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COUNTRY OF ORIGIN INFORMATION REPORT

# NIGERIA

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9 JULY 2010

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## Preface

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- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 8 June 2010. The 'Latest News' section contains further brief information on events and reports accessed up to 30 June 2010. The report was issued on 9 July 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the

material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

#### **Country of Origin Information Service**

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**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

### **INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION**

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI

material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## Latest News

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## EVENTS IN NIGERIA FROM 8 JUNE TO 30 JUNE 2010

- 30 June      This Day reported that the special adviser to the President on the Niger Delta stated that “the training programme for repentant Niger Delta militants, which commenced yesterday would be concluded in six months...[The special adviser said] ‘In the next six months and in batches of 2,000, over 20,000 ex-militants will be admitted to camp for the initial demobilization and rehabilitation process and after then, we go into reintegration activities that involve getting into vocational training centres, skill centres and those who want to go further their education will go for further education. I am happy that kidnappings have been eradicated in the hitherto troubled region. Development underscores the importance of the amnesty programme.’.. The ex-militants, who cut across the South-South states on arrival however complained about the poor facilities at the NYSC Camp which is about 160 kilometres from Calabar.”  
This Day – ‘Alaibe: Training for Ex-militants to Last Six Months’, 30 June 2010  
<http://www.thisdayonline.com/nview.php?id=177087>  
Date accessed 1 July 2010
- 15 June      *BBC News Online* noted about the Niger Delta region in Nigeria that “Environmentalists call the Delta the global capital of oil pollution...In the Niger Delta, there is little independent monitoring of spills, and the companies themselves disclose virtually no data about their own pollution...The oil industry is accused of a sharp double standard in its operations - of taking advantage of Nigeria's lack of environment law and weak regulation, while observing higher standards of safety and maintenance overseas...Oil workers and oil contractors are regularly kidnapped for ransom. Heavily armed militants blow up pipelines, stealing oil in a process known as ‘bunkering’. Shell says most of the spills are caused by sabotage, and therefore beyond their control. It is impossible to verify.”  
BBC News Online – ‘Nigeria: ‘World Oil Pollution Capital’’, 15 June 2010  
[http://news.bbc.co.uk/1/hi/world/us\\_and\\_canada/10313107.stm](http://news.bbc.co.uk/1/hi/world/us_and_canada/10313107.stm)  
Date accessed 21 June 2010
- 9 June      UNICEF reported that Nigeria was one of six African countries to sign the N'Djamena Declaration. “The N'Djamena declaration is a binding document that outlines the commitments to and reinforce international standards for the protection of children, notably the Optional Protocol to the CRC [Convention on the Rights of the Child] on the Involvement of Children in Armed Conflict (OPAC), the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and the Paris Commitments (and Paris Principles and Guidelines) on the Recruitment and Use of Children by Armed Forces and Armed Groups.” Nigeria has signed but not yet ratified the OPAC.  
UNICEF Press Centre – ‘Six central African countries reassure commitment towards children in the sub-region by signing the N'Djamena Declaration’, 9 June 2010  
[http://www.unicef.org/media/media\\_53916.html](http://www.unicef.org/media/media_53916.html)  
Date accessed 17 June 2010

## USEFUL SOURCES FOR FURTHER INFORMATION

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

Afrol News <http://www.afrol.com/countries/nigeria>

All Africa <http://allafrica.com/nigeria/>

BBC News Africa <http://news.bbc.co.uk/1/hi/world/africa/default.stm>

Inter Press News Service Agency - West Africa [http://ipsnews.net/africa/w\\_africa.asp](http://ipsnews.net/africa/w_africa.asp)

IRIN <http://www.irinnews.org/IRIN-Africa.aspx>

Reuters AlertNet Africa <http://www.alertnet.org/thefacts/countryprofiles/africa.htm>

UNHCRrefworld[http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=NGA&x=9&y=9)

[bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=NGA&x=9&y=9](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=NGA&x=9&y=9)

## REPORTS ON NIGERIA PUBLISHED AFTER 8 JUNE 2010

US State Department Trafficking in Persons Report 2010, released 14 June 2010

<http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>

**Date accessed 16 June 2010**

UN Committee on the Rights of the Child (CRC)

Fiftyfourth session, Concluding observations: Nigeria, 11 June 2010

<http://www2.ohchr.org/tbru/crc/CRC-C-NGA-CO-3-4.pdf>

**Date accessed 17 June 2010**

International Trade Union Confederation

Annual Survey of Violations of Trade Union Rights 2010, Nigeria, published 9 June 2010

<http://survey.ituc-csi.org/+-Nigeria-+.html>

**Date accessed 17 June 2010**

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## Background information

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## 1. GEOGRAPHY

- 1.01 Nigeria is in West Africa and is bordered by Benin to the west, Niger to the north, Cameroon to the east and, to the south, the Atlantic Ocean. (Foreign and Commonwealth Office (FCO) Country Profile, 13th February 2008) [2b]
- 1.02 The US State Department (USSD) *Background Note on Nigeria*, last updated 10 May 2010, stated that:
- “... the capital is Abuja. Other [major] cities include Lagos, Kano, Ibadan, Benin City, Port Harcourt, Maiduguri, Zaria ... Although less than 25 per cent of Nigerians are urban dwellers, at least 24 cities have a population of more than 100,000 ... Principal ports are at Lagos (Apapa and Tin Can Island), Port Harcourt and Calabar ... Four of Nigeria’s airports-Lagos, Kano, Port Harcourt and Abuja-currently receive international flights. There are several domestic private Nigerian air carriers, and air service among Nigeria’s cities is generally dependable.” [3c]
- 1.03 The Central Intelligence Agency (CIA) *World Factbook*, last updated June 2010, estimated the total population at 152,217,341. The country “... is composed of more than 250 ethnic groups; the following being the most populous and politically influential: Hausa and Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%.” In terms of religion followed in the country, the percentage split is Muslim 50%, Christian 40% and indigenous beliefs 10%.” [52]
- 1.04 Ethnologue, *Languages of Nigeria*, accessed 24 May 2010, recorded the national or official languages of the country as “Edo, Efik, Adamawa Fulfulde, Hausa, Idoma, Igbo, Central Kanuri, Yoruba, English.” [84]
- 1.05 The Library of Congress *Country Profile of Nigeria* of July 2008 noted that:
- “Nigeria is divided administratively into the Federal Capital Territory (Abuja) and 36 states, which are organized into the following six zones: South-West Zone – Lagos, Ekiti, Ogun, Ondo, Oshun and Oyo; South-South Zone – Akwa, Bayelsa, Cross River, Delta, Edo, Ibom, and Rivers; South-East Zone – Abia, Anambra, Ebonyi, Enugu, and Imo; North-West Zone – Kaduna, Kano, Katsina, Jigawa, Kebbi, Sokoto, and Zamfara; North-Central Zone – Benue, Kogi, Kwara, Nassarawa, Niger, and Plateau; and North-East Zone – Adamawa, Bauchi, Bornue, Gomber, Taraba, and Yobe.” [58]

See [Freedom of religion](#) and [ethnic groups](#)

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[Go to list of sources](#)

## MAP

1.06



<http://www.un.org/Depts/Cartographic/map/profile/nigeria.pdf> [80]

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## 2. ECONOMY

2.01 The Economist Intelligence Unit (EIU) 2009 *Country Profile* stated:

“Economic activity has ... been hampered by decaying infrastructure, energy shortages and low consumer incomes, all of which contribute to low-capacity utilisation in non-oil industries. Furthermore, much of the informal sector is not recorded in official statistics. Given the low employment capacity of much of Nigeria’s formal sector and government plans to rationalise the bloated public sector, activity in the informal sector is a vital means of support for people in a country lacking state social security benefits.” [10c]

2.02 The Economist Intelligence Unit (EIU) *Country Report* of March 2010 stated that:

“Official data for 2009 show that Nigeria weathered the storm of global economic recession much better than was initially expected. Estimates of real GDP growth in 2009 vary, but it was almost certainly above 5%...Oil companies currently operating in Nigeria have clearly benefited from the relative calm in the Delta since August 2009, when the government announced its amnesty offer. Nigeria’s oil output (excluding condensate) rose from 1.68m barrels/day (b/d) in July to 2.01m b/d at the end of the year ...Structural problems such as the country’s dire infrastructure and widespread corruption will continue to restrict economic prospects.” [10d]

2.03 The CIA *World Factbook*, updated June 2010, also noted a GDP growth rate of “5% (2009 est.)”, an inflation rate of “11.5% (2009 est.)” and industries of “crude oil, coal, tin, columbite; palm oil, peanuts, cotton, rubber, wood; hides and skins, textiles, cement and other construction materials, food products, footwear, chemicals, fertilizer, printing, ceramics, steel, small commercial ship construction and repair.” [52]

2.04 A national minimum wage, which is patchily implemented, is set at 8,630 naira (approximately \$57) per month. (US State Department 2009 *Country Report on Human Rights Practices*, published 11 March 2010) [3a] (section 7e)

2.05 Oanda.com recorded an exchange rate at 29 May 2010 of 217.022 Nigerian Naira to £1 and 149.452 Naira to 1 US Dollar. [62]

See [Corruption](#)

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### 3. HISTORY

#### 1914 - Present

- 3.01 The Foreign and Commonwealth Office (FCO) *Nigeria Country Profile*, updated 13 February 2008 stated:

“Nigeria was a British colonial creation. It came into being in January 1914 with the amalgamation of the Colony of Lagos, the Southern Protectorate and the Northern Protectorate ...Nigeria was granted its independence on 1 October 1960, originally with Dominion status. In 1963, Nigeria broke its direct links with the British Crown, and became a Republic within the Commonwealth. [2b]

- 3.02 Freedom House in its *Freedom in the World* Report 2009, Nigeria, published 16 July 2009, recorded:

“The military has ruled Nigeria for much of its history since independence from Britain ... Beginning with the first military coup in 1966, generals and their backers argued that they were the only ones who could keep a lid on simmering tensions among the country’s 250 ethnic groups, as well as between religious communities; the north is largely Muslim, while the south is mainly Christian. Ethnic and regional tensions led to the attempted secession of Nigeria’s oil-rich southeast as the Republic of Biafra in 1967, which touched off a bloody three year civil war and devastating famine.

“Nigeria appeared to be emerging from several years of military rule under General Ibrahim Babangida in 1993, when a presidential election was held. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but the military annulled the results. A puppet civilian administration governed briefly until General Sani Abacha, a principal architect of previous coups, took power in November 1993. Abacha dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was arrested in June 1994 after declaring himself Nigeria’s rightful president. He died in detention, having suffered from a lack of medical care, just five weeks after Abacha himself died suddenly in June 1998.

“The departure of the two most significant figures on Nigeria’s political landscape opened possibilities for democratic change. General Abdulsalami Abubakar, the army chief of staff, emerged as the PRC’s consensus choice to be the country’s next leader, and he promised to oversee a transition to civilian rule in 1999. Olusegun Obasanjo – a former general who had led a military regime from 1976 to 1979 and spent three years in prison under Abacha – won the February 1999 presidential poll on the ticket of the People’s Democratic Party (PDP). The PDP also won the most seats in both the Senate and the House of Representatives in legislative elections ...The PDP swept state elections held on April 14, 2007, amid eyewitness reports of massive vote rigging and fraud, winning 28 out of 36 governorships. Presidential and legislative elections on April 21 were marred by chaos in voting centers, deadly violence in the Niger Delta region, and an attempted truck bombing

aimed at the electoral commission headquarters. At least 200 people were killed in election-related violence during the two polls, with victims including police and several candidates. International and local election monitors were scathingly critical of the vote, and opposition parties refused to accept the results, which gave Yar'Adua 70 percent of the presidential ballots." [30]

- 3.03 The executive summary of Jane's Sentinel Country Risk Assessment for Nigeria, updated 20 May 2010, stated:

"From late 2009, uncertainty grew following Yar'Adua's extended absence from the country for medical treatment. Rising political tensions and internal pressure for a constitutional settlement subsequently led to vice-president Goodluck Jonathan being appointed acting president in the interim, and he was later sworn in as head of state as per the constitution following Yar'Adua's death in May 2010. With elections due in 2011, the months ahead are likely to see increasing political jockeying in the battle for succession, in which an implied rotating north-south presidential system will likely remain a key issue." [42]

- 3.04 The CIA *World Factbook*, updated June 2010, recorded that "the government continues to face the daunting task of reforming a petrol-based economy, whose revenues have been squandered through corruption and mismanagement, and institutionalizing democracy. In addition, Nigeria continues to experience longstanding ethnic and religious tensions." [52]

For further information on the history of the country please refer to [http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1064557.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1064557.stm);  
[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1067695.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1067695.stm);  
<http://www.fco.gov.uk/en/about-the-fco/country-profiles/sub-saharan-africa/nigeria?profile=history&pg=3>;  
<http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf>;  
<http://www.state.gov/r/pa/ei/bgn/2836.htm>

See [Political System](#)

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## 4. RECENT DEVELOPMENTS (DECEMBER 2009 TO MAY 2010)

This section covers the period December 2009 to May 2010 and provides a selection of incidents as reported by a number of sources. The section is organised thematically and then, where appropriate, geographically. Information within each subsection is ordered chronologically, from the oldest to most recent events.

### VIOLENCE IN BAUCHI

- 4.01 A BBC News article of 29 December 2009, 'Police in deadly clash with sect in Bauchi', recorded:

"At least 38 people have died in clashes between security forces and members of a religious sect in the northern Nigerian state of Bauchi. The dead were mainly from a group calling itself Kala Kato. Two soldiers and a policeman were also killed. The fighting came after local people told authorities they were alarmed by open-air preaching by sect members. Such preaching was banned in the state after an uprising by another sect, Boko Haram, earlier this year. Hundreds of people were killed in the subsequent fighting across northern Nigeria." [8s]

- 4.02 The same BBC article continued:

"... Kala Kato is a non-conformist Muslim sect made up of poor tradesmen, labourers and other working people. Some residents in Zango, just south of the city of Bauchi, have said that in recent days the mood of their preaching had become aggressive. The violence there began on Sunday morning. After some initial shooting the security forces retreated, before returning in greater numbers. Members of the group had armed themselves with machetes and cutlasses, and appeared ready to fight armed police and soldiers ... A spokesman for the Bauchi state governor said the local military had been deployed, though other accounts spoke of a feared police unit, the Special Anti-Robbery Squad. The Associated Press news agency cited [a] Bauchi state official...as saying sect members had gone on the rampage to demand the release of their leader. The sect leader had been arrested in connection with the killings of several Boko Haram members." [8s]

### SECTARIAN CLASHES IN JOS, PLATEAU STATE

- 4.03 The *Annual Report* of the US Commission on International Religious Freedom 2010: Nigeria (USCIRF 2010 report), published 29 April 2010, observed: "... in January and March 2010, the city of Jos and several surrounding villages in Plateau State experienced horrific sectarian clashes with close to 1,000 people killed. Religion became a driving force in the violence, although it is unclear whether religion was the precipitating or a proxy issue to the violence." [60]

- 4.04 The same USCIRF 2010 report provided detail of the violence in January 2010:

"In January 2010, more than 300 people were killed and thousands displaced in sectarian violence in Jos. Many of those killed reportedly were from the

predominantly Muslim Hausa-Fulani community, with the attackers coming from the predominantly Christian Berom tribe. Although many Christian representatives contest this account, most Muslim representatives the USCIRF [US Commission on International Religious Freedom] delegation met with in March 2010 believe it to be true. This difference in perception is part of the dynamic that exists between the communities and cannot be ignored.

“The violence reportedly was sparked by the re-building of a home owned by a Muslim Hausa-Fulani resident of Jos. Simmering communal tensions from previous violence in the area and the lack of accountability for perpetrators also were contributing factors. The federal government reportedly arraigned approximately 200 people and transported them to Abuja for their involvement in the violence. However, federal-state jurisdictional disputes appear to be hampering prosecutions. At the time of writing, there was no clear resolution to these jurisdictional issues indicating when or by whom those arrested will be prosecuted.” [60]

4.05 The USCIRF 2010 report described events in March 2010:

“In March 2010, in a so-called ricochet attack against the Christian Berom villages of Dogo-Nahawa, Zot, and Rassat, approximately 500 people were killed, including many women and children, and thousands displaced. According to a March 2010 *New York Times* interview with detained perpetrators, as well as USCIRF's interlocutors in Abuja in March 2010, the perpetrators were from the predominantly Muslim Hausa-Fulani community and were carrying out reprisal attacks for the January 2010 violence. Several hundred people had been killed by the time the Nigerian police and army responded. The Nigerian military surrounded the city of Jos and nearby areas and imposed a dawn to dusk curfew, which continued at the end of the reporting period. Despite these measures, approximately twelve people were killed outside Jos in the predominantly Christian, ethnic Berom village of Byei less than a week after the initial attacks. As of this writing, no additional large-scale incidents have occurred, but news accounts indicate that individual reprisal murders are continuing, such as when a person enters a neighborhood and is identified as being of a different religious background.

“Nigerian authorities reportedly have arrested approximately 160 people for their participation in the March 2010 violence. Nigerian officials told a visiting USCIRF delegation in March 2010 that charges were being filed in federal courts against several perpetrators of the violence. Subsequent news reports indicate that charges were filed against several suspects. However, questions remain as to who has jurisdiction to prosecute -- federal or state authorities. Jurisdictional disputes aside, the prosecution of perpetrators of sectarian violence is a matter of political will, and the USCIRF delegation heard reports that neither state nor federal officials have ever prosecuted individuals for these crimes.” [60]

4.06 The USCIRF 2010 report referred to government action taken:

“Following the January and March 2010 violence, the Acting President of Nigeria, Goodluck Jonathan, formed a presidential advisory committee on the Jos crisis. The committee reportedly submitted an interim report to the Acting

President in late March, with a more complete report possibly to be submitted later this year. However, the details of the March report have not been made public. There has been a pattern in Nigeria, after outbreaks of sectarian violence, of government entities initiating public hearings or creating advisory bodies to review the causes of the violence and develop recommendations to prevent recurrences. The March 2009 public hearings initiated by the Nigerian House of Representatives regarding the 2008 violence in Jos were openly critical of state governments and political parties for their negligence in preventing and igniting the violence. However, most federal or state level commission reports are never released to the public and the Nigerian government does not implement the recommendations.” [60]

See [Freedom of religion](#)

## NIGER DELTA AMNESTY

- 4.07 An IRIN *report of 23 April 2010*, ‘Nigeria Delta amnesty at risk of unravelling’, observed:

“The government’s amnesty programme whereby militants in the Niger delta are to be disarmed and rehabilitated with a stipend, job training and a micro-credit loan, has been linked to reduced violence in the delta, but critics say it has made the same mistake as almost every other disarmament, demobilization, rehabilitation and reintegration (DDRR) campaign: too much ‘dd’ and not enough ‘rr’. [21f]

- 4.08 The same *IRIN report* provided background information on the amnesty programme:

“The government has not been conscientious about implementing the rehabilitation and reintegration dimensions for the amnesty,’ [a] senior analyst at the International Crisis Group (ICG), told IRIN. ‘Part of this has been blamed on delays relating to the president’s illness, but more fundamentally, it was not well-thought-out or planned.’ An amnesty for militants in the delta region was initiated by President Umaru Yar’Adua in July 2009 following regular outbreaks of violence from 2006-2009 culminating in a May 2009 military incursion by government troops into the delta’s creeks, which left thousands displaced. Militants’ anger has largely been fuelled by communities being left out of the region’s oil wealth. Through the amnesty programme, militants surrender their weapons at collection centres and register to be trained in a job skill during which period they receive counselling and a monthly allowance of US\$439 prior to being reintegrated into civilian society. At the same time the authorities put in place policies to ensure more oil wealth is directed back into community development.

“While criminality linked to oil theft persists, large-scale violence is down in the delta since the amnesty started, says [a teacher from] the University of Llorin in Delta State, with incidents of oil bunkering, kidnappings, vandalism, oil theft and small arms proliferation all having dropped. A greater proportion of state funding is being channelled into local development, he pointed out. In April 2010 Delta State authorities passed their budget of US\$2.2 billion, 63 percent of which is earmarked for building up infrastructure in affected states, including

rebuilding the Gbaramatu kingdom, an area made up of several villages in Delta State, which was destroyed in fighting between government troops and the Movement for the Emancipation of the Niger Delta (MEND) in May 2009, according to [a] Delta State Governor. [A] Bayelsa State Governor says its \$1.28 billion budget will include rebuilding access roads in the creeks, supporting youth centres and rehabilitating health centres. On 21 April acting President Goodluck Jonathan signed into law a bill giving domestic firms priority in the awarding of oil blocks and requires foreign companies to hire more local workers. [21f]

4.09 The same *IRIN report* referred to government action in the area:

“Jonathan has promised to reinvigorate the amnesty process, which flagged during President Yar’Adua’s long-term illness, and in April 2010 appointed a new petroleum minister, Diezani Alison Makueke from Bayelsa State, and a new minister of Niger Delta affairs. However, lack of planning in the DDRR process meant the government underestimated the resources required for long-term, workable rehabilitation and reintegration activities, said the ICG’s Obasi. Critics have said the same of DDRR processes in the Democratic Republic of Congo, Liberia and Sierra Leone.

“The authorities predicted 10,000 ex-militants would sign up for amnesty, but 17,500 - a mixture of militants, unemployed youths, criminals or militant-criminals, which he calls ‘milicrants’ - did so. These 17,500 have high expectations, and some have told ICG a micro-credit loan and small business start-up are not good enough - they want well-paid appointments with international oil firms. Monthly payments are irregular, [an] ex-militant, from Ughelli in Delta State, complained to IRIN, while [a] human rights activist, also from Ughelli, told IRIN: ‘The rehabilitation centres where these boys are supposed to be trained are lacking even basic facilities - the programme is derailing.’ [21f]

4.10 The same *IRIN report* summed up the recent situation:

“MEND set off two bombs in the city of Warri in Delta State, in mid-March 2010 outside meetings where the authorities were discussing the amnesty programme. ‘The car bombing at the venue of the post-amnesty dialogue talk is enough to tell the whole world that the post-amnesty rehabilitation programme is not working,’ [it was] pointed out. Also of concern is the fact that though 17,500 have registered, between them they have handed in just 2,700 weapons, which ‘falls severely short of the arsenals that the militants circulate in the region,’ [the ICG analyst] told IRIN. These pitfalls might have been avoided had more Nigerian or international DDRR experts been consulted on the process, he said. To make progress, the federal ministries, heads of the various implicated states, and the Niger delta Development Commission, whose relations [the ICG analyst] describes as ‘fractured’, need to stop working solo and coordinate their plans, he said. This should also lead to more realistic planning of what needs to be done to get the amnesty process back on track, he added. The longer the process drags on, the bigger the risks, says [the ICG analyst], for militants could be co-opted into fomenting electoral violence in the upcoming 2011 local elections. ‘This has happened in the past... the 2011 elections will be contested just as viciously as in 2007.’

