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. As in 1998, the Government decided to increase federal salaries without adequate consultations with state governments, whose employees demanded similar wages; as a result, several state governments maintained that they could not afford to pay this wage. The issue of the minimum wage caused several labor disruptions throughout the year, and remains unresolved in several states.

The 1974 Labor Decree called for a 40-hour workweek, prescribed 2 to 4 weeks annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The Decree also stated that employees who work on Sundays and statutory public holidays must be paid a full day's pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

The 1974 Labor Decree sets out general health and safety provisions, some of which are aimed specifically at young or female workers. While it requires that the factory inspectorate of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, this agency is greatly understaffed, lacks basic resources and training, and consequently neglects safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Decree also requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been largely ineffective in identifying violators. The Government has failed to act on various ILO recommendations since 1991 to update its moribund program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

#### f. Trafficking in Persons

No law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children to Europe. The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe reported a steady flow of women entrapped and sold into prostitution in Europe, particularly the Netherlands, Italy, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported similar numbers. Nigerian Interpol claimed that women usually entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, Human Rights Watch recently reported that according to women's rights organizations, hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution in order to pay off debts. In addition, there is evidence that Nigerian crime syndicates may use indebtedness, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into sex work from attempting to escape. The police reported that the women's families often condoned their entry into the trade. In 1999 there was at least one documented case of the trafficking in children to work as indentured servants in the United States.

The ILO reported that, based on a nationwide survey of child trafficking, approximately 19 percent of school children and 40 percent of street children have been trafficked for forced labor. The economic strategies that underlie child trafficking may be reflected in the fact that families who employ them also pay their school fees. Child traffickers also take advantage of a cultural tradition of "fostering" under which it is culturally accepted to send one's child to live and work with a family in an urban center for educational and employment purposes. Often the children in these situations only work and do not get any formal education. They are forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income (see Section 5).

According to reports from the media and the ILO, there is an active trade in child laborers, some of whom are exported to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises, others of whom are coerced into prostitution. Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross River and Akwa Ibom have been the focus of trafficking of children for labor and, in some cases, human sacrifice. The country remains a destination point for the trafficking of Togolese children to serve as domestic or agricultural workers.

The Government is investigating allegations of the collusion of customs officials in trafficking. Some of the returnees have alleged that immigration officials actively connive with syndicates; however, there were no arrests of immigration officials for trafficking offenses during the year. The Assistant Inspector General of Police is investigating allegations of the collusion of customs officials in trafficking.

There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Western Europe. Police attempts to stem the trafficking of persons include extended jail sentences and public humiliation; however, such actions focused primarily on victims. Traffickers were not punished. Awareness campaigns, often conducted by NGO's and others, only recently have begun to generate widespread attention. For example, in September the Edo state governor and his wife, who heads a local NGO known as the Idia Renaissance, used the passage of new legislation banning prostitution and related activities to raise awareness of the trafficking problem. Also in September, President Obasanjo's wife assisted a Catholic charity in distributing new passports to sex workers stranded in Italy. However, there are no reliable statistics to determine if these campaigns were effective in reducing incidences of trafficking. The development of a reliable



statistical base for assessing the child trafficking problem began under ILO auspices.

[End.]

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