And longer-term, the violence that has characterized the past few years could relapse. [An] ex-militant warned IRIN: 'If the amnesty programme does not go forward, I promise that Nigeria will not know peace.'" [21f]

(See also [Movement for the Emancipation of the Niger Delta \(MEND\)](#))

## NEW PRESIDENT

- 4.11 In a BBC News article of 6 May 2010, 'Nigeria's Goodluck Jonathan sworn in as president', it was noted:

"Nigeria's acting President Goodluck Jonathan has been sworn in as head of state following the death of President Umaru Yar'Adua after a long illness. Mr Jonathan, in charge since February, will appoint a deputy and serve out the rest of the current presidential term until elections due next year. Mr Yar'Adua died late on Wednesday in the capital Abuja. Thousands attended the funeral in his home town of Katsina. Nigeria has declared seven days mourning. Mr Jonathan took the oath of office in front of government ministers and other officials in Abuja almost 12 hours after Mr Yar'Adua died. The ceremony was performed by Chief Justice Alloysius Katsina-Alu. Afterwards he made a brief address, saying his administration was committed to pursuing electoral reform and the fight against corruption 'with greater vigour'.

"... all eyes will now be on the figure President Jonathan - who is from the largely Christian south - appoints as his deputy. By tradition the presidency alternates between the mainly Muslim north and the south, and whomever he selects is likely to be seen as the presidential candidate for the ruling People's Democratic Party (PDP)...The north is due another presidential term, however some analysts believe that Mr Jonathan could still strengthen his political power base, defy political convention and run for office himself. ...

"Mr Yar'Adua's election in 2007 marked the first transfer of power from one civilian president to another since Nigeria's independence in 1960. He promised a string of reforms in Africa's most populous nation, including tackling corruption and reforming the inadequate energy sector and flawed electoral system. Analysts say he made the most progress in tackling unrest in the oil-rich Niger Delta by offering amnesties to rebels." [8f]

For further recent developments, see [Latest News](#), [BBC News online](#), [IRIN](#), [AllAfrica](#) and [UNHCR](#) websites.

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## 5. CONSTITUTION

5.01 The Nigeria section of Europa World (accessed on 19 April 2010) stated that a new constitution was formally promulgated on 5 May 1999 and came into force on 29 May 1999. [1] (**Government and Politics, the Constitution**). The constitution enshrines basic human rights freedoms including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person. (Constitution of the Federal Republic of Nigeria, 1999) [6]

5.02 The Economist Intelligence Unit (EIU) 2008 *Country Profile*, published 7 March 2008, on Nigeria stated that:

“...the new constitution has been a source of tension. Critics claim that it concentrates too much power in the central government, contrary to the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria’s 36 states, it is also argued that the constitution hamstrings the president and promotes mediocrity by emphasising origin rather than ability. The problem for the administration is that, while many of these claims are valid, the executive is fearful that changing the current constitution could prove more problematic than living with it. Various efforts to change the constitution have failed (p9-10) ... whatever its weaknesses, the constitution does guarantee personal freedom, which was absent during the years of military rule. It also stipulates that Nigeria is a secular state, but seems to allow the operation of Sharia (Islamic law) for consenting Muslims. In January 2000 the north-western state of Zamfara became the first state in the federation formally to adopt Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that that is unlikely to be resolved quickly.” [10a] (p10)

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## 6. POLITICAL SYSTEM

- 6.01 Europa World, accessed on 19 April 2010, stated that Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the President, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by universal suffrage for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by universal suffrage for four years. The House of Representatives comprises 360 members, who are also elected by universal suffrage for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. [1] (**Country Profile, Government section**)
- 6.02 The Library of Congress' (LoC) *country profile* of Nigeria, updated 15 August 2008, stated:
- “The constitution provides for a separation of powers among the three branches of government. General elections held in February 1999 marked the end of 15 years of military rule and the beginning of civilian rule based on a multiparty democracy. General elections were held for the third consecutive time in April 2007. The victor was Umaru Musa Yar’adua, who assumed the presidency on May 29, 2007. In May 2006, the Nigerian Senate rejected a constitutional amendment that would have permitted President Olusegun Obasanjo to run for a third term.” [58]
- 6.03 The same LoC *country profile* recorded:
- “Each of Nigeria’s 36 states has an elected governor and a House of Assembly. The governor is elected to a maximum of two four-year terms. The number of delegates to the House of Assembly is based on population (three to four times the number of delegates each state sends to the federal House of Representatives) and therefore varies from state to state within the range of 24 to 40. Nigeria’s states are sub-divided into 774 local government areas, each of which is governed by a council that is responsible for supplying basic needs. The local government councils, which are regarded as the third tier of government below the federal and state levels, receive monthly subsidies from a national ‘federation account’. Critics contend that the division of the country into so many districts is a vestige of military rule that is arbitrary, wasteful, and inefficient.” [58]
- 6.04 The LoC *country profile* noted that “the most successful opposition party in the [2007] legislative elections was the ANPP (All Nigeria People’s Party). Also participating were the All Progressives Grand Alliance (APGA), the Alliance for Democracy (AD), the National Democratic Party (NDP), the People’s Redemption Party (PRP), and the United Nigeria People’s Party (UNPP).” [58]
- 6.05 On 21 April 2007, Irin News reported, the 2007 federal legislative (National Assembly) and presidential elections were held. On 23 April 2007, National

Election Commission declared that Umaru Musa Yar'Adua of the People's Democratic Party had won the election with 24.6 million votes (72% of the votes cast). Muhammadu Buhari of the ANPP won 6.6 million votes (19% of the votes cast), and Atiku Abubakar won 2.6 million votes (7% of the votes cast). Other candidates won far fewer votes than Buhari and Abubakar. Buhari and Abubakar rejected the outcome of the election and vowed to pursue their grievances through the courts. Local and international observers stated that the election was seriously flawed. [21a]

- 6.06 Regarding the 2007 elections, the Human Rights Watch report '*Criminal Politics - Violence, "Godfathers" and Corruption in Nigeria*', published in October 2007, stated:

"Elected officials, alongside the very government agencies charged with ensuring the credibility of the polls, reduced the elections to a violent and fraud-riddled farce. Across much of the country armed gangs in the employ of politicians raided polling stations and carried off ballot boxes. Electoral officials reported massive turnout figures in areas where no voting took place at all. In many areas ballot boxes were openly stuffed or results fabricated out of thin air. The final results bore little resemblance to the realities reported by all credible election observers, domestic and foreign, but the Independent National Electoral Commission (INEC) reported a landslide victory for the ruling PDP [People's Democratic Party]." [22e] (p15)

- 6.07 The Economist Intelligence Unit (EIU), *Nigeria report*, April 2009, noted:

"The Economist Intelligence Unit's 2008 democracy index ranks Nigeria 124th out of 167 countries, placing it among the 49 countries considered 'authoritarian', the most common category in Sub-Saharan Africa. Nigeria has repeatedly faced accusations of holding 'flawed' and 'neither free nor fair' elections. As a result, Nigeria fares especially poorly in the electoral process and political culture categories. Disillusionment with the political system and the slow pace of reform mean that a fair proportion of Nigerians have come to resent the democratic process, with the score for political participation consequently low." [10b]

See [History](#) and [Political affiliation](#)

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## Human Rights

### 7. INTRODUCTION

- 7.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

“Human rights problems during the year included the abridgement of citizens’ right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; vigilante killings; abductions by militant groups; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement of privacy rights; restrictions on freedom of speech, press, assembly, religion and movement; official corruption and impunity; domestic violence and discrimination against women; the killing of children suspected of witchcraft; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; and child labor.” [3a] (introduction)

- 7.02 The Nigeria section of the Human Rights Watch (HRW) *World Report 2010*, published 20 January 2010, stated that during 2009:

“More than halfway through his term in office, President Umaru Yar’Adua and his administration have done little to improve Nigeria’s poor human rights record. Bloody sectarian clashes claimed hundreds of lives in late 2008 and 2009, while the government failed to investigate, much less hold accountable, members of the security forces implicated in numerous incidents of extrajudicial killings, torture, and extortion. The government’s amnesty for militants in the Niger Delta failed to address the root causes of the violence.

“Despite limited gains from anti-corruption efforts, Nigeria’s leaders continued to enjoy near-total impunity for massive corruption and sponsoring political violence. The National Assembly failed again to pass legislation to improve transparency and good governance. Nonetheless, free speech and the independent press remain fairly robust. Foreign partners took some positive steps in confronting endemic corruption in Nigeria, but appeared reluctant to exert meaningful pressure on Nigeria over its human rights record.” [22c]

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

“Nigeria has ratified several human rights instruments including the International Covenant on Civil and Political Rights (ICCPR) and its Optional

Protocol on individual communications, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, and the Convention on the Rights of the Child (CRC).

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

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## 8. SECURITY FORCES

### OVERVIEW

- 8.01 With regard to internal security, the US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

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

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

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

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### POLICE

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

"The Nigerian Police Force (NPF) is a federal organization. It employs approximately 371,800 staff with a ratio of one policeman for every 377 citizens. Approximately a quarter of the NPF staff perform personal protection and guard duties. The NPF was established under Section 214 of the 1999 Constitution. The Police Act (1990) describes the function, structure and operation of the NPF. The Act was originally drafted in 1943, and was last reviewed in 1967. The President of Nigeria holds operational control of the NPF and appoints the Inspector-General of Police (IGP), who is responsible

for the command of the police 'subject to the directive of the President' and for public safety and public order. The administrative, financial and logistic management of the NPF falls under the authority of the Federal Ministry of Police Affairs. The NPF headquarters, 12 zonal commands and 36 state commands all have Criminal Investigation Departments (CIDs), responsible for criminal investigation. There are several Special Forces, such as the paramilitary Mobile Police (MOPOL), the Special Anti-Robbery Squad (SARS) and the Swift Operation Squad (SOS). The X-Squad is the body responsible for investigating police corruption." [12m]

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

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

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

"Policing in Nigeria is also characterized by pervasive corruption, such as diverting police resources for personal protection or enrichment in a variety of police-for-hire arrangements; harassment and intimidation of victims; and the destruction of evidence, including the bodies of victims of extrajudicial executions. Officers routinely practice extortion on members of the public at roadblocks and on public highways. ...

"Corruption and extortion are perhaps the defining characteristics associated with the NPF. For a majority of police officers, the police uniform is a tool for generating income. They make money by extorting law abiding citizens, claiming that it is the price people must pay to keep the police from gratuitously interfering with their livelihoods. The instances cited in this report merely illustrate a pattern of conduct that is pervasive and institutionalised within the NPF. The 2008 report of the second Presidential Committee on Police Reform acknowledges quite candidly that this is the image of the Nigerian police: 'Indeed the Police today is publicly perceived as one of the most corrupt government institutions, with its personnel constantly accused of bribery and extortion in the course of performing their functions. These accusations are rampant amongst the populace, especially that relating to the extortion from members of the public. In addition, the Police have also been accused of erecting illegal road blocks in order to extort money from the citizenry. ... This has resulted in the loss of public confidence in the integrity of police personnel.'

“Most police officers readily cite their poor pay as the principal reason for extortion. Some even claim that in the absence of basic provisions for policing, the police use the proceeds from extortion to fulfil operational needs, such as stationery for recording statements from suspects, gasoline for patrol vehicles, batteries for mobile phone units, and similar day-to-day needs.” [81]

See section 18: [Corruption](#)

## ARBITRARY ARREST AND DETENTION

- 8.06 Regarding arbitrary arrest and detention, the *USSD 2009 Human Rights Report* stated:

“The constitution and law prohibit arrest and detention; however, [the] police and security forces continued to employ these practices. The JTF (Joint Task Force) arbitrarily arrested hundreds of persons during the year during sweeps for militants ... [the] police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense, a power they often abused...persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, they frequently were asked to return for further questioning.” [3a] (Section 1d)

- 8.07 An article of 30 April 2010 in *Vanguard* [via AllAfrica.com], ‘Nigeria: Dig Laments Police Brutality, Arbitrary Arrests, Detention’, noted:

“The Deputy Inspector General of Police DIG ... has decried the rising cases of Police brutality, arbitrary arrest and detention of members of the public, warning that a stop should be put to the ugly development as it was giving the Nigeria Police a bad name ... He also regretted the rising cases of indiscipline among the ranks and files blaming the situation on poor performance and lack of commitment on the part of some officers.” [67b]

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## TORTURE

- 8.08 As regards the use of torture and other inhuman or degrading treatment by the police, the *USSD 2009 Human Rights Report* stated:

“Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security services personnel, including police, military, and State Security Service (SSS) officers regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions.” [3a] (Section 1c)

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

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

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

"Various national and international organizations have accused the NPF of torture and other ill-treatment. The NGO [Non-Governmental Organisation] Social Justice and Advocacy Initiative told Amnesty International: 'Intimidation, torture and extortion of detainees are entrenched practices in the Nigerian criminal justice system.' The National Human Rights Commission (NHRC) stated that torture is used 'as official means of investigation of offences' and that 'most cases in court are prosecuted by the police based on 'confessions' obtained under circumstances of torture from accused persons.' NOPRIN [Network on Police Reform in Nigeria] has shown that police officers torture suspects in order to 'break the spirit of the suspect or detainee.' NOPRIN researchers documented 'an elaborate system of torture' and claim that every major police station has 'torture chambers and an officer known as 'O/C (officer in charge) Torture'.' In November 2007, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concluded that 'torture and ill-treatment are widespread in police custody, and particularly systemic at CIDs. Torture is an intrinsic part of how the police operate within the country.'" [12m]

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## EXTRA-JUDICIAL KILLINGS

- 8.11 The USSD 2009 *Human Rights Report* stated that: "The government or its agents were responsible for numerous extrajudicial killings, including politically motivated killings of leaders of Boko Haram, an extremist Islamist group ... National police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects." [3a] (Section 1a)
- 8.12 The Human Rights Watch *World Report 2010 – Nigeria*, published 20 January 2010, recorded that "the government demonstrated a lack of political will to

reform the police, who were again implicated in numerous extrajudicial killings of persons in custody, torture of criminal.” [22c]

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

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

“Persons suspected of, or arrested for, armed robbery are particularly at risk of extrajudicial execution. ‘Abdullahi’, a local politician in Kano State, described being tortured in September 2006 at the Karfi police post in Kano. Abdullahi was being beaten by a police officer and thought he would be killed. But he was saved by the timely intervention of a police sergeant who called off his more enthusiastic colleague by noting that what the colleague was about to do to Abdullahi was ‘only reserved for robbers’.

“... a lawyer in private practice, described for a NOPRIN researcher the standard NPF practice as follows: ‘Once an accused is arrested and is suspected to be a robber, instead of taking him to court, they would rather want to take him along the road. They take the suspect to the highway under the pretext that they are going to conduct further investigation, only to come back and report that in the course of moving on the highway the suspect attempted to run, so they had no choice but to take him down.’” [81]

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## AVENUES OF COMPLAINT

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

“The NPF has a complaints mechanism in place, but most complaints against law enforcement officials are not processed. The public can report police misconduct to the Police Complaints Bureau, an internal investigation unit established in 2003. The Bureau is meant to have an office at every police station. In addition, police stations have human rights desks, which should also deal with complaints. The public can also lodge their complaints via telephone or via complaints boxes placed outside police stations. However, people have little confidence in the system. Many told Amnesty International that they were afraid to go to the police station; most of them, however, write to the IGP [Inspector General of Police] and PSC [Police Service Commission].” [12m]

- 8.15 A report on Nigeria by the United Nations Special Rapporteur on *torture and*

*other cruel, inhuman or degrading treatment or punishment*, published in November 2007, stated:

“Oral or written complaints of police misconduct by members of the public can be made to any superior police officer about acts of misconduct involving his or her subordinates, and if the complainant is dissatisfied with the response, he or she could complain in writing to higher officers, including the IGP [Inspector General of Police]. Complaints could also be sent to the Police Complaints Bureau (PCB) located in the police public relations department of every state police command, or to the police Provost Department at the Force headquarters. In addition, Human Rights Desks for receipt of complaints have been established in recent years for each state command.

“The Police Service Commission (PSC), an independent constitutional body established in 2001, is also responsible for investigating police abuses. Section 6 of the Act [Police Service Commission (Establishment) Act] grants the body responsibility for the appointment, promotion, discipline and dismissal of all Nigerian police officers below the rank of Inspector General.

“Criminal investigations and prosecutions of police officers are carried out by Investigating Police Officers (IPO) assigned within the command. Where sufficient evidence is found, they will refer the case to the Director of Public Prosecutions. Although instances of police misconduct are typically dealt with departmentally at first instance, internal review is without prejudice to criminal prosecution. The internal peer review, also referred to as an ‘orderly room trial’, is carried out by the Provost Department, which can impose various disciplinary sanctions. Discipline of senior officers (i.e. Assistant Superintendent of Police and above) ultimately rests with the PSC, where the IGP sets up a panel of senior officers in order to hear the case, and recommendations are forwarded to the PSC for sanctioning.” [26c] (p11-12)

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

“On paper, the system for investigating police misconduct is impressive. In practice, it is too often a charade. The outcome of investigations usually seems to justify inaction or to ensure that complaints are dealt with internally through ‘orderly-room hearings’ or the like. While police officers are certainly disciplined and some dismissed, the system has rarely worked in cases in which [the] police are accused of extrajudicial executions. In these instances genuine investigations are rare and referrals to the DPP for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity (p15)...in terms of *internal accountability* [italics in document] the Nigeria Police system is weak. What few statistics were made available to the Special Rapporteur in response to repeated requests indicate that few serious disciplinary measures are taken except against rogue individuals. Indeed the single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police force itself. Evidence indicates that it systematically blocks or hampers

investigations and allows suspects to flee...in terms of *governmental accountability* [italics in document], the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission's mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns." [26b] (p16)

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## ARMED FORCES

- 8.17 The Economist Intelligence Unit *2008 Nigeria Country Profile*, dating from March 2008, observed:

"The military, which ruled Nigeria for all but four years between 1966 and 1999, is still a major political force. It is, however, undergoing reform to try to turn it into a more professional and less political institution. At present, even junior officers are likely to be reluctant to seek to intervene in politics, aware that the rising factionalism and division within the ranks have increased the possibility of a contested coup with little guarantee of success. They are also aware that the army's involvement in politics and its association with corruption have eroded public respect for the military." [10]

- 8.18 Jane's Sentinel *Nigeria Country Risk Assessment* (Jane's), section on the Armed Forces (updated in May 2010), noted that the armed forces combined strength was 87,500 personnel: 70,000 in the army, 9,500 in the airforce and 8,000 in the navy. The same source commented:

"While relatively small in relation to its own population or by global standards, Nigeria's military is by far the largest force in West Africa and is currently undergoing a transformation process aimed primarily at fostering greater efficiency and professionalism. With a history of coup-making, the military has traditionally been highly politicised. As part of a wider policy move to promote democratic principles, the government has designated broad-spectrum changes for the military, focusing on improving salaries, living and training conditions for military personnel and eliminating corrupt practices. The then President Yar'Adua also announced changes to the command structure in August 2008, replacing the chief of defence staff and the heads of the three armed services, who were said to have reached retirement age." [42]

(For information about abuses by the armed forces see subsections above on [Torture](#) and [Extra-judicial killings](#))

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## 9. ABUSES BY NON-STATE ARMED GROUPS

### OVERVIEW

- 9.01 Jane's *Sentinel Nigeria Country Risk Assessment*, section on non state Armed Groups, updated on 4 November 2009, reported:

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

"The same Jane's report also noted that, 'The numerical strength of the various quasi-militant or militant ethnic organisations is generally unquantifiable. Supporters will join and leave these groups often through opportunism. A further complicating factor is the emergence of religious tensions and violence in the community at large.'" [42]

### MILITIA GROUPS IN THE DELTA REGION

#### Background

- 9.02 The International Institute for Strategic Studies *Armed Conflict Database*, Nigeria (Delta region), accessed 27 May 2010, stated:

"Since the 1990s, local groups have agitated for more of the wealth that emanates from the Niger Delta. Although at the heart of Africa's second-largest oil industry, the region is poor, underdeveloped and polluted. The first protests to the Nigerian government, and oil companies like Royal Dutch Shell and Chevron, were made by the Ogoni people, under activist Ken Saro-Wiwa. Saro-Wiwa was executed in 1995 by the government of dictator Sani Abacha, and in 1998 ethnic Ijaws took up the campaign. Despite the 1999 return to democracy in Nigeria, many funds under the government's revenue-sharing scheme still failed to reach local people. Armed militants such as the Niger Delta People's Volunteer Force (NDPVF) and Niger Delta Vigilantes (NDV) emerged in 2003–4, adding the terrorist tactics of bombing pipelines, attacking oil and gas installations, and kidnapping industry workers to the already widespread practice of stealing, or 'bunkering', oil from pipelines. The Movement for the Emancipation of the Niger Delta (MEND), the latest group appearing in 2006, has escalated the violence – which costs Nigeria an estimated \$1 billion annually in lost output. The government has often been repressive in its response to militants, but in 2009 tried to engage them in a peace process." [33]

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### Government response to the militia violence

- 9.03 The International Crisis Group (ICG) report, '*Nigeria: Seizing the Moment in the Niger Delta*' of 30 April 2009 recorded that:

"On 4 September 2008, the government announced a technical committee to address the Delta crisis. Its 45 members were all drawn from the nine states broadly regarded as the Niger Delta Region. Inaugurated by Vice-president Jonathan on 8 September, it was handed the following terms of reference: - collate, review and distill the various reports, suggestions and recommendations on the Delta, from the Willinks Commission report (1958) to the present and summarise the recommendations for government action.... The resultant report recommended amnesty for militant leaders within a comprehensive demobilisation, disarmament and rehabilitation (DDR) program; an increased allocation of oil revenue to the Delta; urgent improvement of infrastructure and human welfare services; and new institutions for the region's longer-term development. While it did not address all aspects of the crisis, its proposals were sufficiently comprehensive to serve as a catalyst. The Technical Committee also urged the government to issue a White Paper by 1 January 2009 outlining strategies for rapid implementation of its recommendations. Yar'Adua's statement at the time that the government would implement those recommendations it found 'acceptable' raised apprehensions in the Delta and across civil society that it would carry out only what was politically convenient. ... [This] report was submitted to the government on 1 December 2008 but has not been made public." [17c]

- 9.04 The same ICG report had stated:

"On 20 May 2008, the then defence minister, Alhaji Yayale Ahmed, outlined what was thought to be a major policy initiative for reining in militant activities in the Delta. At a briefing to the House of Representatives Committee on Defence, he said the federal government had formulated plans for 'constructive engagement'. This specifically included negotiating with the militants to form private companies that would be hired to provide security for oil pipelines and other installations. The rationale was that the scheme would wean the militants from armed conflict and solve some of the region's unemployment problem. ... Shredded by intense public criticism and spurned by the militants, the idea was still-born." [17c]

### Movement for the Emancipation of the Niger Delta (MEND)

- 9.05 An *Immigration and Refugee Board of Canada* Response to Information Request of 16 June 2009, 'Nigeria; Movement for the Emancipation of the Niger Delta (MEND) ...' noted:

"The Movement for the Emancipation of the Niger Delta (MEND) is one of the 'most visible' armed groups based in Nigeria's Niger Delta region ... It emerged in late 2005-early 2006, targeting the oil infrastructure in the area, and abducting and holding oil workers for ransom ... The group claims to be fighting for local control of oil resources in the region ... However, it has also been accused of being engaged in criminal activities, committing acts of extortion and stealing oil for its own benefit." [38j]

9.06 The same document continued:

“Various sources note that multiple groups or regional factions may be operating either independently or autonomously under the MEND name or that MEND itself may be an umbrella coalition of different groups...Ike Okonta, a Fellow at Oxford University and ... author ... interviewed some of its declared members directly and describes MEND as ‘not so much an ‘organisation’ but an idea in which many civic, communal, and political groups, each with its own local specificity and grievances, have bought into.” [38j]

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

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

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

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

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

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

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

“The Movement for the Emancipation of the Niger Delta (MEND) first burst onto the international stage in December 2005, when it blew up Shell’s Opobo pipeline in Delta state. It followed with several high profile group kidnappings, further bombings and attacks on oil installations that left many dead. Apart from its devastating impact on Nigerian oil production, the initial bombing garnered attention because the militants had carried out an action that did not benefit them directly financially – unlike kidnappings or oil bunkering. MEND’s strategic placement of the bombs, which took out nearly a quarter of Nigeria’s oil production, showing an intricate knowledge of the thousands of miles of pipelines that may well have been gathered in previous bunkering operations.” [66]

- 9.10 The same guide went on:

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

See also [Recent Developments](#)

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## VIGILANTE GROUPS

- 9.11 The United Nations (UN) Commission on Human Rights Report of the Special Rapporteur on *extra-judicial, summary or arbitrary executions*, dated January 2006, stated that:

“While ‘vigilante’ groups play a major role in Nigeria, definitional issues are crucial to understanding the situation. The term covers a wide spectrum of groups ranging from community policing through problematic ethnic-based vigilantes, to state-sponsored or supported gangs. Because many of the groups have been openly or covertly supported by State officials, they cannot be considered classical non-state actors. The right of citizen arrest is often invoked to justify the groups’ activities.

“Among the most violent have been those established to defend commercial interests in urban areas. While they may carry out some ‘policing’, they also

undertake debt collection, crime prevention, extortion and armed enforcement services. The Bakassi Boys for example, is a group active mainly in Abia, Anambra and Imo states that has been responsible for many extrajudicial executions, often carried out publicly. They patrol the streets in heavily armed gangs, arrest suspects, determine guilt on the spot and exact punishment, which may involve beating, 'fining', detaining, torturing or killing the victim. The Bakassi Boys are tacitly supported by state governments and one has accorded them official recognition." [26b] (p20)

9.12 The UN Commission *2006 report* stated further:

"While there is a benign traditional concept of vigilantism in Nigeria, many groups have moved far beyond the appropriate limits. Too many have evolved into highly armed criminal gangs, or gangs doing the political bidding of their paymasters. State governments have generally supported this expanded role while imposing no form of regulation or accountability.....the rise of vigilantism and the undeniably significant public support for some groups partly reflects the failure of the Nigeria Police to address high violent crime rates. However, the lack of public trust and confidence in the police cannot be used to justify the violent and illegal acts of untrained, unregulated and unaccountable armed groups." [26b] (p21)

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## 10. SECRET SOCIETIES AND OTHER SOCIAL GROUPS

### THE OGBONI SOCIETY

- 10.01 The *Canadian Immigration and Refugee Board* (IRB) Research Directorate published a country of origin information research response, dated 12 July 2005, about the Ogboni Society. A Professor of Political Science of Nigerian origin and an American Associate Professor of Anthropology were consulted about the Ogboni Society. The IRB research response stated:

“With regard to how to describe the Ogboni, the political science professor said that members of the Ogboni ‘society’ would likely take offence at having their organization referred to as a ‘cult’ or a ‘secret society’ and would probably refer to themselves as a ‘lodge’ similar to that of the Masons (13 Apr. 2000). The anthropology professor said that in Nigeria the Ogboni are commonly referred to as [a] ‘secret society’ by Nigerians, but that Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage, etc (14 Apr. 2000) ... the American-based scholars stated that they knew nothing of any Ogboni rituals as its members are sworn to secrecy. Based on her knowledge of other similar groups, the anthropology professor said that initiation rituals would likely involve some mystical elements and ‘some sort of physical transformation’ (14 Apr. 2000).

“The anthropology professor said that ordinary Nigerians would likely only come into contact with the Ogboni society if they ran afoul of one of its members (ibid.). She also stated that ordinary Nigerians are afraid of the society, believing that its members are capable of using sorcery in order to get their way. However, she said that she is not aware of members of the society using violence such as the university-based cults allegedly do, although some Nigerians believe that the university-based cults are conduits that feed members into organization such as the Ogboni (ibid.).

“The American-based scholars said that membership fees are very high, that members already have considerable amounts of money prior to joining, and that individuals cannot simply ask to join. The anthropology professor said that her understanding was that someone with ‘money and connections’ could indicate their interest in joining to someone they knew to be a member and that members are generally not overtly secretive about their affiliation with the group (14 Apr. 2000). That member would then bring the matter to the Ogboni society where a decision would be made as to whether to offer membership to the interested person (ibid.). Both scholars stated that family connections sometimes play a role in the offer of membership, but the political science professor said that the invitation to join more often involved friends (13 Apr. 2000).

“Both scholars emphasized that Ogboni members are members of Nigeria’s financial elite and that Ogboni membership is often used as a networking tool in order to come into contact with persons who can improve one’s financial position and/or power. The political science professor said that it is the ‘benefits and privileges that attract’ members to the Ogboni (13 Apr. 2000).

The anthropologist professor said that it is both a social club and an ‘enforcing agency’ that members use to ensure that affairs in Nigeria are favourable to those with money and power (14 Apr. 2000) ... the ‘enforcing’ aspect of the organization also involved disputes between Ogboni members in which the society is used as an adjudication tool, not only to resolve internal disagreements, but also to ensure that members follow the society’s prescribed behaviour. However, she was unable to provide any information on what this expected behaviour is, since members do not discuss Ogboni matters with non-members (ibid.).” [38a]

- 10.02 As regards the issue of forcing people to join the Ogboni society, the IRB research response stated:

“With respect to the possibility of individuals being forced to join the Ogboni society, the political science professor said that he was not aware of any recent examples of persons being forced to join (13 Apr. 2000)...on the other hand, the anthropology professor stated that forced membership in the Ogboni society might be possible, although it would not be common (14 Apr. 2000). She said that if a person’s parents were members there could be an expectation that their progeny would join. If there was such an expectation, the parents could apply considerable pressure on the individual to join (ibid.) ...The anthropology professor also stated that the Ogboni would not typically induct children as members (14 Apr. 2000). She said that membership would normally be offered to those considered to be elder or mature, with consideration given to whether the person was married and whether he or she had children, as these are indicators of an individual becoming a ‘complete person’ (ibid.).

“The anthropology professor also described the only instance she could think of where the society might actively pursue a person who did not want to join (ibid.). If that person’s parent(s) had ‘dedicated’ their child to the society, sometimes before birth, then the society could go after the person and force them to join to ensure the fulfilment of the parent’s promise. She said that the person who had been dedicated might be raised unaware that their parent(s) were Ogboni member(s). As such, they might not be approached by the society until they were thought ready to join. This could be when the individual was 30 or 40 years old. She added that she was fairly sure that the persons she lived with in Nigeria who were Ogboni did not join until they were in their late thirties.” [38a]

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## STUDENT SECRET CULTS

- 10.03 The HRW 2007 report on *political violence and corruption in Nigeria* stated:

“Nigeria’s notorious ‘cult’ organizations are a particular variety of criminal gang that began as benign campus fraternities, the first of which emerged in 1952 when a group of University of Ibadan students, including future Nobel laureate Wole Soyinka, organized a fraternity called the Pyrates Confraternity. They have since proliferated and evolved into violent gangs that often operate both

on and off campus, one foot each in the criminal and political spheres. Across much of Nigeria and especially in the south, 'cult' gangs are the most widely feared criminal enterprises in the country. The power and prevalence of these groups has grown steadily over the decades and especially since 1999. Many groups maintain ties to powerful politicians, some of whom themselves have associations with cult organizations dating back to their days at university. This is so even though some Nigerian states have passed laws expressly outlawing cult groups.

"Cult groups in Nigeria are numerous and include groups such as the Buccaneers, the Black Axe, the Greenlanders, the Klansmen Konfraternity, and the Supreme Vikings Confraternity (or Vikings) along with many others. These organizations sow terror among the student populations of many university campuses in Nigeria, forcibly recruiting new members and waging battles between one another that have included the assassination of rival cult members and the killing of rival cult members and the killing of innocent bystanders." [22e] (p23-24)

- 10.04 *An Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) of 12 August 2009, 'Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)', recorded:*

"Sources report that student cults continue to be a 'worrisome' problem and a 'menace' on student campuses in Nigeria. Originally formed as associations of like-minded students, student cults have splintered and grown violent over several decades as they clash over control of campuses and engage in criminal activities ... Among the illicit activities reported to be carried out by the cults are robbery, rape, extortion and murder ... [It is reported] that there are frequent occurrences of criminal activities at such institutions as the University of Ibadan, the Polytechnic Idadan, the University of Benin and Ambrose Alli University.

"Student cult violence has reportedly killed hundreds of people in the past 20 years ... According to academic researchers ... student cults have caused deaths at Engugu State University, the University of Benin, Obafemi Awolowo University, Ile-Ife University, Delta State University and Federal Polytechnic. Other incidents have occurred throughout Nigeria. A July 2009 article...reports that over twenty people were recently killed in cult violence in Benin, Edo state.

"According to the Economist, the situation in Port Harcourt, the capital of Rivers State, is 'particularly bad' as student cults have become intertwined with the Niger Delta insurgency. Other sources also report that student cults and Niger Delta militia movements are closely interconnected. The Economist reports that most residents of Port Harcourt 'believe that nearly all of today's prominent military leaders were or still are cult members.' A report by the Jamestown Foundation ... asserts that the militant groups in the delta region partially originate from the student cults. The report explains that as cults become more violent they have extended their influence from campuses into the 'streets and creeks' of the Niger Delta, while cult members are lured by the money available by fighting on behalf of the insurgent groups." [38i]

- 10.05 The same document noted some of the reasons why students joined cults:

“According to a study examining the reasons why students at tertiary institutions in Delta state join student cults [emanating] from the Department of Science Education at Delta State University, some students join cults for protection from other cults and students. Others join for the chance to have some measure of power over their peers and faculty members. According to [this] study, one reason given for joining cults is to pressure lecturers to allow cult members to succeed academically ... Student cults are also used as a method of social networking to gain access to jobs and elite positions ... A 2008 study ... emphasized that cults attempt to recruit favoured candidates based on such criteria as physical presence, wealth and social standing and that many students are intimidated or pressured into joining one group or another ... [It is suggested] that male students have little alternative but to join cults due to pressure from existing cultists and some are forced to do so against their will.

“It is reportedly difficult for members to leave the student cults since initiation into a cult confers secrets about the group which cults feel they must protect ... Those attempting to leave a cult may receive death threats or be killed.” [38i]

- 10.06 A report in the Nordic Journal of African Studies Volume 14, No 1, “*Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities*” by Adewale Rotimi in 2005 (the Adewale Rotimi 2005 report) about student cults described some initiation rituals:

“The initiation process commences immediately after new recruits have been thoroughly screened. The first step in the initiation process is swearing an oath of allegiance and secrecy. As Thomas (2002) has observed, during an initiation ceremony, the eyes of the initiate are expected to be closed while some incantations are recited. New entrants are subjected to [a] thorough beating as a means of toughening them and testing their endurance for pain.

“On the initiation day, the new entrants are made to drink some concoctions mixed with blood (Thomas 2002). Sometimes they are given some tough assignments like raping a very popular female student or a female member of the university staff. For the female cultists, their initiation may include being forced to engage in immoral activities.” [4] (p84)

- 10.07 In terms of action taken by governments and universities, an Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) of 12 August 2009, ‘Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)’, noted that whilst sources report that federal and state governments have passed anti-cultist laws such laws have often been ineffective. According to one source, “... the Nigerian government has given a considerable amount of money to tertiary institutions to combat the cults ... [It is reported however] that administrators have enriched themselves with the money and students have received payments for pretending to renounce student cults.” [38i]

- 10.08 The same document continued:

“Universities have reportedly deployed considerable resources to campus security, including the use of security forces. [It is noted] that at Lagos State University, part of the security measures involve searches and strict control of access to the campus during exams. According to Pambazuka News, some academic administrators are paying cults not to fight on campuses. However, the Economist reports that while safety on university grounds has improved at Rivers State University of Science and Technology, where security measures include the use of 200 security officers plus student informants and covert surveillance, students say the violence has simply moved from the campus to the street.” [38i]

10.09 The same document indicated:

“Sources identify the resiliency of the cults as being due to a ‘culture of impunity’ in Nigeria...Due to influential parents and patrons intervening on their behalf, student cultists often seem above the law and are not fully prosecuted, despite evidence of their criminal activities...Powerful people are believe to use cults to further their own agendas ... Patrons reportedly provide the cults with funding and weapons...According to reports, some of these patrons are university faculty members and administrators.

“Politicians may also support cults to intimidate opponents and further their own goals ... According to reports, cult members have helped to manipulate elections...Some politicians are members or former members of cults ... According to the Economist, at least 11 members of the Rivers State House of Assembly are alumni of the Vikings Confraternity cult.

“[A Human Rights Watch 2007 report] interviewed an anonymous Commissioner of Police from a southern Nigerian state who declared that: ‘[o]ne should expect by now that issues like cultism should have been taken seriously, very seriously by the government ... but the reverse appears to be the case. From what I can gather they have accepted cultism as a normal thing that should be expected in the universities. This in spite of the fact that some of these cultists are murderers and armed robbers and they can be recruited easily by politicians to commit violent acts – they are like a cheap market, they are there in large numbers at all times to be recruited. So there is nothing actually to deter students from continuing to enlist in these various cult groups.’ [38i]

10.10 The Adewale Rotimi 2005 report about *student secret cults* stated on the issues of crime statistics and criminal codes:

“It is almost impossible to accurately and empirically document the amount of crime resulting from secret cult activities. In Nigeria, the police remains the major source of crime data. Unfortunately, the police records do not indicate which crimes specifically result from secret cult activities. Consequently, possible crimes resulting from secret cult activities are diffused among such crimes as rape, manslaughter, arson and others.

“According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is

not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for two decades now, policemen have been banned from operating on the university campuses in Nigeria. It is to be noted that former secret cult members hardly come out to share their experiences as cult members with the general public for fear of reprisals from members who are still active. Consequently, data on secret cult activities in Nigeria must be teased out of newspaper reports, magazines and occasionally from anonymous personal anecdotes.” [4] (p85)

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## 11. MILITARY SERVICE

- 11.01 A letter from the British High Commission in Abuja, dated January 2006, noted that the Nigerian army does not have a compulsory military service scheme. Recruitment into the army is on a voluntary basis only. Officers and soldiers serve under different terms and conditions of service. If a soldier wishes to leave the army before the mandatory period of service has been completed, he is free to apply to do so. According to the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years' imprisonment. In practice, this penalty and lesser ones are enforced by the Nigerian army. [2a]
- 11.02 Jane's Sentinel Country Risk Assessment for Nigeria, section on the army, dated 10 May 2010, stated that "Service in the army is voluntary, with the majority of combat arms recruits coming from the 'military tribes' such as the Hausa and Kanuri, with a high percentage of Yoruba in the technical arms. Members of the army are obliged to retire at age 60, or after 35 years of service." [42]
- 11.03 The Child Soldiers 2008 Global Report, published in May 2008, stated that: "Although the 1999 constitution allowed for the possibility of conscription, stating that it was the duty of every citizen to 'defend Nigeria and render such national service as may be required' (Article 24 (b) ), no legislation provided for it." [47]

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## 12. JUDICIARY

### ORGANISATION

- 12.01 With regard to the legal system, the US State *Department Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:

“The regular court system consists of federal and state trial courts, state appeals courts, the Federal Court of Appeal and the Supreme Court. Military courts tried military personnel only. Shari’a and customary (traditional) courts of appeal function in 12 states that use Shari’a for civil or criminal law, including a customary court in the FCT [Federal Capital Territory]. Courts of first instance include magistrate or district courts, customary or traditional courts, Shari’a courts, and in some specified cases, the state high courts. The constitution also provides that the Government establish a Federal Shari’a Court of Appeal and Final Court of Appeal; but these courts had not been established by year’s end.” [3a] (Section 1e)

- 12.02 The USSD *2009 Human Rights Report* also stated that:

“The constitution provides that states may establish courts based on common law or customary law systems. The law also provides that states may elect to use the Shari’a penal code in the courts. While Shari’a courts had been in operation throughout the north for centuries, in 2000 Shari’a courts were empowered to also hear criminal cases and pass sentences based on the Shari’a penal code, which outlines hadd offenses and punishments, including caning, death by stoning, and amputation. The nature of a case usually determined which court had jurisdiction. The return to the Shari’a courts stemmed at least in part from inefficiency and corruption in the regular court system. Defendants have the right to challenge the constitutionality of Shari’a criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The highest appellate court for Shari’a remained the Supreme Court, staffed by common law judges who were not required to have any formal training in the Shari’a penal code.” [3a] (Section 1e)

### INDEPENDENCE

- 12.03 Regarding the independence of the judiciary, the USSD *2009 Human Rights Report* stated:

“Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to

inadequate compensation. During the year Supreme Court judges called for a more independent judiciary.” [3a] (Section 1e)

- 12.04 The *Freedom in the World 2009 Report*, published by Freedom House on 16 July 2009, stated:

“Nigeria’s higher courts are relatively competent and independent, but the judiciary remains subject to political influence and is hampered by corruption and inefficiency, especially at the lower levels. Defendants frequently lack legal representation and are often ill-informed about court procedures and their rights. According to a 2008 Amnesty International report that found systematic human rights abuses in the prison system, 65 percent of inmates are pretrial detainees, with many held for several years, and less than one in seven detainees have had access to a court-appointed lawyer. Human rights groups have alleged that Islamic courts in the 12 northern states with Sharia statutes fail to respect due process rights, which leads to harsh and discriminatory sentences.” [30c]

## FAIR TRIAL

- 12.05 As regards fair trials, the USSD *2009 Human Rights Report* stated that:

“The constitution provides for public trials in the regular court system and individual rights in criminal and civil cases. The law does not provide for juries. A defendant is presumed innocent and has the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel, and have access to government-held evidence; however, these rights were not always respected. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases and stipulates that a trial should not go forward without it. Defendants have the right of appeal.” [3a] (Section 1e)

## SHARI’A LAW

- 12.06 The USSD *2009 Human Rights Report* stated that:

“Varying Shari’a penal codes were in place in 12 northern states, and Shari’a courts delivered “hadd” sentences, for example caning, for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year’s end. States did not carry out any death sentences (stoning) pronounced in prior years for adultery. There were numerous Shari’a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. To date the only amputation sentence carried out involved a victim who refused to appeal his conviction.

“Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari’a often were not carried out because of the lengthy process for appeals. Because no

relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, but the sentences had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region penal code and had not been challenged in the courts as a violation of statutory law. In some cases, convicted persons were allowed to pay a fine or go to jail instead of being caned. Shari'a courts usually carried out caning immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. Appeals often took months or years to decide." [3a] (Section 1e)

- 12.07 The US State Department *Country Report on International Religious Freedom* (USCIRF), *Nigeria*, published 26 October 2009, noted that "... many Christians allege that having Shari'a courts amounts to the adoption of Islam as a state religion. In addition, the Nigerian Civil Liberties Organization contends that Zamfara State promotes Islam as a state religion through its establishment of a Commission for Religious Affairs." [3b]

- 12.08 The same USCIRF report noted further:

"While the Constitution specifically recognizes Shari'a courts for civil matters, it does not address the application of Shari'a to criminal matters. Aggrieved parties have the right to appeal judgments of the Shari'a courts in three levels of Shari'a appellate courts. Cases that reach the Shari'a Court of Appeal (the highest level of the Shari'a courts) can then theoretically be appealed to the Federal Court of Appeal before finally terminating at the Supreme Court. No case involving the Shari'a criminal code has reached the Federal Court of Appeal, however, and the court has not rendered a judgment on the issue of constitutionality of Shari'a court jurisdiction over criminal matters." [3b]

- 12.09 The Human Rights Watch *World Report 2010* covering events in 2009, released in January 2010, noted:

"Although the death sentences appealed to date have been overturned, lower Sharia courts continue to hand them down. Serious due process concerns also exist in Sharia proceedings. Most defendants are tried without legal representation. Judges are poorly trained and, as is also common in Nigeria's conventional criminal courts, often rely on statements that were extracted by the police through torture. Evidentiary standards in the Sharia codes discriminate against women, particularly in adultery cases where standards of evidence differ for men and women." [22c]

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

"The present system of Shari'a in Nigeria has been described as 'political Shari'a' due to its concentration on hudud punishments. In each of the twelve northern states implementing Shari'a, the penal codes dictate fixed punishments for the hudud offenses of zina (including fornication, adultery,

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

See [Death penalty](#)

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### 13. ARREST AND DETENTION - LEGAL RIGHTS

- 13.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“Police and security forces were empowered to arrest without warrant, based on reasonable suspicion that a person had committed an offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow suspects to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and denied access to counsel and family members. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. In many areas there was no functioning bail system, so suspects were incarcerated indefinitely in investigative detention within the prison system. Detainees often were kept incommunicado for long periods. Numerous detainees alleged that police demanded bribes before they were taken to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.” [3a] (Section 1d)

- 13.02 As regards pretrial detention, the USSD 2009 *Human Rights Report* stated:

“Lengthy pretrial detention remained a serious problem ... detainees awaiting trial constituted 65 percent of the prison population, with some awaiting trial more than 10 years. At year's end there were 27,000 pretrial detainees in the country's prisons, who constituted 65 percent of the prison population. Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees were denied trials because police lacked vehicles to transport them to court on their trial dates. In Makurdi prison, where 78 percent of prisoners were awaiting trial, pretrial detainees held a protest in November because so many were unable to make their court dates due to lack of transportation. The NHRC [the Nigerian Human Rights Commission] reported that some detainees were held because authorities had lost their case files. Some state governments released inmates already detained for longer than the potential maximum sentence if they had been convicted. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could try to complain to the courts but often found this approach impossible. Even detainees with legal representation often waited years to gain access to the courts. Since prison budgets did not allot funds for pretrial detainees, conditions were worse than those for convicted prisoners.” [3a] (Section 1d)

See also Security forces, [Arbitrary arrest and detention](#)

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**DECREE 33 OF 1990**

13.03 During the British-Danish 2007-8 *fact-finding mission to Nigeria*, senior officials of the Nigerian National Drug Law Enforcement Agency (NDLEA), based in the Agency's national headquarters in Lagos were interviewed about the enforcement of Decree 33 of 1990. The provisions of Decree 33 of 1990 allows for the prosecution of a Nigerian who has "brought the name of Nigeria into disrepute" by being convicted of a drugs offence abroad. The Decree only applies to Nigerian citizens. [20] (p44)

13.04 The British-Danish *Report on a Fact-Finding Mission to Nigeria* carried out in September 2007 and January 2008, and published in October 2008, stated that:

"The NDLEA officials stated that Decree 33 had been enforced from 1990 to 2000. No information is available regarding the number of prosecutions and convictions from 1990 to 1995. From 1996 to 2000, NDLEA statistical information indicates that 451 Nigerians had been prosecuted and convicted under the provisions of Decree 33. The officials stressed that these individuals had been prosecuted and convicted for 'bringing the name of Nigeria into disrepute' by being convicted of a drugs offence abroad, and not for committing the drugs offence itself. Those individuals therefore were never at risk of being prosecuted and convicted twice for the same offence, a situation otherwise known as 'double jeopardy'.

"The NDLEA officials stated that in 2000, the Agency reviewed the enforcement of Decree 33 and suspended prosecutions under the Decree. This was in response to public concerns that the Agency prosecuted people who had been convicted of drug offences abroad twice for the same offence. Consequently, since 2001, there have been no prosecutions of returned Nigerians convicted of drug offences abroad under the provisions of Decree 33. The Nigerian National Assembly is presently [September 2007] considering the Decree for amendment or repeal.

"The NDLEA officials explained that the immigration and law enforcement authorities of foreign governments normally inform the relevant Nigerian embassy when they have taken deportation action against a Nigerian who has been convicted of a drugs offence in their respective countries. The Nigerian embassy concerned then informs the Nigerian Immigration Service in Nigeria that a Nigerian is to be deported and passes on the details of the deportee. Thus, immigration officials in Nigeria already have in their possession information about the deportee and the deportation action before the individual concerned is deported. Once a deportee arrives back in Nigeria, NDLEA officials monitor the activities of that individual, but do not take any action to arrest him." [20] (p44)

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## 14. PRISON CONDITIONS

- 14.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“Prison and detention conditions remained harsh and life threatening. Most of the country's 227 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. In 2007 the (United Nations (UN) special rapporteur on torture reported that those awaiting trial suffered more than those already convicted due to lack of funding for their care, and that inadequate medical treatment caused many prisoners to die of treatable illnesses. On October 12 [2009], Jerry Manwe, the chairman of the House Committee on the Interior, made a surprise visit to the Kaduna State Prison, after which he called conditions ‘deplorable’ and criticized the lack of facilities. The deputy comptroller of prisons responded that the prisons lacked safe water, electricity, and basic infrastructure.” [3a] (Section 1c)

- 14.02 The USSD *2009 Human Rights Report* continued:

“The country also operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees. Conditions in these facilities were no better than in the other prisons. Disease was pervasive in cramped, poorly ventilated prison facilities, and chronic shortages of medical supplies were reported. HIV/AIDS, malaria, and tuberculosis were of particular concern. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Many inmates lacked beds or mattresses, forcing them to sleep on concrete floors, often without blankets. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money.” [3a] (Section 1c)

- 14.03 The same USSD *2009 Human Rights Report* noted:

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

“In 2007 the UN special rapporteur on torture also reported appalling conditions in detention centers, noting crowded and unsanitary cells, exacerbated by insufficient food, clean water, and medical care. The rapporteur noted, however, that conditions for female detainees were much better than those for males. Inmates died from harsh conditions and denial of proper medical treatment during the year; however, an accurate count was not available from prison authorities.” [3a] (Section 1c)

- 14.04 The USSD *2009 Human Rights Report* also observed:

“The country’s prisons held an estimated 42,000 inmates; reliable data was not available on the number of persons held in the 86 satellite facilities. Prisons held up to 250 percent of their designed capacity. For example, prisons in Lagos had a capacity of 2,905 prisoners but held more than 4,000. Makurdi prison in Benue state, with a capacity for 240 prisoners, housed 456, while Ado-Ekiti prison in Ekiti state, with a capacity for 200 prisoners, held 290 as of November [2009]. The federal prison in Enugu, built to house 400 inmates, held more than 1,000. There were approximately 630 female and 840 juvenile inmates in the country’s prisons and detention facilities.” [3a] (Section 1c)

- 14.05 On the subject of women and children in prison the USSD 2009 *Human Rights Report* stated:

“Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Although the law precludes the imprisonment of children, Justice Minister Aondoakaa acknowledged in 2008 the presence of more than 300 children in the country’s prisons, many of whom had been born there. Despite a government order to identify and release such children and their mothers, the problem had not been solved by year’s end. In November 2008 the Committee for the Defense of Human Rights, a coalition of human rights organizations, reported the imprisonment of 97 juveniles with adults in Port Harcourt, Rivers state. Authorities had taken no action to remove juveniles from these prisons by year’s end. Prisoners with mental disabilities were incarcerated with the general prison population, and no mental health care was provided.

“Until 2008 the government allowed AI, Prisoners Rehabilitation and Welfare Action (PRAWA), and other NGOs regular access to prisons. After an unflattering report in 2007, AI no longer had unrestricted access to prisoners. During the year the government allowed only PRAWA to conduct regular prison visits.” [3a] (Section 1c)

- 14.06 The same source added: “In August [2009] Lagos state Governor Babatunde Fashola granted amnesty to three death row inmates; the sentences of 29 death row inmates were commuted to life in prison, and eight others were commuted to various jail terms. The governor said he wanted to give the prisoners ‘hope of changing their behaviors and being rehabilitated into society.’” [3a] (Section 1d)

(See also section 23: [women](#) and section 24 on [children](#))

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

See also [Death Penalty](#)

14.08 The report also observed that:

“... the Prison Service ... provides ... prisoners [with] ... three meals a day. At the time of the Amnesty International visit, the prisons received NGN 150 a day per inmate for food. (p25) ... the sanitary facilities in all prisons are in urgent need of renovation because few cells have running water, and toilets are broken and usually blocked. In some cells up to 100 inmates share ... little more than a hole in the ground [while] in other cells buckets are used as toilets. The overcrowding of the cells combined with the inadequate sanitary facilities makes it virtually impossible to keep the cells clean or to enable the prisoners to maintain their dignity ... many Nigerian prisons have a small clinic, and most of the bigger prisons have a hospital. Many hospitals do not have mosquito nets to protect the ill inmates from malaria. Inmates suffering from TB are, where possible, quarantined in special cells, but the smaller prisons do not have such facilities. The prison authorities transfer seriously ill inmates to prisons with hospitals. Amnesty International interviewed many inmates who were ill. In most prisons they are able to visit the clinic but often they cannot afford to pay for the medicines they need. In some prisons inmates are only allowed to visit the clinic after paying a bribe to the warden; those who cannot afford the bribe remain in their cells ... as a result of the appalling sanitary conditions in the cells, it is very easy for inmates to infect each other. The prison authorities simply cannot guarantee cleanliness inside the cells. Most Nigerian prisons do not uphold the right to health, even though bigger prisons do have medical facilities.” [12f] (p26)

14.09 An article in *Panapress* of 27 April 2010, '30,000 of Nigeria's 46,000 prison inmates awaiting trial', noted:

“Nigeria's over-crowded prisons are filled with inmates who are awaiting trial, with 30,000 of the 46,000 inmates yet to be tried in court, according to [the] Interior Minister. ... The Minister said in the northern city of Kaduna, where two inmates died in an attempted jailbreak last week, that the high population of those awaiting trial had stretched the facilities at the various prisons beyond their limits. Observers have blamed the incessant jailbreak attempts at the country's prisons on over-crowding, among other factors. The Minister confirmed this, saying the Kaduna prison - which was originally built for 570 inmates - now accommodates 800. He said only 71 of the 812 inmates at the Kaduna Prisons were already convicted while the remaining were 'prisoners of all kinds of categories.'” [75]

See also [Judiciary](#) and Security forces, [Torture](#)

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## 15. DEATH PENALTY

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

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

"The death penalty is allowed in Nigeria under several sets of federal and state laws which operate alongside each other:

the Penal Code and accompanying Criminal Procedure Code (CPC), applicable in the 16 northern states;  
the Criminal Code and accompanying Criminal Procedure Act (CPA), applicable in southern states;  
the federal Robbery and Firearms (Special Provisions) Act;  
Shari'a penal legislation in 12 northern states.

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

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

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

Please see link to the criminal code of Nigeria  
<http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>

- 15.02 The Amnesty International report, *Death Sentences and Executions in 2009*, released 30 March 2010, recorded that 58 death sentences were known to have been handed down during the year and noted in addition that:

"There were also commutations in Nigeria. In June, the governor of Lagos state pardoned and released three death-row prisoners. A further 29 prisoners in Lagos state had death sentences commuted to life imprisonment and eight others to various prison terms. However, kidnapping was made a capital offence in six Nigerian states during 2009 – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo." [12j]

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

"Amnesty International has condemned a reported move by Nigerian state governors to execute death row inmates to ease overcrowding and urged the authorities to instead address the underlying problems in the criminal justice system. According to media reports, [the] governor of the south-eastern state of Abia, announced this after a meeting of 36 state governors in the country's capital Abuja. ...

"International law prohibits the use of the death penalty for crimes committed by people under the age of 18, yet in Nigeria juvenile offenders continue to be sentenced to death. ...

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

"Any step by the Nigerian government, state or federal, to resume executing will be contrary to commitments made by Nigeria at international level." [121]

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## 16. POLITICAL AFFILIATION

### FREEDOM OF POLITICAL EXPRESSION

- 16.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 51 parties registered with the Independent National Electoral Commission (INEC) at year's end. (Section 2b) ... The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. The government, however, abridged citizens' right to change their government during the 2007 national and state elections, which were conducted amid widespread fraud and numerous incidents of violence.” [3a] (Section 3)

### Political violence

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

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

- 16.03 The same ActionAid report continued:

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

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

“Attacks on political opponents and peaceful activists have mainly been localized and have largely occurred in states where the courts invalidated 2007 election results. In early 2009, the Court of Appeal invalidated the gubernatorial election in Ekiti and called for fresh elections. It also ruled against the sitting governor in Ondo and in favor of the opposition candidate.

These rulings triggered politically motivated attacks against members of opposing political parties, sometimes involving the Nigerian police.” [30a]

See also [Student Secret Cults](#)

## FREEDOM OF ASSOCIATION AND ASSEMBLY

16.05 The USSD 2009 *Human Rights Report* stated that:

“The constitution and law provide for freedom of assembly; however, police prohibited any rally they deemed could result in violence, which effectively precluded antigovernment rallies. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

“The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. Kaduna state continued to enforce a ban on processions, rallies, demonstrations, and meetings in public places on a case-by-case basis. The prohibition of all political, cultural, and religious meetings in Plateau state also continued on a case-by-case basis. In January [2009] the director general of the Kano Hisbah Board cancelled a planned protest by divorced women, citing concerns over security; he also characterized the idea of street protests as ‘un-Islamic’ and ‘morally wrong’.

“Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries.

“...The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 51 parties registered with the Independent National Electoral Commission (INEC) at year's end.” [3a] (Section 2b)

16.06 Freedom House's 2010 *Freedom in the World* Country Report – Nigeria, published 12 January 2010, noted that “Freedoms of assembly and association are generally respected in practice. However, protests are often suppressed by state and private security forces, especially demonstrations organized by youth groups or in the Niger Delta. Human rights groups report that dozens of secessionist activists have been killed in recent years and hundreds have been detained.” [30b]

See also [Political System](#)

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## 17. FREEDOM OF SPEECH AND MEDIA

- 17.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, sometimes for reporting on sensitive issues such as the president's health. Journalists practiced self-censorship, and local NGOs [Non-Governmental Organisations] claimed that newspaper editors and owners did not report some killings and other human rights abuses, due in part to government intimidation.

“A large and vibrant private domestic press frequently criticized the government. Only one national, government-owned daily newspaper was published. State and local governments controlled the majority of print and electronic media, and several state governments owned daily or weekly newspapers. These state-owned publications tended to be poorly produced, had limited circulation, and required large state subsidies. There were 15 privately owned major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

“Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The government controlled much of the electronic media through the NBC [National Broadcasting Commission], which was responsible for monitoring and deregulating broadcast media... Libel is a civil offense and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries or pay penalties. This limited the circumstances in which media defendants could rely on the defense of ‘fair comment on matters of public interest’ and restricted the right to freedom of expression. Penalties for defamation of character included two years’ imprisonment with possible fines.” [3a] (Section 2a)

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

“The media remain lively and have continued to evolve since the transition to democracy. Section 29 of the 1999 constitution protects freedom of expression, ‘including freedom to hold opinions and to receive and impart ideas and information without interference’. The constitution also imposes strict limitations on public ownership of media outlets. The federal government owns one national daily newspaper, one radio network (with 34 stations), and one television network (with 36 affiliate stations). The few newspapers owned by state governments lack widespread readership. By contrast, there are 14 privately owned daily newspapers, six weekly news magazines, several independent television stations, and several dozen independent radio stations ... The World Bank reports that only 5.5 percent of the population has internet access, but web cafes are very common.

“Strict libel laws deter investigative reporting ... Harassment of the media has increased, and investigations produced few convictions, even in the most serious cases ... While there is little direct censorship by the federal government, other attempts to control content have increased. The National Broadcasting Commission announced prohibitions against the use of foreign material in primetime news broadcasts by local television stations beginning in 2009 (adding to a 2004 ban on live broadcasts of foreign news), and in 2008 the Kano State government convicted a filmmaker of releasing a Hausa-language adaptation of the play *West Side Story* without vetting it through government censors. The government also revoked a license for Channels Television, which had drawn official ire for its reporting on President Yar'Adua's health. Numerous journalists were harassed for reporting on that topic in 2008, including at least three bloggers based overseas who were arrested upon entering the Nigeria and held without charge.” [30a]

17.03 The BBC Country Profile on Nigeria, last updated 6 May 2010, added:

“Nigeria's media scene is one of the most vibrant in Africa. State radio and TV have near-national coverage and operate at federal and regional levels. All 36 states run their own radios, and most of them operate TV stations.

“Radio is a key source of information. International broadcasters, including the BBC, are popular. However, rebroadcasts of foreign radios are banned. Private radio and TV stations have been licensed, and there is substantial take-up of pay TV.

“Private TVs in particular are dogged by high costs and scarce advertising revenues. Moreover, legislation requires that locally-made material must comprise 60% of output. Viewing is concentrated in urban areas. There are more than 100 national and local press titles, some of them state-owned. They include well-respected dailies, tabloids and publications which champion ethnic interests. The lively private press often criticises the government.

“Press freedom improved under former President Obasanjo, but restrictive decrees remain. ‘The practice of journalism is punctuated by physical attacks and arbitrary arrests,’ Reporters Without Borders said in 2009. By June 2009, 11 million Nigerians were online (Internetworldstats).” [8c]

## TREATMENT OF JOURNALISTS

17.04 Regarding events that occurred in 2009, Human Rights Watch's *World Report 2010*, published in January 2010, stated:

“Civil society and the independent press openly criticize the government and its policies, allowing for robust public debate. However, journalists are still subject to intimidation and violence when reporting on issues implicating the political and economic elite. On September 20, 2009, Bayo Olu, the deputy political editor of the *Guardian*, one of Nigeria's largest newspapers, was gunned down at the entrance to his home. During the April elections in Ekiti State, PDP [People's Democratic Party] members reportedly detained and assaulted three journalists inside the state government headquarters.

Journalists working for local media outlets generally enjoy considerably less freedom than their national counterparts and are more often subjected to harassment by government officials.” [22c]

- 17.05 *The International Freedom of Expression Exchange (IFEX)* recorded in an article of 28 April 2010, ‘Three journalists slain’, that: “Three Nigerian journalists were killed in separate incidents on 24 April, report the Media Rights Agenda (MRA), the Committee to Protect Journalists (CPJ), the International Federation of Journalists (IFJ) and other IFEX members. One journalist was shot dead in his home, and two others were hacked to death by rioters while trying to cover local unrest.” [76]
- 17.06 A *Reporters without Borders* article of 27 April 2010, ‘noted that the murder of the three journalists “... join the long list of cases of violence against journalists in recent years in Nigeria,” Reporters Without Borders said. “*The Guardian* assistant news editor Bayo Ohu was gunned down in his Lagos home by intruders just seven months ago. We once against (sic) urge the authorities to shed light on the motives for these killings. It is vital that the investigators do not rule out any hypotheses.

“The police have said they are investigating both incidents but have not yet taken a position as regards the motives for these murders.” [13]

For more information on individual incidents of attacks and discrimination experienced by journalists during 2009 and 2010 see the websites of the [Committee to Protect Journalists](#) and [Reporters sans Frontiers](#).

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## 18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 18.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

“Numerous domestic and international NGOs [Non-Governmental Organisations] were active. Significant domestic NGOs included the Civil Society Legislative Advocacy Center Nigeria, the Alliance for Credible Elections, the Center for Law Enforcement Education, the Committee for the Defense of Human Rights, the Kudirat Initiative for Democracy, Project Alert, the Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women's Consortium of Nigeria. NGOs were generally independent of the government although some, such as WOTCLEF, which the previous vice president's wife chaired, had close government ties.

“The government frequently met with NGOs and civil society organizations, but few tangible results came from such meetings. International NGOs, including AI, Global Rights, and Human Rights Watch, as well as the UN special rapporteur on torture, actively addressed human rights issues in the country during the year.” [3a] (Section 4)

- 18.02 The USSD 2009 *Human Rights Report* stated that:

“The NHRC [Nigeria Human Rights Commission], which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. Since its inception the NHRC's operations were limited by insufficient funding. The commission also lacked an independent budget or judicial authority and could only make nonbinding recommendations to the government. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. In March [2009] the government removed the effective and outspoken NHRC executive secretary two years into her five-year term, replacing her with a former justice ministry official. This followed the replacement of her also outspoken predecessor after one year of his five-year term. The president is empowered by law to remove the executive secretary if the public is not being well served, although critics noted that the former executive secretaries were strong human rights advocates. In June the new NHRC leadership visited the UN Human Rights Council in Geneva to submit the country's four-year (2009-13) action plan to promote and protect human rights. While ambitious in scope, the plan did not identify resources, timelines, or strategies to achieve results.” [3a] (Section 4)

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

*Right*, observed in the summary of its key findings:

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

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

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

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

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

“Furthermore, despite improvements since the military rule ended, the legislative framework remains insufficient to ensure adequate protection to the work of human rights defenders. The Government seems to be willing to reinforce domestic human rights mechanisms by, for example, introducing human rights desks in some police stations. However, it has at the same time undermined the independence and effectiveness of its National Human Rights Commission. The Government has also failed to amend existing legislation and pass new legislation that would facilitate the work of human rights defenders, including in particular a law guaranteeing access to information.”  
[39c]

See [Freedom of speech and media](#), subsection [Treatment of journalists](#)

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## 19. CORRUPTION

### OVERVIEW

- 19.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated: "Corruption was massive, widespread, and pervasive at all levels of government and throughout the security forces. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office." [3a] (Section 4) While on the same subject, the Human Rights *World Report 2010, Nigeria*, covering events in 2009, released in January 2010, observed:

"Nigeria's fledgling anti-corruption campaign produced mixed results in 2009. In October a powerful ruling People's Democratic Party (PDP) chieftain, Olabode George, was convicted for financial crimes, in the most significant conviction secured by Nigeria's anti-corruption body since Yar'Adua came to power. The new chairman of the central bank, Lamido Sanusi, sacked the chief executives of eight Nigerian banks due to financial mismanagement and fraud. Farida Waziri, the head of the Economic and Financial Crimes Commission (EFCC), promptly filed corruption charges against several of the bankers, but failed to indict key politicians credibly implicated in the massive looting of the state treasury, including former Rivers State governor Peter Odili. Several other high-profile corruption cases initiated by Waziri's predecessor at the EFCC have been effectively stalled. Meanwhile, the country's tremendous oil wealth, which could have been used to improve the lives of ordinary Nigerians, continues to be squandered and siphoned off by the governing elite, leaving poverty, malnutrition, and mortality rates among the worst in the world." [22c]

- 19.02 Freedom House's report, *Freedom in the World 2009, Nigeria*, released 16 July 2009, stated:

"Corruption remains a serious problem, though the government has taken steps to improve transparency and reduce graft, including the reform of contracting and procurement rules. In September 2008, the former chief executive of U.S. -based contractor KBR admitted his role in channelling more than \$6billion in contracts between 1994 and 2004. Seven former governors were charged with corruption in 2007 on orders from the Economic and Financial Crimes Commission. However, EFCC chairman Nuhu Ribadu was removed from his post in December 2007...Ribadu was officially dismissed from the Nigerian Police force in December 2008. Many observers saw this continued harassment of the former EFCC chairman as retribution for those indicted under his supervision." [30c]

- 19.03 In its *2009 Corruption Perceptions Index (CPI)*, released 17 November 2009, Transparency International ranked Nigeria 130th in the world out of 180 countries, giving it a CPI score of 2.5. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [35]

See also [Forged and fraudulently obtained documents](#), and [Security Forces](#), subsection on Police for [corruption](#) in the police force

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## GOVERNMENT EFFORTS TO TACKLE CORRUPTION

19.04 The USSD *2009 Human Rights Report* stated:

“The EFCC's anticorruption efforts were largely ineffectual. Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who were out of favor with the government, while those that were in favor continued their activities with impunity. The EFCC claimed that approximately 10 former state governors were facing corruption charges; however, none of the cases had moved forward by year's end. In December [2009] the judge dismissed the 170 counts of illegal activity against former Delta state governor James Ibori, although the judge ordered a retrial. Ibori remained free on bail at year's end. The EFCC's inability to bring a number of corruption investigations to closure; the 2008 replacement of its internationally respected chairman; and the 2008 transfer of many of its senior personnel raised questions about the government's commitment to fighting corruption. During the year the EFCC was accused of using its authority to harass citizens who objected to government policies.” [3a] (Section 3)

19.05 A *BBC News Online* report of 27 October 2009, ‘Nigeria jails top political aide’, recorded that:

“A top Nigerian politician from the ruling party has been sentenced to two-and-half years for corruption. Olabode George was accused of inflating contracts and abusing public funds worth \$500m (£305m) when he ran the Nigerian ports authority...George was seen as one of the untouchables among the Nigerian elite. Lawyers for George, a close ally of the former President Olusegun Obasanjo told the BBC he will appeal...Nigerians are questioning whether the conviction and sentencing of George can be true.” [8r]

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

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

“Where progress has been made against corruption, it is attributable to vigilant media that regularly expose public wrongdoing, and to the growth of civil society watchdog organizations. The National Assembly also plays a

constructive role at times.

“... the failure to enact a freedom of information bill means that Nigeria has no comprehensive legal framework to promote transparency... Still, transparency by itself has so far had little dissuasive effect on the willingness of high officials to engage in corruption. Whistleblowers have virtually no legal protection, though they would gain some recourse if the freedom of information bill were passed.” [30a]

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## 20. FREEDOM OF RELIGION

### OVERVIEW

- 20.01 The US State Department *2009 International Religious Freedom Report, Nigeria*, published 26 October 2009, (USSD *2009 Report on Religious Freedom*) stated in its introductory section that:

“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 through worship, teaching, practice, and observance. Twelve northern states use Shari'a courts to adjudicate criminal and civil matters for Muslims and common law and customary law courts to adjudicate cases involving non-Muslims.

“Violence, tension and hostility between Christians and Muslims increased, particularly in the Middle Belt, exacerbated by indigene/settler laws, discriminatory employment practices, and resource competition.” [3b]

- 20.02 The US Commission *International Religious Freedom Report 2010* (USCIRF Report 2010), released on 29 April 2010, observed:

“The government of Nigeria continues to respond inadequately and ineffectively to recurrent communal and sectarian violence. Religion is a driving force in the violence, as a precipitating factor or proxy for political or social issues. Years of inaction by Nigeria's federal, state and local governments has created a climate of impunity, resulting in thousands of deaths. Other religious freedom concerns in Nigeria include the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims. Based on these concerns, USCIRF recommends in 2010, for the second year, that Nigeria be designated as a 'country of particular concern,' or CPC. Prior to the 2009 CPC recommendation, Nigeria had been on USCIRF's Watch List since 2002.” [60] (p80)

### Religious demography

- 20.03 The USSD 2009 Report on *Religious Freedom* stated:

“While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent practitioners of indigenous religious beliefs, it is generally assumed that the proportions of citizens who practice Islam and citizens who practice Christianity are roughly equal and include a substantial number who practice indigenous religious beliefs alongside Christianity or Islam. The predominant form of Islam is Sunni; however, there is an emerging Shi'a minority. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of evangelical and Pentecostal Christians and members of the Church of Jesus Christ of Latter-day Saints (Mormons).

“The North, dominated by the Hausa-Fulani and Kanuri ethnic groups, is

predominantly Muslim. Significant Christian communities have resided and intermarried with Muslims in the North for more than 50 years, however. Both Muslims and Christians reside in large numbers in the Middle Belt, including the Federal Capital Territory (FCT). In the southwest, where the Yoruba ethnic group predominates, Christians and Muslims reside in equal numbers. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southern ethnic groups are predominantly Christian. In the east, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies in tandem with Christianity. In the oil-rich and restive Niger Delta region, where the Ogoni and Ijaw ethnic groups prevail, Christians are the majority, with an estimated 1 percent of the population adhering to Islam. Members of the Ahmadiyya Movement maintain a presence in Lagos and Abuja.” [3c] (Section I: Religious Demography)

See also [Ethnic groups](#)

## LEGAL RIGHTS

20.04 The USSD 2009 *Human Rights Report* observed:

“The constitution prohibits state and local governments from giving preferential treatment to a religious or ethnic community; however, states, whether predominantly Christian or Muslim, generally favored the faith practiced by the majority of their residents. Many Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari’a legal system and the continued use of state resources in 12 northern states to fund construction of mosques, the teaching of qadis (Shari’a court judges), and subsidies for pilgrimages to Mecca amounted to the effective adoption of Islam as a state religion. Moreover, the NGO [Non-Governmental Organisation] Civil Liberties Organization contended that establishment of a Ministry of Religious Affairs and creation of a preacher’s council in Zamfara state amounted to adopting Islam as a state religion. However, several states, including northern ones, apportioned funds to finance Christian pilgrimages to Jerusalem, the Sinai, and Rome and to construct churches.” [3a]

See also [Shari’a law](#)

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## GOVERNMENT RESTRICTIONS

20.05 The USSD 2009 *Human Rights Report* noted:

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

“Although the expanded jurisdiction of Shari’a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari’a, such as separation of the sexes in public schools, health-care facilities, and public

transport services, affected non-Muslim minorities in the north.

“Four states with expanded Shari’a laws (Zamfara, Niger, Kaduna, and Kano) authorized enforcement by private groups known as the Hisbah, funded by state governments. In some cases, these groups had authority to make arrests, but they primarily served as traffic wardens and regulated commercial market activity.

“Although most Shari’a states did not criminalize alcohol consumption by non-Muslims, Kano state maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. Despite the prohibition, alcohol remained available in Kano at some hotels and restaurants and in Sabon Gari, where a majority of non-Muslims lived. During the year the governor and state Hisbah restricted importation of alcohol into Sabon Gari by establishing checkpoints and impounding vehicles carrying alcohol.

“Hisbah leaders in Kano cited prohibitions of alcohol and prostitution as their primary focus. In April [2009] the director general of the Kano Hisbah Board threatened to enter Sabon Gari to confiscate alcohol and crack down on prostitution if the hoteliers did not comply with an agreement to clean up ‘beer spots and brothels.’ At year’s end hotels in Kano continued to serve alcohol.”  
[3a] (Section 2c)

20.06 The USSD *2009 Report on Religious Freedom* stated:

“The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission (CAC). In Bauchi and Kano states, state-level authorities reportedly denied building permits for construction of Christian churches and for expansion and renovation of existing churches. Churches at times have applied for residential permits as an alternative. Officials closed or demolished churches and mosques that ignored registration requirements or violated other zoning laws.”  
[3b] (Section 2)

## SECTARIAN VIOLENCE

20.07 The USSD *2009 Report on Religious Freedom* stated:

“Violence between Christian and Muslim communities increased, as political and socioeconomic conflicts often divided persons along religious lines and were expressed in the targeting of religious symbols and spaces. Acute sectarian violence in the Middle Belt served to heighten tensions between religious groups even in parts of the country that did not experience the violence.

“Religious differences often paralleled and exacerbated differences between ethnic groups. Competition for scarce resources, in concert with livelihood differences and discriminatory employment practices, often underlay violence between different ethnoreligious communities. Local politicians and others continued to use religion as a catalyst for fomenting hostility between groups.”  
[3b]

## 20.08 The USCIRF Report 2010 observed that:

“Since 1999, a disturbingly large number of Nigerians—12,000, if not more—have been killed in attacks and reprisals between Muslims and Christians. This trend continues: in the past year, two major outbreaks of sectarian violence took place since January 2010 in and around the city of Jos, Plateau State that resulted in as many as 1,000 people being killed. In addition, religiously-motivated violence by an extremist Islamic sect resulted in 900 – 2,000 deaths in several northern states in July 2009. The Jos violence was the most recent in a long line of violent incidents resulting in death and destruction, and instilling a sense of fear within Northern and Central Nigerian communities. The government of Nigeria has done little, if anything, to address sectarian and communal violence, making no serious effort to investigate or prosecute the perpetrators of the numerous killings and other crimes. Government leaders have failed to heed warning signs of violence, and the federal police have failed to respond effectively and appropriately—or even at all—when violence has erupted. The national legislature has exercised no discernible oversight over either the Ministry of Justice or the National Human Rights Commission to ensure adequate investigation and resolution of religious violence and intolerance. The Human Rights Commission, both by design and in effect, lacks the independence and resources to address these issues.

“Religion is a driving force in the sectarian violence, as a precipitating factor or a proxy for political or social issues. This, combined with the Nigerian government's toleration of criminal acts, has created a permissive environment for continued sectarian and communal violence, leading to a culture of impunity. The culture of impunity must be broken by the top levels of Nigerian government, including the highest ranking state and federal officials.” [60] (p57)

## 20.09 The same report recorded:

“In July 2009, between 900 and 2,000 people were killed in the northern Nigerian states of Bauchi, Borno, Kano, and Yobe when a Muslim sect calling itself *Boko Haram* ('Western education is sacrilege' in the Hausa language) attacked police after several members of the sect were arrested. The group seeks the implementation of a harsh form of sharia law in Nigeria. In addition to attacking police, numerous churches were burned, and reports indicate at least three Christian pastors were murdered. Over 100 individuals reportedly were arrested for their role in the violence or for membership in the group, but it is unclear how many, if any, prosecutions followed. The situation ended when the Nigerian military responded to the attacks, killing or capturing many *Boko Haram* members. Recently released photos and videos implicate Nigerian police in extrajudicial killings of members of the sect, including the group's leader, while they were in custody. The government of Acting President Jonathan reportedly has made inquiries into these reports, but the status of those investigations is unknown.” [60]

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

“... the cycle of killing in Jos. Its underlying causes are economic and political, not religious or ethnic. In the most recent crisis in which hundreds of people were killed or injured - death estimates range from the police's 109 to Human Rights Watch's 'at least 200' to press reports of 500 ...

“[The] ... rapid southern advance of the Sahara Desert and the shrinkage of Lake Chad in the last 30 years have increased pressure on the grazing lands that are key to the lives of nomads in northern Nigeria. Most of the country's cattle are found there. ... Competition for land is heightened, but seldom does it descend into Jos-scale violence.

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

See also [Recent Developments](#) and [Ethnic groups](#)

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## TRADITIONAL NIGERIAN RELIGIONS AND RITUAL KILLINGS

- 20.11 The *Canadian Immigration and Refugee Board* (IRB) Research Directorate published a response to a country of origin information request, dated 22 July 2005, about the prevalence of ritual murder and human sacrifice and reaction by government authorities. An associate professor and chair of the Department of Anthropology at Franklin and Marshall College (Pennsylvania, USA) was consulted. The professor stated:

“‘Ritual murder’ is actually a legal category, a holdover from the British colonial days that can be prosecuted under Nigerian law. It refers to the killing of human beings for ritual purposes (one of which might be characterized as human sacrifice) ... ritual murder covers all delicts [offences] that relate to the murder of people and the use of human parts for any magical purpose, whereas in sacrifice the killing of a person to mollify deities is the point. A sacrifice seems more central to religious practice and even more dignified in some sense than what ‘ritual murder’ is meant to cover.” [38c]

The professor also added that anyone is a potential victim of ritual killing, although the old are considered to be of less value than the very young and fertile. [38c]

- 20.12 Regarding how effective the authorities are in investigating ritual killings, the professor said:

“In the past, there have been few arrests - but a lot of splashy press coverage. In the ‘Otokoto saga,’ however, there were some quite important people arrested, several of whom were executed. According to published reports, there have been a few, other cases where arrests have been made as well. But mostly the idea of ritual murder sits there and people fear it, not least because they think the police and courts have been co-opted by the wealthy murderers.” [38c]

- 20.13 The *IRB* Research Directorate also consulted a professor at the Africana Studies and Research Centre at Cornell University (USA), who explained that: “Human sacrifices involve the participation of the community in a formalized manner, while ritual murders are individual acts, often performed following consultation or with the participation of a shaman or witch doctor, and are designed to call the favour of the gods onto an individual.” [38c]
- 20.14 In February 2000, the *IRB* Research Directorate also consulted a Lagos-based lawyer and director of the Constitutional Rights Project NGO, who explained that: “Ritual murders are not usually associated with any particular group ... ritual killings are perpetrated mainly by ‘native doctors’ who have been involved in this since time immemorial, mostly through traditional cultic practices that have nothing to do with modern-day cults ... those who perform ritual murders are individuals working for their own profit.” [38c]
- 20.15 A report by Leo Igwe, ‘*Ritual Killing and PseudoScience in Nigeria*’, published by Earthward, in 2005 added:

“Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders, also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria ... and now, the question is: why do Nigerians still engage in ... [ritual killing] ... ? For me [Igwe], there are three reasons for that.

“1. Religion: Nigerian is a deeply religious society. Most Nigerians believe in the existence of supernatural beings, and that these transcendental entities can be influenced through ritual acts and sacrifices. Ritual making constitutes part of the people’s traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences, if they default. So at the root of spiritual killing in Nigeria is religion, theism, supernaturalism and occultism.

“2. Superstition:- Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making and magical thinking. In Nigeria, belief in ghosts, juju, charms and witchcraft is prevalent and widespread. Nigerians believe that magical portions [sic] prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one’s political and financial fortunes; that juju, charms and amulets can protect individuals against

business failures, sickness and diseases, accidents and spiritual attacks. In fact, ritual-making is perceived as an act of spiritual fortification.

“3. Poverty:- Most often, Nigerians engage [in] killing for money-making purposes. Among Nigerians, there is this popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense [sic]. ...

“So driven by ignorance, poverty, desperation, gullibility and irrationalism, Nigerians murder fellow Nigerians for rituals.” [36]

- 20.16 The Norwegian Landinfo (Norwegian Country of Origin Information Centre) 2006 *Fact-Finding Mission Report on Nigeria* added further:

“Asylum applications presented by Nigerians [in Norway] regularly contain claims that the applicant fears persecution from persons or groups threatening to use occult powers, or *juju* [italics in document]. This is the common term in Nigerian English for all religious practices with some sort of basis in traditional African animist religion. Such practices are common among the substantial minority of Nigerians who are neither Christians nor Muslims, but they also influence the religious life and outlook of many Christians and Muslim Nigerians, whose religious practice must be categorised as syncretistic. Even more importantly, many Christian and Muslim Nigerians who themselves will not get involved in rites and rituals associated with traditional religion, may still regard occult forces as very real influences to be reckoned with in their lives. Thus the fear of being a victim of other people’s (attempted) manipulation of supernatural forces is very widespread. As Pastor Dayo Oluwayo put it, ‘many are suspicious that people are after them, and think they don’t succeed because of other people’s evil intentions’. Pastor Oluwayo also stressed that it is not unusual that people blame other people’s use of witchcraft as an excuse for not dealing with their own problems.” [40b] (p18)

## ISLAM IN NIGERIA

- 20.17 The United States Institute of Peace ‘PeaceBrief’ of 4 May 2010, ‘*Is Nigeria A Hotbed of Islamic Extremism?*’, observed that:

“Nigeria is a key player in the Muslim world. With an estimated 150 million people, the country is approximately half Muslim and half Christian. Since the 19th century, Islam in the northern regions of Nigeria has been dominated by the Sokoto caliphate, an institution which remains the backbone of Nigerian Islam to this day. However, the balance of power between the Borno-dominated areas in the Northeast and the Sokoto caliphal domains has also been a constant challenge in Nigerian politics. While much of West African Islam has been influenced by Sufism, the Sokoto Caliphate has maintained a decidedly West African version of Islam, less dependent on outside influences in the Arab world. However, in the 20th century there has been a revival in the Sufi brotherhoods in Nigeria in part due to links with Senegalese Sufis. Today, the most prevalent is the Tijaniyya—by far the largest Sufi brotherhood in Nigeria, and probably in all of West Africa. A countervailing group to the Sufis in the north and throughout Nigeria is the Izala movement, originally led by

Abubakar Gumi, which formed in reaction to the perceived ‘innovation’ practiced by the Sufi brotherhoods. The Izala instead practice a strict interpretation of the Koran and Hadith.

“Muslim organizations are also quite prevalent among women and youth. Muslim student societies are important fixtures at all Nigerian universities, and the National Council on Muslim Youth Organizations (NACOMYO), along with the Muslim women’s umbrella group, the Federation of Muslim Women’s Associations in Nigeria (FOMWAN), play significant roles in civic life and politics. In the 1980s, there was an effort to bring all the disparate Islamic movements in Nigeria under one umbrella, the National Supreme Council for Islamic Affairs (NSCIA), which is now considered the leading Islamic organization for Nigeria. By tradition, the Sultan of Sokoto is the president of the NSCIA, the Shehu of Borno is the vice president, and a distinguished Yoruba legal scholar is the general-secretary. In addition, there are a number of ‘anti-establishment’ Shiite networks gaining strength in Nigeria. While there is no public evidence that there is a ‘Taliban’ movement, as we know it in Afghanistan, there is a Sunni sect called the Boko Haram whose leader died in police custody after he and his followers launched a campaign to challenge the police and the government. While the Boko Haram gained notoriety after the incident, they are a relatively small movement in Nigeria.” [83]

20.18 The same US Institute of Peace report stated:

“While the majority of the Nigerian population (both Muslim and Christian) are moderate, what catches the attention of the West are the instances of violent extremism. However ... it is important not to treat these cases as the norm, nor simply as instances of religious extremism, as religious conflict in Nigeria tends to be only one layer in a complex set of contentious issues. Rather, it is useful to analyze the triggers that incite the conflict, the demographics of those who participate in the violence, and the efficacy of government responses, so as to gather lessons that can be used to help prevent such outbreaks in the future.” [83]

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## 21. ETHNIC GROUPS

### OVERVIEW

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

21.02 On the above point the US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) observed: “Religious differences often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.” [3a] (Section 6)

21.03 The same report added

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

21.04 According to the Maps of World website (accessed April 2010):

“The tribes of Nigeria are diverse, comprising about three hundred [and] seventy one groups. Among the tribes of Nigeria, only three have achieved the status of ethnicity. The rest are minor ethnic group[s]. The groups are bearers of the Nigerian culture each distinct in their own way. The major ethnic Nigeria[n] tribes are the Hausa Fulani, Yoruba and the Ibo ... the Hausa Fulani tribe inhabits the northern part of Nigeria, while the Yoruba and the Ibo shelters [in the] southwestern and the southeastern part of the country respectively.

“The Hausa Fulani tribe are a mixed race of the Hausa and the Fulani. The Hausas are a mixture of Sudanese people ... theses [sic] people are the followers of Islam. The Hausas are administers [sic] of Islamic law. ... Ibo is the second largest group among the Nigerian tribes, comprised of smaller ethnic groups. Their origins cannot be traced and mostly inhabit the forest area of the Niger valley. The Ibo tribe claims Nri town, which is considered as the bosom of the Ibo people.

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

“These three groups form 57% of the Nigerian population and the rest comprises [sic] of the smaller ethnic groups. The other groups are the Nupe,

Kanuri, Tiv, Abayon, Awori, Bali, Bele, Chamo, Diba, Ouguri, Ekoi, Gira, Gudu and so on. These different Nigerian tribes have different languages and culture and take pride in retaining it.” [14]

## SOCIETAL DISCRIMINATION

21.05 USSD 2009 *Human Rights Report* stated:

“Many groups complained of insufficient representation in government.

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

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

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

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

“Ethnic groups claimed economic exploitation, environmental destruction, and government indifference to their problems in the oil-producing Niger Delta region. Incidents of ethnic conflict and confrontation with government officials and forces continued in the delta area.” [3a] (Section 5)

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

“Ethnic discrimination remains pervasive. Though Nigerians are free to reside in any part of the country, those who live in an area dominated by another ethnic group frequently suffer discrimination. State and local governments classify such persons as foreigners or ‘non-indigenes’ to exclude them from a host of material benefits to which they are entitled as Nigerian citizens. Such discrimination reflects a widespread belief that the state and local governments exist to serve only the interests of the indigenous population. Non-indigenes are charged higher school fees and have limited ability to

compete for government contracts, obtain civil service positions, or secure pensions. Those non-indigenes who are hired by state or local governments are often unable to contest unfair layoffs. Non-indigenes are also likely to face discrimination when competing for federal level positions on the grounds that they are reserved for the local indigenes. The 1999 constitution calls for the federal government, its agencies, and its policies to reflect the 'federal character' of Nigeria so as to promote national unity and prevent the dominance of particular ethnic or other groups. This balancing effort is monitored and enforced by the Federal Character Commission, also provided for in the constitution. Despite its intentions, the federal character system often has the effect of subordinating national citizenship to ethnic identity, and spurring ethnic tensions as different groups compete for resources." [30a]

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## INTER-ETHNIC VIOLENCE

21.07 The USSD 2009 *Human Rights Report* noted:

"Unlike in previous years, there was no interethnic fighting in Warri, Delta state; however, numerous ethnic clashes occurred in other parts of the Niger Delta, including the states of Akwa Ibom, Bayelsa, and Cross River. On February 27 [2009], for example, six persons died as a result of ethnic fighting in Yenagoa, Bayelsa state, and on March 13, 20 persons died in an intercommunal clash in Cross River state.

"Interethnic fighting elsewhere resulted in numerous deaths and injuries. Clashes between the Ezra and Ezillo communities in Ishielu, Ebonyi state, continued and resulted in more than 100 deaths since May 2008.

"On September 3, a communal clash in Nkerehi, in Orumba South, Anambra state, resulted in five deaths, injuries to 15 persons, and the destruction of at least seven houses; the violence was triggered by a dispute over a proposed name change for the community. Attacks by a vigilante group forced many Nkerehi community members to hide in a nearby church, where the government reportedly failed to provide protection or food.

"Conflicts over land rights continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups living near the convergence of Nassarawa, Benue, and Taraba states." [3a] (Section 5)

See [Religious Freedom](#), subsection [Sectarian violence](#)

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## 22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

- 22.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) noted that:

“Homosexual activity is illegal under federal law, and homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari’a law, adults convicted of engaging in homosexual activity may be subject to execution by stoning, although no such sentences have been imposed.

“Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. The NGOs [Non-Governmental Organisations] Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness.” [3a] (Section 5)

- 22.02 The International Lesbian and Gay Association report, ‘*State sponsored Homophobia*’, A world survey of laws prohibiting same-sex activities by consenting adults, dated May 2009, (ILGA Report 2009), observed that same-sex relations between men were illegal but those between women were legal (though in parts of the country where Shari’a law was applied, female same-sex relations were also illegal). [23] The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, updated July 2006, observed that same-sex relations between men were illegal and punishable with up to 14 years imprisonment. It also reported that same-sex relations between women were not mentioned in law, while in regard to transgender persons there were “No data or the legal situation was unclear”. [12k] (p9)

- 22.03 The ILGA *Report 2009* provided details of articles from Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990, relevant to same-sex relations:

“Section 214. ‘Any person who-

- (1) has carnal knowledge of any person against the order of nature; or
- (2) has carnal knowledge of an animal; or
- (3) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for fourteen years.’

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

“Section 217. ‘Any male person who, whether in public or private, commits any act of gross indecency with another male person, or

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

22.04 The same source added:

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

“The states which have adopted such laws are:

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

22.05 The Foreign and Commonwealth (FCO) Travel Advice for Nigeria, updated on 6 May 2010, stated that “... homosexuality is illegal under Federal law, covering the whole of Nigeria.” [2c]

See also [Sharia law](#)

22.06 The British-Danish 2008 *Fact-Finding Mission Report*, October 2008, stated that:

“According to LEDAP [Legal Defence and Assistance Project] officials, Nigerian law does not clearly define sodomy, and the law on sodomy covers other types of non-conformist sexual behaviour or acts, which are all regarded as ‘sodomy’. Under the law on sodomy, nobody can be convicted without a confession. No one has been convicted for sodomy under common law as sodomy is hard to prove.” [20] (p33)

22.07 A Human Rights Watch document of 26 January 2009, *‘Nigeria: Reject ‘Same Gender’ Marriage Ban*, noted:

“A bill before Nigeria’s National Assembly to ban ‘same gender marriage’ would expand Nigeria’s already draconian punishments for homosexual conduct and threaten all Nigerians’ rights to privacy, free expression, and association. ... The House of Representatives referred the bill to its committees on Human Rights, Justice, and Women’s Affairs, which will hold a joint public hearing on it. If the House approves the bill on a third reading, it must then be approved by the Senate and President ... Members of the House of Representatives reportedly justified the bill by citing links between ‘sodomy’ and HIV and AIDS, making clear that they see the marriage ban as a deterrent to homosexual conduct, though research shows that HIV is most-often spread through heterosexual conduct in Nigeria.” [22g]

- 22.08 On the same proposed an *Amnesty International* article of 28 January 2009, 'Nigeria's proposed ban on same sex partnerships an assault on human rights', recorded:

"If passed, the bill would give licence to the authorities to raid public or private gatherings of any group of people they suspect to be lesbian, gay, bisexual or transgender. The measure would also increase the risk of violence and other acts of discrimination against individuals who are suspected of being lesbian, gay, bisexual or transgender. In addition to the measures against those thought to be in same sex relationships, the bill would authorise sentences of up to five years' imprisonment and a fine of up to N2,000 (US\$14) for any person who 'witnesses, abets and aids the solemnization of a same gender marriage.'" [12h]

- 22.09 A *Behind the Mask* news report of 22 October 2009, 'Religion Influence over Nigeria's Anti Gay Bill', noted that:

"Speculation is mounting that Nigeria's Same-sex Marriage Prohibition Bill might be passed, as religious leaders continue to pressure government to take stringent measures against homosexuality.

"The recent outburst came from Primate-elect Archbishop Nicholas Okoh of the Anglican Communion, who, on 28 September this year, called for Nigeria's law makers to prescribe harsher measures 'needed to curb key issues seeking to undermine religion.' Okoh, known for his stern ideologies against homosexuality which he says are based on the teachings of the word of God, is expected to take over from the controversial Archbishop Peter Akinola next year, and it is feared that he will be more vigorous when dealing with the issue of homosexuality." [73a]

- 22.10 A further *Behind the Mask* news report of 11 May 2010, 'Speculation mounts as Nigeria mourns Yar'Adua's Death', recorded:

"As Nigeria grieves the death of President Umaru Musa Yar'Adua, speculations are mounting about the fate of the pending Same Gender Marriage Prohibition Bill which seeks to outlaw same sex marriages, introduced under the leadership of former President Olusegun Obasanjo in 2006. While Yar'Adua would be remembered for setting standards that distinguished him as a good man and a servant-leader, who meant well for his people and his country, under his leadership the Same Gender Prohibition Bill was passed by the House of representatives in 2009 and he never publicly condemned this law which also prohibits the mere witnessing of same sex marriages.

"The Bill would still need to be approved by the Senate before it could become law but Yar'Adua's government kept mum about it while gay rights activists were optimistic that pressure from both local and international institutions could stop the Bill from being passed into law.

"The Bill was first approved by the Federal Executive Council in January 2007 and was temporarily halted because of the 2007 elections that saw Yar'Adua coming to power. It was later revisited in January 2009, and speculation is that

the bill is most likely to be revisited soon, because of pressure from religious leaders who have been vocal in support of the bill.” [73b]

## TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

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

22.12 The British-Danish *2008 FFM Report* further stated that:

“The LEDAP officials added that the Shari’a penal codes were adopted by the 12 northern states from 2000 to 2001. Between 2003 and 2007, 20 people have been charged under the homosexuality provisions of Shari’a law, although not all have been convicted. Between 10 and 12 people have been sentenced to death by stoning, but these sentences have not been implemented, as they have been overturned on appeal by the federal courts.

“According to Global Rights, people convicted of homosexual acts under Shari’a law, known as zina, will receive 100 lashes, but a fourth conviction would lead to death by stoning. Whilst those convicted of sodomy would be put to death immediately, however, under Shari’a law the crime must be witnessed by four witnesses.” [20] (p33)

22.13 The British-Danish *2008 FFM Report* added further:

“In May 2007, Lagos State passed its own anti-gay legislation, which according to a spokeswoman for the NGO Global Rights, was particularly alarming because it [Lagos] was the most cosmopolitan city in Nigeria. She said that there was a rising trend of conservatism and intolerance in the State which was extending even beyond people of different sexual orientation. Recently, even women wearing trousers and body-hugging tops have been arrested on the streets of the city and charged in court for wearing indecent clothing under section 249 a(i) of the criminal code punishing ‘indecent dressing’ (p34) ... According to a BBC News Online report, in August 2007, eighteen men were arrested by the Hisbah (religious police) for sodomy in Bauchi (northern state) which has a penal code based on shari’a law. The men were reportedly wearing women’s clothes, and were said to have gone to Bauchi to celebrate a ‘gay wedding’. According to Global Rights, this led to demonstrations at the prison and court where they were held after the charges against them were reduced to idleness or vagabondism (which is the criminal offence under Shari’a law for cross-dressing in public), when it could not be proved that any sex had taken place. This also led to the men’s families disowning them.

“According to another *BBC News Online* report, in April 2007, four women were accused or [sic] organising a same-sex marriage ceremony in Kano. Another BBC News Online report stated that the women involved denied the

allegations that they had 'married' and said that they would challenge the Hisbah Board. Hisbah's deputy commander said that the women faced one of two punishments. For a married woman, the offence would be considered adultery, the punishment for which is death by stoning. The punishment for a single woman would be caning. A Global Rights representative added that the charges were dropped when the local Hisbah could not produce witnesses.

"According to a report published in the *allAfrica.com* website, a further incident took place in October 2007 in Abuja, when two men appeared before an Abuja magistrates' court for allegedly practicing homosexuality. It was reported that members of a vigilante group had caught the men having unlawful sexual intercourse with each other. One of the men claimed that he had been tricked by the other and was granted bail." [20] (p36)

- 22.14 A 28 February 2006 article in the *Pink News* reported on a case of discrimination against gay men in the armed forces. The *Pink News* report stated that in 2006, an investigation was carried out into allegations that 15 army cadets had engaged in homosexual acts. A board of inquiry was set up to look into the allegations. After medical examinations had been carried out, the cadets were found to have engaged in homosexual acts. They were then dismissed from the academy. [16a]
- 22.15 *Global Gayz* referred to an online article of 24 June 2009 wherein it was reported that "... three homosexuals were arrested today by the Edo State police command in Benin City. They were paraded like common criminals and displayed on television. The command Public Relations officer has said they would be charged to court as homosexuality is a criminal offence in Nigeria." [74]
- 22.16 The 2009 USSD *Human Rights Report* recorded that:
- "No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.
- "As of year's end, the trial of 18 men, originally charged in September 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. Five defendants were able to pay bail, set at 20,000 naira (\$133), and were released; the remaining 13 defendants remained in jail." [3a]
- 22.17 An article in the *Guardian* of 25 May 2010, 'African Statesman condemns homosexuality as an 'abomination'', set out the views of former president Olesgun Obasanjo:
- "[He] indicated his support for the sentencing last week of a gay couple in Malawi to 14 years in prison with hard labour, insisting that countries have the right to enforce their own laws...'I believe that God who created man, male and female, is a wise God, is to me a God who doesn't make a mistake,' he said. 'If he wants sexual relationship between man and man, and between woman and woman, God will not have created them male and female. For me it is an abomination in my part of the world and if anybody practices it then he

must be unbiblical, and anything that is unbiblical for me as a Christian is not right.” [63b]

22.18 The same *Guardian* article continued:

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

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## SOCIETAL TREATMENT AND ATTITUDES

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

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

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

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

“The cultural residue of colonial occupation and political maneuvering encouraged by the country’s influential Christian and Muslim faiths make Nigeria one of the most challenging African nations in which to live openly as a homosexual ... the real threat of death or serious injury is not from legal actions by the state, but from mob violence and unofficial actions by the police who are a law unto themselves,’ says Davis Mac-Iyalla, Director of Changing Attitude Nigeria [LGBT religious NGO]. ‘In that way, there is very little difference between North and South.’ ” [24]

22.21 The British-Danish *2008 FFM Report* added:

“At a meeting with the Nigerian NGO, Civil Liberties Organisation (CLO), a spokesman stated that he believed that homosexual acts or behaviour were tolerated in Nigeria, as long as they were carried out discreetly and in private, but homosexuals would be arrested for offending public decency if they

showed affection in public. He added that violent attacks against homosexuals were not a common occurrence in Nigeria. He further stated that the public have little confidence in the police who are perceived to be inefficient and corrupt, but believed that they would provide protection for homosexuals threatened with violence for being homosexual. However, the spokeswoman for Global Rights stated that violence against homosexuals is widespread, and that societal disapproval of homosexuality meant that, even if a bribe was offered to the police to drop sodomy charges, at least 65% of such charges and prosecutions would go ahead, in her opinion at least. (p34) ... According to reports published in the 'Yawning Bread' website, a student at the Birnin Kudu College in Jigawa State was killed in April 2002 by fellow students who suspected him of being gay, and early in 2006, a Christian lesbian couple were attacked with acid through their bedroom window. One of the women died as a result of the attack and the other was hospitalised.

"A Global Rights representative stated that in Cross Rivers State in 2006, girls were expelled from a secondary school for having alleged tendencies towards lesbianism. The school authorities said the students did not 'look like normal girls'." [20] (p36)

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

22.23 The article continued:

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

22.24 An *Immigration and Refugee Board of Canada* Response to Information Request of 11 August 2009, 'Treatment of homosexuals by society and government authorities; recourse and protection available to homosexuals who have been subject to ill-treatment (2008 – August 2009)', referred to "... an uncorroborated article from the United Nations Integrated Regional Networks (IRIN) ... " which "... notes the existence of a few clubs that accept gays in Abuja; however the article also reports that homosexuals tend to be discrete (sic), noting that in Nigeria '[b]eing gay means becoming invisible.'" [38h]

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

"The founder of House of Rainbow, Rowland Jide Macaulay, a gay Nigerian pastor, knows all about anti-gay intimidation. Two years after he set up his

church in Lagos in 2006, the project was brought to a halt. Members of his congregation had been beaten and sometimes raped as they left Sunday services in order—said their assailants—to ‘correct their sexuality’. After receiving death threats Mr Macaulay fled to Britain, from where he now preaches via YouTube.” [85]

## LGBT SOCIAL SCENE

22.26 Spartacus International Gay Guide 2009 referred to certain bars, dance clubs and fitness studios, and noted such were “... not gay but here you may make contacts”; or “... not gay but maybe a place where you could meet gay travellers.” [89]

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

“Once a fortnight, 50 or so Nigerians furtively log on for an online Bible study class. ‘This is the only way we can worship because of the stigma,’ says one of them. The reason for the secrecy is that the participants, ranging from students to married men, are gay. To go to a mainstream church in Nigeria would risk beatings or even a forced exorcism. So hundreds are turning to House of Rainbow, Nigeria’s only gay-friendly church, which is flourishing online after almost meeting a violent end two years ago.” [85]

22.28 In spite of societal discrimination against the LGBT community (described in this section), a Nigerian gay dating website (gay-datanta.com), operated openly and included photographs of men on the site. [90]

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## 23. DISABILITY

- 23.01 The US State Department *country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:

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

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

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

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

“Nigeria signed the UN Convention on the Rights of Persons with Disabilities in 2007 but has not yet ratified it. Disabled people continue to face stigmatization in society, with social and economic barriers forcing many to resort to begging. While state governments such as the Lagos State government have made a concerted effort to empower the disabled by allocating funds to organizations devoted to disabled advocacy and assistance, the challenges facing disabled people remain substantial.<sup>44</sup> In March 2009, the Senate passed the Discrimination against Persons with Disabilities (Prohibition) Bill, which bans discrimination against the disabled, establishes a requirement that public organizations provide access into their buildings, and imposes fines for violations of the law. It is currently awaiting approval by the House.” [30a]

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## 24. WOMEN

### OVERVIEW

- 24.01 The Freedom House report, *Freedom in the World 2009, Nigeria*, covering events in 2008, released on 16 July 2009, observed:

“Nigerian women face societal discrimination, although their educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and spousal rape is not considered a crime. Many women are subjected to female genital mutilation (FGM), though the precise incidence is unknown. While the federal government publicly opposes FGM, it has taken no action to ban the practice. Women's rights have suffered serious setbacks in the northern states governed under Sharia statutes. Human trafficking to, from, and within the country for purposes of labor and prostitution is reported to be on the rise. The government in 2004 outlawed human trafficking and set up an agency to deal with offenders, but existing provisions are insufficient. According to UNICEF [United Nations Children's Fund], there are 15 million child laborers in Nigeria, with 40 percent of them at risk of being trafficked. Several organizations have reported on an illegal trade in which pregnant teenagers are promised abortions, only to be held until their babies are delivered and sold for an average price of 350,000 Naira (US\$2,400).” [30]

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

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

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

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

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

“... [the CEDAW] has yet to be fully domesticated as part of national law despite its ratification in 1985 without any reservations.

“... discriminatory provisions in the Constitution...which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man...discriminatory laws at both federal and state levels, including those that allow wife battery as chastisement as long as grievous harm is not inflicted... prohibit women from working at night in certain sectors of employment...and classify sexual assault against female victims as a misdemeanour...Further...a draft bill entitled ‘Abolition of All Forms of Discrimination against Women in Nigeria and other Related Matters’ was not approved by the National Assembly.

“Despite the adoption of the Child Rights Act by 18 states which sets the minimum age of marriage at 18 years the Constitution states that a woman is deemed to be of full age upon marriage, thereby lending support to early marriages.

“... contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party’s tripartite legal system...[leading to] discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance.

“... the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women’s roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society.

“... the continued high incidence of female genital mutilation in some areas of the country ... [and] the absence of national legislation prohibiting this harmful traditional practice.

“... the continuing prevalence of violence against women, including domestic violence”, lack of legislation to address violence against women...“the majority of services for victims, including shelters, are provided by non-governmental organizations with limited support, including financial support, from the State party.

“Despite measures taken by government trafficking remained a problem.

“... women continue to be seriously underrepresented in political and public life, especially in leadership and decision-making positions.

“... the persisting wage gap between men and women, women’s higher unemployment rate, and women’s concentration in certain sectors, namely agriculture, animal husbandry, and service...women are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes...the Factories Act, which does not recognize the specific health and reproductive needs of women, and the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing...discriminatory

practices in the private sector, in particular in the banking sector, with respect to maternity and marital status...the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this.

“... the precarious situation of women’s health, as well as the insufficient number and inadequate health-care facilities, particularly in rural areas...high rates of malaria and HIV/AIDS affecting women and girls in the country.

“... very high maternal mortality rate...lack of access by women and girls to adequate health-care services, including prenatal and post-natal care, obstetric services and family planning information, particularly in rural areas.

“... widespread poverty among women, in particular rural women and women head of households...discriminatory practices with regard to land ownership, administration of property and inheritance, limit women’s access to economic resources, as well as credit and loan facilities.

“... the situation of internally displaced women, including women with disabilities, displaced by violence and conflict, in particular in view of their precarious living conditions in camps where they are at increased risk of sexual and other forms of violence and lack of access to health care, education and economic opportunities.” [61]

For information about girls see [Children](#), and information on trafficked women see [Trafficking](#).

## LEGAL RIGHTS

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

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

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

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

“The unequal treatment of women under the law is mainly facilitated by the

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

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

“Nigeria ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) in 1985 without reservations. But few of its citizens have ever heard of the document. Day-to-day life for women in Nigeria is shaped less by international conventions than it is by the diverse cultures, traditions and religions found in the country.

“... ‘(Even) if CEDAW is accepted and implemented at the federal level in Nigeria, it will certainly face opposition in the states, due to some provisions (which challenge) religious and cultural values. But the focus should be on how to deal with such opposition’, says Fatima Kwaku. Kwaku was an active member of the CEDAW monitoring committee from 2001 to 2004 and has remained involved in holding government accountable. Herself a Muslim, and a barrister, she knew the opposition that the Convention would face on issues like marriage. She stresses that CEDAW must be advocated with great care, so that people get the correct message and the intended changes in women’s status are acceptable amongst the people at the grassroots levels. This, she said, calls for the document and new laws passed to implement to be framed in such a way as to avoid unnecessary hostility from religious or other cultural forces without sacrificing their empowering content.

“... while the Convention might be well-suited to fighting discrimination against women on the global scale, its implementation was destined to be awkward in local situations, such as in Kano where...the Hausa community – including... its ‘naturally reserved women’ - view with suspicion. ‘Imagine Hausa women discussing about reproductive health or family planning issues when they are being oriented by NGOs. A woman hardly discusses her reproductive health with even her husband.’

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

## POLITICAL RIGHTS

- 24.07 The CIA *World Factbook*, last updated June 2010, confirmed universal suffrage from the age of 18. [52] The Inter Parliamentary Union’s database (accessed 30 October 2009) for women in politics recorded that women in Nigeria (South) obtained the right to vote and stand for election in 1958 and the same rights were accorded to Nigeria (North) in 1978. [53]

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

“According to the report of the 2006 census, women constitute 48.78% of the national population of Nigeria, but this numerical strength has never found corresponding expression in Nigeria’s political life and decision-making processes. Women are inadequately represented in the National Assembly, at the State Houses of Assembly, and at the Local Government Councils. They are either completely absent or grossly under represented...the systemic exclusion of women from leadership and decision-making is further reinforced by the patriarchal structure of the Nigerian society.

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

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

“Ten years after Nigeria returned to civil rule women still play second fiddle in the male-dominated politics of Africa’s most populous nation... there are currently 26 women in parliament.

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

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

“Women in Nigeria have far less money than men and even in politics there is a wide economic disparity between women and men, which gives men competitive political advantage over women because they are the ones with

money to throw around and win votes', [she] said. Those among us that aspire to political office need the financial support of men who usually prefer supporting their fellow men due to prevalent male chauvinism that runs through the veins of our men', she said.

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

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## SOCIAL AND ECONOMIC RIGHTS

- 24.10 The Freedom House *Freedom in the World Report 2009*, published 16 July 2009, noted that "Nigerian women face societal discrimination, although their educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and spousal rape is not considered a crime." [30c]

- 24.11 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:

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

"In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. 'Confinement,' which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas a widow was considered a part of her husband's property to be 'inherited' by his family." [3a] (Section 5)

- 24.12 The same USSD report stated that:

"Women also experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO Coalition expressed concern over continued discrimination against women in the private sector, particularly in access to employment,

promotion to higher professional positions, and salary equality. According to credible reports, many businesses operated with a 'get pregnant, get fired' policy. Women remained underrepresented in the formal sector but played active and vital roles in the country's informal economy. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work. According to the UNDP's [United Nations Development Programme] 2007-08 Human Development Report, women earned only 40 percent of what men earned and often found it difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households. Unmarried women, in particular, endured many forms of discrimination." [3a] (Section 5)

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## VIOLENCE AGAINST WOMEN

24.13 The USSD 2009 Human Rights Report stated that:

"Domestic violence was widespread and often considered socially acceptable. In a survey released on November 23 [2009], 28 percent of women reported experiencing violence after age 15, the majority of which was inflicted by a husband or partner. Police did not intervene in domestic disputes. In rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time." [3a] (Section 5)

24.14 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report*, published in July 2008 stated:

"Nigerian women suffer various forms of violence mostly owing to the patriarchal nature of the Nigerian society. The different forms of violence against women in Nigeria includes, but is not limited to: domestic violence (e.g. wife battering and verbal abuse, emotional and psychological abuse marital rape); sexual exploitation and harassment especially in academic institutions, corporate organisations and in Police custody; rape; trafficking; forced prostitution; forced marriage; widowhood rites; and female genital mutilation among others ... No functional feasible measures have been taken by the government in protecting women from violence both from state actors and non-state actors. The Violence Against Women (Prohibition) Bill 2003 has not been formally raised on the floor of the National Assembly (Parliament); Domestic Violence Protection Bill 2005 has passed first and second readings at the National Assembly, but has not gone past the committee level; Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly." [31]

24.15 The same CEDAW report continued:

Out of the 36 states in Nigeria, only 4 states have enacted Domestic Violence Law [namely, Ebonyi, Jigawa, Cross Rivers and Lagos]. ... About one-third of every woman in Nigeria (sic) has at one time or the other been a victim of violence in its diverse form. Violence against women is mostly perpetrated by husbands, fathers, and relatives (basically people known to the women who suffer the violence). It is further reinforced by the culture of silence about violence against women especially the domestic type and other types perpetrated by family members. Most women are not aware of the fact that an act of violence against them is a form of human rights violation. Some who are aware are afraid of stigma and, consequently, they tolerate violence and suffer in silence. Most cultural and traditional belief systems of the various ethnic groups in Nigeria assign and (sic) inferior role to women and further promote violence against women. As there are no laws on some very prominent forms of violence against women in Nigeria, most acts of violence against women are justified on the grounds of some women's actions or inactions. Some women, especially in the Northern part of the country, are of the opinion that the husband can punish the wife if she neglects some of her duties such as taking good care of the children or not putting the husband's food on the table in good time." [31]

24.16 The same CEDAW report noted:

"The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws. Generally, most victims of violence against women in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought in the Eastern part of the country due to the stigma attached to divorced women)." [31]

24.17 The same CEDAW report recorded:

"Series of cases in which husbands beat their wives to death are often reported in the media, but the end result of investigation of the police into such cases are usually unknown as they are not reported. Other several cases of violence against women go unreported because the victims suffer in silence. The absence of a gender disaggregated data on violence against women makes it impossible to determine how many women suffer violence and to what extent in Nigeria. The data that are usually relied on are those received from some field study and or research of some NGOs. The non-governmental organisations that have mandates around women issues are also known for carrying out various campaign activities on violence against women... The only two shelters available to survivors of domestic violence in Nigeria are also owned by non-governmental organisations with funds raised from international donor (sic) agencies: the Nigerian government gives no provision for that.

“The killing of women by husbands and intimate partners is frequently reported in the news media and by human rights defenders, lawyers, journalists, care workers and medical professionals. However, it is often difficult to obtain information about the outcome of any investigation by the police into such cases, sometimes because of the difficulties experienced by the press in obtaining information from the police. There is widespread lack of confidence in the capacity or resources of the police to carry out thorough investigations, for example in the collecting and preserving of evidence.” [31]

24.18 The same report stated:

“The statutory, religious and customary laws in Nigeria allows (sic) for violence against women as they give some provisions in support of such. The penal code [section 55(4)], which is applicable in the Northern part of the country, allows the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous hurt. This encourages wife battering, and diverse forms of violence against women.” [31]

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## Rape

24.19 The USSD *2009 Human Rights Report* stated:

“The law criminalizes rape and provides penalties of 10 years' to life imprisonment as well as fines of 200,000 naira (approximately \$1,330) for those convicted of rape, but societal pressure and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.” [3a] (section5)

24.20 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report*, published in July 2008 stated:

“The requirement of corroboration in establishing the case of rape is another legal and judicial backing for inequality before the law. In the case of *State v Akingbade* where, according to the court, the accused committed the rape and that the ‘act does not call for corroboration’ the court was still unable to convict the accused. In the case of *Uphar v. State* (2003) 6 NWLR Pt 816, 230, the court of appeal not only insisted on corroboration but also widened the quality and scope of corroboration, which the prosecution is to establish before an accused can be convicted of rape. The Court of appeal stated that the nature and content of the corroborative evidence must not only support the claim of the prosecutrix that the accused raped her by penetrating into her vagina; it must also unequivocally implicate the accused. The traditional presumption of innocence until guilt is proven does not extend to the rape survivor by the

combined operation of S.210 of the Evidence Act, which makes character evidence of the survivor of rape admissible in evidence and the requirement of proving the innocence and non complicity of the victim in the commission of the crime.” [31]

24.21 The same report also noted:

“There is also the omission of marital rape from the definition of rape under the penal legislation applicable in the North as well as under the criminal code applicable in the southern part of the country. Hence, in every part of the country, marital rape is not recognised by legislation and is, therefore, not a crime. The customary laws are not progressive: as most customs (uncodified) do not recognise martial rape as a form of rape.” [31]

24.22 The Amnesty International (AI) *Submission to the UN Periodic Review*, published 1 September 2008, stated:

“AI has found that the police and security forces have committed rape in many different circumstances, both on and off duty. Rape is at times used to coerce and intimidate entire communities, including by security forces in the Niger Delta. In some cases women were held for several weeks in sexual slavery in military barracks and repeatedly raped. Other cases include rape of female suspects by police officers in police detention. In almost every case investigated by AI, the perpetrators acted with impunity.” [12i]

24.23 The USSD *2009 Human Rights Report* stated:

“There were credible reports during the year that security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. AI reported that women frequently were raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. In July 2008 the NHRC [Nigeria Human Rights Commission] reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers.” [3a]

24.24 The World Organisation Against Torture (OMCT) document of 31 July 2009, *‘African Women’s Day – Addressing Violence and Discrimination Against Women and Girls in Nigeria is Urgent’*, noted:

“OMCT and Media Rights Agenda are particularly appalled by allegations of sexual violence perpetrated against women by state agents. Nigerian prisons reportedly have a high number of HIV-positive and pregnant women, some of whom have allegedly been raped while in police custody and may have become pregnant or infected as a result of the rape. Moreover, it has been reported that sexual violence by state agents also occurs outside of custodial settings. For instance, Mrs Queen Okoye was allegedly raped by three policemen from the Special Anti-Robbery Squad...in Ogba, Lagos when she went to solicit police support to recover the money her boyfriend had borrowed from her. Thanks to the victim’s protest on 24 January 2009 in a public area, which has drawn public attention, Area Commander, Mr Mobolaji Odesanya, announced he would set up an investigation panel to investigate her

allegation. However, no information on results of proceedings of an administrative or criminal nature has been made public.” [39b]

See section 8: Security Forces for more information on abuses by the police and military

- 24.25 The Amnesty International (AI) 2006 report ‘*Rape - the Silent Weapon*’, stated further:

“Prosecutions for rape are brought in only a small number of cases. Victims are sometimes pressured into withdrawing the case or parents of victims prefer financial settlement out of court to a criminal prosecution. Where cases are brought to court, prosecution sometimes fails because police refer cases to a court lacking appropriate jurisdiction and progress is then obstructed by the slow administration of the judicial system. In some cases, the alleged perpetrator is charged with a different and less serious criminal offence.

“In the few cases where a conviction is secured, judges seldom impose the maximum sentence. This indicates an apparent failure by the judiciary to acknowledge the gravity of the crime. In addition, compensation is rarely awarded. According to a retired high court judge, Ezebuilo Ozobu, in Enugu State, whom Amnesty International met in January 2006, failure to award compensation results from the absence of appropriate legislation...The low rate of prosecutions is explained in part by the fact that most women and girls who have been raped do not report the crime. But major problems exist once women do report the crime. According to Nigerian human rights defenders, including the Executive Director of WACOL (Women’s Aid Collective), only 10 per cent of prosecutions result in a conviction. Factors contributing to this low conviction rate are difficulties in obtaining forensic evidence admissible in court and also legislation relating to evidence.” [12d]

- 24.26 The same AI 2006 report recorded that:

“...in the absence of action by the Federal and State Governments to ensure that alleged perpetrators of rape are brought to justice, some Nigerian non-governmental organizations have pursued private prosecutions, through a process known as *fiat*. Lawyers can apply to the State or Federal Attorney General for a *fiat* to enable a private prosecution in a criminal matter that would normally be prosecuted by the state. Although more costly for the victim, and therefore precluding those who cannot afford to take such a route, some human rights defenders believe that the process of *fiat* [italics in document] is more likely to secure a conviction in cases where state actors are prosecuted. (Section 5) ... the high court in each state, and relevant appeal courts, and all courts in the *Sharia* [italics in document] penal system have jurisdiction over cases of rape. Magistrates’ courts, which are the lowest-level court in the Nigerian criminal justice system, do not exercise jurisdiction over such cases. [12d]

“Lawyers and public prosecutors whom Amnesty International met in 2006 pointed out that the police frequently refer cases for prosecution to the wrong court, resulting in lengthy, if not indefinite, delays and denying the right of the victim to an effective remedy. Amnesty International notes that it also often

results in the suspect being detained illegally under a so-called 'holding charge'. Vital evidence, including statements by witnesses and victims, may be regarded as less credible after a lengthy delay. In cases of 'defilement', where charges must be brought within two months, such delays could prevent prosecution altogether." [12d]

24.27 The same AI 2006 report noted:

"The recent Reform of the Criminal Justice Bill aims to eliminate errors by the police and ensure that cases are brought before the correct court. The bill introduces time limits of up to a maximum of 90 days that the police have to charge a suspect after which the individual must be released. As of September 2006, this bill was at the legal drafting committee of the Federal Ministry for Justice awaiting consideration before hearings at the National Assembly. [12d] (Section 5.2.3)

"Criminal procedure codes do not specify what kind of medical reports are admissible as forensic evidence in cases of rape. However, in practice, according to medical doctors, in both public and private practice, human rights defenders, prosecutors, lawyers and judges whom Amnesty International interviewed in 2006, only medical reports issued by a medical practitioner in a government-run hospital are accepted by courts as admissible evidence ... the practice of only allowing medical reports by doctors in government-run hospitals has a discriminatory effect on women and girls who do not have easy access either to government-run hospitals or health care facilities. This is particularly acute in rural areas." [12d] (Section 5.2.4)

(As at May 2010, COI Service was not aware that the Reform of the Criminal Justice Bill had become law)

## Female genital mutilation

24.28 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria, as noted in the *USSD 2009 Human Rights Report*:

"The 2008 NDHS [Nigeria Demographic and Health Survey] reported that 30 percent of females in the country had been subjected to FGM. While practiced in all parts of the country, FGM was most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM, was infrequently practiced in northern states but common in the south. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, most women were subjected to FGM before their first birthday.

"The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of 50,000 naira (approximately \$332), one year's imprisonment, or both for a first offense and doubled penalties for a second conviction.

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

“FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. The absence of treatment greatly reduced prospects for work and family life, and women affected were often left to rely on charity.” [3a] (Section 6)

See also Children, subsection Female Genital Mutilation and the Home Office Border Agency Report on FGM:

<http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>

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## Forced marriages

- 24.29 In some parts of the country, young women are forced into marriages with older men, as noted in the 2005 British-Danish *FFM Report*:

“According to BAOBAB forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so.

“Women who are trying to escape forced marriage may be assisted by WACOL, but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” [15] (p27)

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

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

“In Nigeria for example, it is not uncommon where parents genuinely felt that they were acting in their children and family's best interests. To families living in poverty or economic instability, a daughter may be seen as an ‘economic burden’, who must be married as soon as possible to take financial strain off the family. To another, it could be used as settling a debt, or to strengthen family or caste status through social alliances.

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

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## FREEDOM OF MOVEMENT

- 24.31 An undated report on Nigeria in the *Social Institutions and Gender Index* observed that:

“Nigerian women face severe limitations in the exercise of their civil liberties. Women's freedom of movement is restricted in that they are obliged to obtain their husbands' permission to obtain a passport or to travel outside the country. The practice of purdah, whereby women are secluded from public observation, prevails within the Muslim community in some northern areas. Women in purdah cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress.” [68]

- 24.32 The British-Danish *2008 Fact Finding Mission Report* stated:

“WACOL [women's NGO] explained that internal relocation is possible for any adult woman irrespective of whether the case is about FGM, domestic violence or forced marriage. It is possible for adult women to relocate and look for jobs to sustain themselves, however, FGM and forced marriage cases very often involve underage girls. WRAPA (Women's Rights Advancement and Protection Alternative) advised that internal relocation is legally possible, based on the right to freedom of movement as guaranteed by the 1999

Nigerian Constitution, for adult women seeking to escape domestic violence, FGM, forced marriage, and adult women seeking to protect their daughters against FGM. WRAPA considered that internal relocation is a realistic option for such women ... the United Nations Development Fund for Women (UNIFEM) found that in theory, it is not difficult for a woman to relocate within Nigeria and in this way find physical safety. As regards crime rates, Nigeria is a relatively safe country.

“According to UNIFEM [United Nations Development Fund for Women], there are basically four scenarios for women who relocate within Nigeria in order to avoid FGM, forced marriage or domestic violence: She can approach the local church/mosque or religious establishment and seek assistance from the leadership. She can approach friends or relatives who are willing to hide her. She can approach NGOs working on women’s human rights. (However, these NGOs may only be known to women in those urban settlements, towns or cities where the organisations are active). She can take to the street. This is a frequent scenario for young women or women who do not have the capacity or the means to do otherwise. Some of these may end up in brothels or are vulnerable to being trafficked.

“UNIFEM added that attractive young, single women, in particular, are very vulnerable to abuse, harassment and trafficking when relocating to another area without economic means or family networks. Regarding internal relocation, UNIFEM explained that the vast majority of women seeking protection against domestic violence, forced marriage or FGM, including women who wish to protect their daughters against FGM, have the tendency to first relocate to a safe place not far from their home area. They may even relocate several times within their familiar locality if necessary.” [20] (p9)

24.33 The same source noted that:

“BAOBAB stated that from a legal point of view, internal relocation is an option for any woman in Nigeria because there is full freedom of movement in the country. However, this first step - even to take a bus - can be difficult as women are dependent on their relatives, family or husbands, and may not have the money to allow them to relocate. As a consequence of this, a woman will need relatives in her new location who are ready to accommodate her ... it was emphasized by BAOBAB that a woman can obtain physical protection by relocating to another area in Nigeria. Women who are economically independent, in particular, would stand a much better chance of sustaining themselves than women who are not. BAOBAB added that it is difficult to separate the question of physical protection from the social, cultural and/or humanitarian constraints involved in relocating. However, even women who have access to economic means could face difficulties in finding accommodation or a job as they are often stigmatised. BAOBAB further added that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers (p10) ... WACOL did not have any information to indicate that families or husbands try to trace and kidnap a runaway girl or a woman/wife. According to UNIFEM, the sheer size of the country and its large population means that it would be very difficult for a husband, or other family members, to locate a woman who has

escaped FGM, a forced marriage, or is a victim of domestic violence. UNIFEM believed that, should a husband know where his wife has fled to, there is a high risk that he would try to contact her or force her to return home.

“BAOBAB added that there are cases where a father may retrieve his daughter from a violent marriage and fully support her. In the Muslim North, divorces on the request of the woman are much more common than elsewhere in Nigeria. In many cases, a father of a wife may demand his daughter to be divorced and returned home if her husband does not treat her properly. In general, it is much easier for women in Muslim marriages to divorce than in traditional marriages, which are common in the southern part of Nigeria. From a legal perspective, *Shari’a* grants a woman the opportunity to divorce on her own request, based on certain conditions. However, fathers are under considerable pressure to arrange for their daughters to re-marry very quickly. BAOBAB did not have any information regarding the occurrence of families or husbands trying or succeeding in tracing and/or kidnapping a runaway girl or a woman/wife.” [20] (p21)

- 24.34 As regards shelter facilities for women who internally relocate, the British-Danish *2008 FFM Report* stated:

“According to representatives of a UN [United Nations] organisation, many women relocate to escape domestic violence, forced marriage or FGM, even within their local or state area. However, women prefer to go to friends or relatives, rather than to a shelter. The general perception amongst Nigerians is that shelters hide battered women and women with many problems who have no relatives to turn to. Many women, even victims of violence themselves, do not want to be associated with such women. Moreover, women relocating from their homes are seen as violators of their own culture and may feel ashamed as a result. However, when there are no other alternatives women will seek protection in a shelter.

“Project Alert confirms that the shelter option is often sought as a last resort when all other options such as the religious angle, the family, friends, and relatives have failed. One result of Project Alert’s evaluation of its shelter (named Sophia’s Place and located in Lagos) was that a majority of the respondents ‘articulated the need to publicize the shelter and its services more to the general public as many victims out there still don’t know where to go for help’.

“WACOL explained that it only knew of one shelter in Nigeria run by the government. This shelter is located in Abuja and the Federal Ministry of Women’s Affairs and Social Development administer it. However, WACOL had no further knowledge of this shelter, as it had never referred any woman to it. In addition to the governmental shelter in Abuja, there is also a NGO shelter that is run by the NGO Daughters of Abraham. This shelter is mainly reserved for victims of trafficking and prostitutes.

“WACOL added that the physical safety of a woman is guaranteed in its shelter in Enugu, and WACOL was of the opinion that if a woman needs physical protection in Abuja, she can go to the Federal Ministry of Women’s Affairs and Social Development. The Ministry would definitely take such cases

seriously and offer protection to the women concerned. However, WACOL has never encountered cases in Abuja where this has been necessary ... it was emphasized by WRAPA that because of the existence of LACVAW, more than 50 organizations are always able to refer a woman in need to an available shelter in Nigeria. In addition, WRAPA can also contact a Social Welfare Office or the Federal Ministry of Women's Affairs and Social Development in Abuja, which now runs its own shelter.

"UNIFEM explained that, in September 2007, the Federal Ministry of Women's Affairs and Social Development opened a shelter in Abuja for battered women and accompanying children. The shelter has the capacity to accommodate 15 women at any given time and is modelled after the shelters of NGOs. Its location is kept secret for the safety of the women." [20] (p11)

24.35 The report continued:

"Regarding shelter facilities, BAOBAB stated that it was not aware of government shelters at local, state or federal level to accommodate and protect a woman who does not wish to return to her husband or family. However, the NGO Project Alert on Violence against Women (Project Alert) runs a shelter in Lagos. BAOBAB at times refers women to this shelter. Project Alert often tries to mediate in the cases. It was added that WACOL runs a similar shelter in Enugu ... according to UNIFEM, Project Alert has the only NGO shelter for battered women in Lagos State. It has the capacity to provide shelter for only about 20 women at any given time and has been successful in keeping the identities of their clients' secret and providing security for them. Women NGOs only provide shelter for a limited period of time, i.e. for a few weeks ... according to Project Alert, the vast majority of the women who have been accommodated in its shelter in Lagos expressed their reluctance to leave at the time they were due (one month maximum) 'because the atmosphere and friendliness in the shelter was such that no one would ordinarily wish to leave. This partly explains why some of the women stayed beyond the official maximum four weeks duration, while the inability to secure or rent an apartment and the unwillingness to return to the same abusive relationship or environment accounted for others' reluctance to leave Sophia's Place'.

"Project Alert added that the stay in the shelter empowered the ex-residents to control their lives and activities including their income. Many deplored the violence suffered while living with their partners. According to Project Alert, ex-residents of Sophia's Place have expressed how they felt safer after their shelter experience than before it. This was because they are no longer living a life of fear, harassment and violence. With Project Alert, they feel they are secure, since the organisation will always be there for them." [20] (p12)

24.36 The report further added:

"... the Federal Ministry of Women's Affairs and Social Development stated that the shelter of the Ministry was commissioned on 17 May 2007. The shelter opened and was fully operational in November 2007. The shelter is situated in an undisclosed location in Abuja in order to protect the women in the shelter against any kind of hostility from their perpetrators. The shelter can

accommodate approximately 7 women at the same time. However this capacity can be extended if the need arises. Security staff is employed at the shelter.

“The Ministry stated that since the opening of the shelter in November 2007, it has accommodated one woman and four children. However, this should be seen in the light of the fact that the shelter is fairly new. Furthermore, to most women a stay in a shelter is often seen as the last resort irrespective of whether the shelter is run by a NGO or by the government.

“The Ministry is currently working [January 2008] to raise awareness about the existence of its shelter among police officers and other law enforcement agencies in Abuja, in order to ensure that those women who approach the police for assistance and who are in need of shelter, will be referred to the shelter. Furthermore, the Ministry has conducted training of the police and other law enforcement agencies concerning gender-based violence.

“In addition to this, the Ministry is cooperating with LACVAW to ensure that any NGO in Nigeria, who is a member of this coalition, is aware of the possibility of referring victims of domestic violence or other women who are in need of protection, to the Ministry in Abuja.

“It was emphasized that women NGOs throughout Nigeria can refer any woman who needs shelter to the shelter in Abuja. Women can stay in the shelter for up to four or five months. During this time the women receive counselling from a department in the Ministry and attempts will be made to mediate between the women and the perpetrators. If reconciliation is not possible, the Ministry can offer the women legal assistance in taking their cases to the courts. There is not yet a budget in place to offer vocational training or education to the women who are staying in the shelter.” [20] (p13)

24.37 Regarding social and humanitarian constraints on women who internally relocate, the British-Danish *2008 FFM Report* stated:

“Representatives of a UN organisation explained that there are a number of social and humanitarian constraints on women who consider relocating in Nigeria. These constraints include:

- Lack of information on the part of the women themselves.
- Level of empowerment.
- Fear of leaving their own environment and to be seen as defiant of their own cultural norms and practices.
- Lack of accommodation and job opportunities. Fear of losing her own social network.
- Poverty.

“WACOL believed that, in general, it would be difficult for a girl or a woman to relocate in Nigeria without relations who can assist her. WACOL considered that if an underage girl does not want to enter into a marriage, and she is ready to relocate elsewhere in Nigeria in order to escape the marriage, it is a precondition that she has a family member or relative in the new location that

is ready to support her. Furthermore, regarding forced marriage it was emphasized that internal relocation might be much more difficult for a daughter/woman of an influential family than for a daughter/woman of an ordinary family. A daughter/woman from an influential family might find it more difficult to find a location in the country where she would not be recognised and maybe returned to her family or husband.” [20] (p21)

24.38 The report further stated:

“Regarding humanitarian and social constraints for women who try to relocate in Nigeria, WACOL stated that it had never considered such aspects. WACOL had never learned that women who have fled their husband or family are finding it much more difficult to find a job just because they are on their own. A single woman might even be in a better position to acquire a job than a married woman, as a single woman is more flexible and free, and is seen as a more effective work resource in the eyes of employers. [20] (p22)

“Regarding ethnic affiliation and job opportunities, WACOL considered that this might play a significant role in some rural locations, but not in the larger cities. Ethnic affiliation is generally not a major issue in connection with internal relocation, but it could be in some rural areas. Ethnic affiliation has almost no bearing regarding internal relocation to Lagos or Abuja. All ethnic groups are represented in Lagos and Abuja and to a certain extent in other large cities in Nigeria.

“UNIFEM considered that, in practical terms, if a woman chooses to relocate she could face a number of economic and social constraints depending on her situation. The woman would be in a more favourable situation if she has an economic foundation of her own in the form of savings, which can sustain her until she can get a job. There is no social security system in Nigeria that can support a woman without any means of existence. In general there is a strong desire to maintain the unity of the family and this means that families, NGOs and religious leaders will try hard to reconcile the wife and the violent husband. For a wife to leave her family, even if her husband is violent, is almost considered a taboo.

“BAOBAB explained that if the woman has family or relatives in the new location, they may listen to her and try to support her, but they may not be in a position to help her to secure a sustainable living. Culturally, the woman will often be expected to return and stay with her husband. It was added that traditional Nigerian culture expects women to be subservient to their husbands even when the women are living with a violent husband.” [20] (p22)

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## 25. CHILDREN

### OVERVIEW

- 25.01 The Nigeria Overview on the United Nations Children's Fund (UNICEF) website, accessed on 28 May 2010, provided information about children in the country:

"Health, health care and general living conditions in Nigeria are poor, especially for children and women. Infant and under-five mortality rates are high. The weakened Public Health Care (PHC) system with low coverage of key interventions has resulted in the persistence of high disease burden. HIV/AIDS remains a major issue of concern among children, young people and women in Nigeria with a prevalence rate of 4.4 per cent. An estimated 2.9 million Nigerians (mostly females) are living with the virus. The epidemic is also increasing the population of orphans in the country, which is already estimated at 7 million. Nigeria's education system is also in a state of neglect largely due to decaying institutional infrastructure. 66 per cent of the population is literate, and at 75 per cent, the rate for men is higher than that for women which is 57 per cent." [19b]

- 25.02 The same source continued:

"Child and infant mortality continue to be major challenges in the face of widespread occurrence of malaria, vaccine-preventable diseases, diarrhoea and acute respiratory infection. The country has high infant mortality rate of 86 per 1,000 births, and an under-five mortality rate of 191 per 1,000 births. DPT and malaria coverage for one year old are 54% and 62 % respectively but routine immunisation coverage is still low. Protein-energy malnutrition is also a problem with one third of all children under-five being either stunted, underweight or wasted ... More than 73,000 children are born with HIV every year. Yet access to anti-retroviral therapy is still low ... Currently the national primary school net enrolment rate is 69.9% but this masks wide regional and gender disparities." [19b]

- 25.03 A report published by the World Organization Against Torture) for the 38<sup>th</sup> session of the United Nations Committee on *the Rights of the Child in 2005* stated:

"Nigeria ratified the Convention on the Rights of the Child (thereafter the CRC) on April 16<sup>th</sup> 1991 and has ratified other international instruments that generally affect the rights of the child, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, Nigeria ratified regional instruments such as the Africa Charter on Human Rights and People's Rights. Further, it signed but did not ratify the Optional Protocol on children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child

pornography and the African Charter on the Rights and Welfare of the Child ... A first Bill on Children's rights had already been elaborated in 1993, but could not be passed into law because of opposition from religious groups and traditionalists ... [but was finally] adopted in September 2003." [39] (p8-10)

25.04 The British-Danish *2008 Fact Finding Mission Report* stated:

"Chino Obiagwu, the National Co-ordinator of the Legal Defence and Assistance Project (LEDAP), stated that the Childs Rights Act [2003] governed the welfare of children in Nigeria. The comprehensive provisions of the Child Rights Act supersedes all other legislation that has a bearing on the rights of the child. The Act which has been passed is a federal law applicable throughout Nigeria, while the equivalent child rights laws have been passed in only 16 out of the 36 states in the country." [20] (p29)

See also [Women](#)

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### Basic legal information

25.05 A report published by the OMCT (World Organization Against Torture) for the 38<sup>th</sup> session of the United Nations Committee on *the Rights of the Child in 2005* stated that:

"The Child Right's Act 2003, passed into law in the Federal Capital Territory (Abuja), defines a child as a person who has not attained the age of eighteen years. However, according to Art. 2 of Children and Young Persons Act, enacted in Eastern, Western and Northern regions, a 'child' means [a] person under the age of fourteen years, while 'young person' means a person who has attained the age of fourteen years and is under the age of seventeen years.'

"Furthermore, the Immigration Act stipulates that any person below 16 years is a minor, whereas the Matrimonial Causes Act puts the age of maturity at 21. The latter act becomes irrelevant in practice, since the individual states state their own age for marriage. As for penal responsibility, art. 50 of the Penal Code (North) states: 'No act is an offense which is done by a child under seven years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.

"These are ... examples of different ages enshrined in a multitude of legal texts and in customary law all over the country. The official report admits that laws affecting children continue to be 'scattered in different legislations' and ... that the 'perception of Age as a definition of a Child depends on who is defining.'" [39]

25.06 Persons in Nigeria have the vote from age 18. Military service is voluntary from the age of 18. (CIA *World Factbook* updated June 2010) [52] The age of consent is 13. (*Avert*, undated, accessed 30 October 2009) [28]

- 25.07 The US Department of Labor 2008 Report, *'Findings on the Worst Forms of Child Labor'*, published 10 September 2009, stated:

"The Labour Act sets a general minimum age for employment of 12 years; however, there is no minimum age provided for light work. The Act specifically provides exceptions for light work in agriculture and horticulture for work in which the employer is a family member. The Act also creates an exception for domestic work...With parental consent, children may become apprentices at 12 years; children may apprentice themselves at 16 years.

"Young persons under 14 years may only be employed under certain conditions. They may be employed only on a 'day-to-day' basis, must be able to receive the day's wages at the end of the work day, and be able to return each night to their parents' or guardian's residence. Youths under 15 years cannot work in industries or on vessels not run by family members or vocational schools. The law prohibits youth under 16 years from being employed underground, in machine work, or against the wishes of a parent or guardian. Young persons under 16 years of age cannot work for more than 4 consecutive hours or more than 8 hours per day or in circumstances that reasonably prevent them from returning to their place of residence each night. The law forbids night employment of young persons under 18 years or in employment injurious to their health, safety, or morals. ... The law criminalizes the procurement of children under 18 years for use in prostitution with punishment of up to 14 years imprisonment. It also outlaws carnal knowledge of a person under 18 years; importing and exporting youth under 18 years of age to be forced into prostitution; and permitting, causing or encouraging the prostitution or presence in brothels of youth under 18 years. Such acts are punishable by 10 years in prison." [77]

## LEGAL RIGHTS

### Domestic legislation

- 25.08 A UNICEF document of July 2008 on Nigeria in relation to the Child's Rights Act (CRA) of 2003 recorded that: "... to date only 18 of the country's 36 states have enacted the law."

The same document set out the basic provisions of the CRA as:

- "Freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion; and it is stated categorically that the dignity of the child shall be respected at all times.
- No Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on his/her honor or reputation.
- Every Nigerian child is entitled to rest, leisure and enjoyment of the best attainable state of physical, mental and spiritual health.
- Every government in Nigeria shall strive to reduce infant mortality rate, provide medical and health care, adequate nutrition and safe drinking

water, hygienic and sanitized environments, combat diseases and malnutrition, support and mobilize through local and community resources, the development of primary health care for children.

- Provisions for children in need of special protection measures (mentally, physically challenged, or street children); they are protected in a manner that would enable them to achieve their fullest possible social integration, and moral development.
- Expectant and nursing mothers shall be catered for, and every parent or guardian having legal custody of a child under the age of two years shall ensure its immunization against diseases, or face judicial penalties.
- Betrothal and marriage of children are prohibited.
- Causing tattoos or marks, and female genital mutilation are made punishable offences under the Act; and so also is the exposure to pornographic materials, trafficking of children, their use of narcotic drugs, or the use of children in any criminal activities, abduction and unlawful removal or transfer from lawful custody, and employment of children as domestic helps outside their own home or family environment.
- Child abduction and forced exploitative labor (which is not of a light nature) or in an industrial undertaking are also stated to be offences. The exceptions to these provisions are where the child is employed by a family member, in work that is of an agricultural or horticultural or domestic in nature, and if such child is not required to carry or move anything heavy that is likely to adversely affect its moral, mental, physical, spiritual or social development.
- Buying, selling, hiring, or otherwise dealing in children for purpose of begging, hawking, prostitution or for unlawful immoral purposes are made punishable by long terms of imprisonment. Other offences considered grave include sexual abuse, general exploitation which is prejudicial to the welfare of the child, recruitment into the armed forces and the importation/exposure of children to harmful publications. It further preserves the continued application of all criminal law provisions securing the protection of the child whether born or unborn.”  
[19c]

25.09 With regard to labour rights the US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

“The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January 2008 to June 2009, the Labor Ministry conducted more than 29,882 inspections with 408 officers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Complaints were rarely made by victims or their guardians due to intimidation and fear of losing their jobs. Labor inspections were mostly random but occasionally occurred when there was suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. NAPTIP [National Agency for Prohibition of Trafficking in Persons]

bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

“The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is responsible for enforcing labor laws. The ministry reported that 10 training and awareness raising programs and additional child labor staff were funded by the government during the year.

“During the year four states (Akwa Ibom, Benue, Osun, and Edo) passed the Child Rights Act, bringing the total to 21 cooperating states plus the FCT [Federal Capital Territory]; the federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. UNICEF continued to advocate passage and enforcement in all other states.

“Private and government initiatives to eliminate child labor continued but remained ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor Sustainable Tree Crop Program in the cocoa and other agricultural subsectors, a component of which sensitized farmers on hazardous child labor and child trafficking for labor exploitation issues. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year.” [3a] (Section 6d)

- 25.10 USSD 2009 *Human Rights Report* stated that: “... the government seldom enforced even the inadequate laws designed to protect the rights of children.” [3a] (Section 5)

### Judicial and penal rights

- 25.11 A UNICEF information sheet, dated August 2007, on the Child Rights Act 2003 noted:

“The Act makes provisions for the establishment of ‘Family Courts’. The courts which will operate at the High Court and Magistrate Court levels ... The Act has provided for Child Justice Administration ... The provisions prohibit the subjection of any child to the criminal justice process... It has prohibited the use of capital punishment, use of imprisonment and use of corporal punishment for children under 18 years.” [19c]

- 25.12 The USSD 2009 *Human Rights Report* went on to note that

“Although the law precludes the imprisonment of children, Justice Minister Aondoakaa acknowledged in 2008 the presence of more than 300 children in the country's prisons, many of whom had been born there. Despite a government order to identify and release such children and their mothers, the problem had not been solved by year's end. In November 2008 the Committee for the Defense of Human Rights, a coalition of human rights organizations, reported the imprisonment of 97 juveniles with adults in Port Harcourt, Rivers state. Authorities had taken no action to remove juveniles from these prisons by year's end.” [3a] (Section 1c)

- 25.13 An article in 'This Day' of 28 December 2008 on the subject of child abuse, 'Nigeria: Child Abuse-Battering Nation's Future', noted:

"This has led the Lagos State Government to sign the Child Rights Act into law. This has been described as a welcome development considering the large population of miscreants and under-age workers. The Act which classifies...child abuse as any behaviour directed towards a child that endangers the physical and emotional health and development of such a child provides that in every action undertaken by an individual, public or private institution, court of law, administrative or legislative body, the best interest of the child must be the primary consideration and the child's best interests remain paramount." [43e]

- 25.14 An article in the *Daily Independent* of 30 November 2008, 'Nigeria: Lagos Children on the March against Rights Abuse', noted that "the Executive Director of Mediacon...said there is no official statistics about child abuse in Nigeria and Lagos State, stressing that most of the cases reported are from Lagos with average of 10 cases a month." [54]

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## VIOLENCE AGAINST CHILDREN

- 25.15 The USSD 2009 *Human Rights Report* noted that FGM was commonly performed on girls in southern areas of the country (see following subsection on FGM). The report also recorded:

"Child abuse was common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent 'indecent' associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north. ...

"Many children were homeless and lived on the streets. There were no known statistics on their numbers. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community.

"In the north between two and 10 million children were 'almajirai,' or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars, who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children were effectively homeless. In 2008 the government distributed 90 million naira (approximately \$600,000) to 15 states to introduce Koranic education into the mainstream

educational system to rehabilitate, integrate, and educate almajirai. There were no reports that the program resulted in removing almajirai from the streets.” [3a] (Section 5)

See also [Child trafficking](#)

### Female genital mutilation (FGM)

- 25.16 The OMCT report for the 38<sup>th</sup> session of the United Nations Committee on *the Rights of the Child* in 2005 stated:

“The age of [female genital] mutilation varies from 3 months to 17 years or just about the first pregnancy. Any state interference into the practice of FGM is considered as a violation of the rights to privacy. Yet, many girls face several health risks through this, including of HIV infection due to unhygienic methods that accompany the practice.

“The State Report [Second Periodic Report by Nigeria to the CRC] mentions that ‘the Bill on Female Genital Mutilation has gone through the lower house, and will go through the upper house before the president can sign it into law.’ But to date, the law has not been adopted ... however, some states passed laws prohibiting female circumcision and genital mutilation. In the report of the Nigerian government to the CRC, the ongoing existence of FGM and other harmful traditional practices is recognised and efforts to combat it are reportedly undertaken. Due to public enlightenment and mobilization efforts by groups of civil society, as well as increased enrolment of girls in schools, reported cases of FGM are diminishing. Nonetheless, the practice remains widespread in Nigeria and the proportion of the female population having undergone genital mutilation [is] high.” [39] (p18-19)

For details of FGM including legality and protection offered by the state see [Women: Female Genital Mutilation](#) and the Home Office Border Agency Report on FGM <http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>

### Witchcraft

- 25.17 A report by Stepping Stones Nigeria of December 2009, ‘*Witchcraft Stigmatisation and Children’s Rights in Nigeria*’, stated:

“The belief in child witches is widespread throughout Nigeria and children are particularly vulnerable to accusations of witchcraft and the resulting stigmatization. There have been reports of child witchcraft stigmatization from many areas of Nigeria including Akwa Ibom, Abia, Cross Rivers, Delta, Bauchi, Edo and Kaduna States, which demonstrates that this problem is not just confined to one area. The general belief is that certain people possess a mystical power which enables them to separate their soul from their physical body whilst asleep at night and enter into the spirit or witchcraft world. In this world it is thought that the soul takes the form of an animal where it will then cause all manner of unimaginable horrors and destruction. It is also believed that witchcraft spells are transferred between children, often passed through food or sweets.

“In these modern-day accusations of witchcraft, Christian teachings combine with traditional beliefs and practices. Pastors of a minority of churches including both Pentecostal Revivalist churches and more mainstream denominations are frequent perpetrators of witchcraft-related abuse, often stigmatising children during services and then charging parents large sums of money to extract a ‘confession’ from the child and exorcise their ‘possession’. Such exorcisms and confessions often entail subjecting children to horrific abuse, which at times amounts to torture.” [71]

- 25.18 An Office of the United Nations High Commissioner for Human Rights (OHCHR) special report of 7 September 2009 submitted by the International Humanist and Ethical Union on *‘Witchcraft and witch-hunting in Africa’*, observed:

“Leaders of many Pentecostal churches are charging parents money to have their children ‘exorcised’. Often, when desperate parents have paid the pastors they are told that the Devil may return and they have to pay again. A certain ‘Bishop’ Sunday Ulup-Aya, based in the Akwa Ibom region of Nigeria has made a fortune from this practice. His methods included pouring a mixture of alcohol and his own blood into the eyes of children that he accuses of being witches, whilst charging their parents £170, this in a country where millions of people have to live on less than £1 a day. He would then hold the child captive until the parents paid his bill.” [72]

- 25.19 The Stepping Stones Nigeria report of December 2009, *‘Witchcraft Stigmatisation and Children’s Rights in Nigeria’*, noted:

“Some prominent churches have produced a number of publications about witchcraft. One book includes advice for parents on how to identify whether or not their child is a witch, saying ‘a child under two years of age that cries at night and deteriorates in health is an agent of Satan’. These sorts of writings foster a climate of fear and doubt which immediately puts children in a vulnerable position. Some ‘Nollywood’ (the Nigerian domestic film industry) films, which are immensely popular in Nigeria, also disseminate and promote the belief in child witches. Some Pentecostal churches are involved in the production of these films; for example, one church produced perhaps the most well-known movie of this genre entitled ‘End of the Wicked’. There have been instances of other countries noting the influence of Nollywood films and linking this to an increase in the practice of witchcraft accusations and abuse.” [71]

- 25.20 The same *Stepping Stones* Nigeria report added:

“... in December 2008 the Akwa Ibom State Government both enacted the [Child Rights Act] CRA and added a clause to the CRA making it illegal to stigmatise children as witches. This additional clause makes this punishable with an imprisonment of 10 to 15 years without any option of a fine. This is particularly welcome as Akwa Ibom is a state which has seen a large number of witchcraft accusations made against children in recent years ... Evidence from national NGOs suggests that these abuses are not isolated incidents but are the result of a wider systemic failure to protect and uphold the rights of children who have been stigmatised as witches. The Child Rights and

Rehabilitation Network (CRARN), working in Akwa Ibom State, are currently full to capacity with over 200 children, the majority of whom have been stigmatized as witches, in their care. They receive new cases on an almost daily basis. CRARN estimate that 4-6 children each day are abandoned or abused due to the belief that they are witches or wizards.” [71]

- 25.21 The *Stepping Stones* Nigeria report also commented on health issues for children accused of witchcraft:

“Children stigmatised as witches frequently experience psychological, emotional and spiritual abuse as well as physical suffering. They are rejected by their families and communities ... Often children are forced into making confessions of witchcraft which distorts their notion of truth and weakens their trust in adults. They therefore require specialist rehabilitation in addition to shelter, food and medicine.

“It is clear that child witchcraft stigmatisation and abuse both results from and is causative of mental and physical disabilities ... Certain medical conditions, because they are not properly understood, are often considered to be evidence of witchcraft. For example, there is a high prevalence of autism in Nigeria, yet this condition is not widely acknowledged. In consequence, the particular behaviour of autistic children is often interpreted as witchcraft. There is a fundamental need for education about conditions such as epilepsy, bedwetting and autism, and regarding physical disabilities, as well as programmes of support for parents of these children in order to overcome the links between disability and witchcraft stigmatisation ... Accusing a child of witchcraft can also lead to the onset of mental illness and physical disability. Some children are permanently damaged by the abuse that they have suffered. They may be so traumatised from the extent of their pain that they never fully recover. By way of example, *Stepping Stones* Nigeria has previously found children in a distressed state at a church where they were chained up. They had been deprived of food and were manifesting signs of mental illness. *Stepping Stones* Nigeria has also witnessed cases of physical disability due to child witness stigmatisation, including a child who was found roaming the streets after having a nail driven into her head.” [71]

## CHILDCARE AND PROTECTION

### Child marriage

- 25.22 The British-Danish *2008 FFM Report* stated:

“United Nations [International] Children’s [Emergency] Fund (UNICEF) officials based in Abuja explained that the definition of a child (especially relating to age) is not universal in Nigeria. According to the Convention for the Rights of the Child and the Child Rights Act in Nigeria, a child is defined as a person who is under 18 years of age. For many people - especially in the north of the country - a child is ready for marriage at the moment puberty starts. Some states in the country have passed legislation prohibiting child marriage. There is a clear relation between child marriage and the Islamic faith.” [20] (p29)

- 25.23 The OMCT report for the 38<sup>th</sup> session of the United Nations Committee on *the*

*Rights of the Child* in 2005 stated:

“In Nigeria, due to inconsistencies in legislation and the absence of any stipulation of a minimum age for marriage before the adoption of the Child Rights Act 2003, early marriages continue to take place, in many cases as a means to preserve chastity. Section 18 of the Marriage Act allows persons under the age of 21 to get married, provided that parental consent is given. The State report [Second Periodic Report by Nigeria to the CRC] admits that ‘the age of marriage is a highly controversial issue and varies from place to place. Whereas in the North West and North Central Nigeria, 14 years is the age of marriage, in the North Central part the age of marriage is between the 2<sup>nd</sup> and 3<sup>rd</sup> menstruation, while in the Southern States it varies from between 16 to 18 years.’ The federal authorities seek however to make 18 the minimum age of marriage, not only in law, but also in practice.

“Nevertheless, customarily positions on that issue and important parts of the population are still not aware of the negative effects early marriages can have on girls. In most cases, it limits the opportunities for girls to accede to education, putting them in a disadvantaged position. Indeed, 36 million Nigerian women and girls are not educated. But, even more worrying, early marriage can also be detrimental to [a] girl’s physical, mental and emotional health: apart from the fact that it deprives girls from their right to have control over their body and reproductive health, it puts them in a position of complete dependency from their husband.” [39] (p17-18)

- 25.24 An article of 28 November 2008 regarding a Channel 4 television programme on the effects of child marriage and pregnancy in Nigeria referred to nearly half of all girls in the country’s northern states being married by the age of 15, often to much older men. The article also noted that “Nigeria has one of the highest rates of child marriage and pregnancy in the world and the federal government has tried to ban marriage under the age of 18 by passing the Child Rights Act 2003. However, five years later, only one northern state has adopted the act and even then replaced the age of 18 with puberty.” [5]

See also [women](#), [Forced marriage](#).

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## FACILITIES FOR ORPHANS AND ABANDONED CHILDREN

- 25.25 The British-Danish *2008 FFM Report* stated:

“Obiagwu (LEDAP) stated that if children were orphaned and were not looked after by their extended family, the state had a duty to look after them. In the case of unaccompanied children being returned to Nigeria, the social services department in each state would have the responsibility under the Child Rights Act to reunite them with their parents. However, according to members of the NGO Civil Liberties Organisation (CLO), there are no federal government departments or agencies in Nigeria that take responsibility for looking after orphans or abandoned children. They stated that the only organisations involved with deprived children were NGOs such as the Children’s

Organisation and Project Alert, which attempt to rehabilitate children.

“The CLO officials stated further that there are some facilities for orphans or abandoned children provided by state governments, but these are few and far between, and do not even provide a basic minimum standard of care for the children they are responsible for. They mentioned that there are state-run centres in Enugu, Ogun, and Kaduna, where the state governments were not doing anything to help the children, and children were running away from the centres because of the poor conditions there. They stated that in Nigeria the federal government and state governments do not run a social service system of the type that exists in developed countries such as those in Europe. Orphaned or abandoned children are expected to be looked after by their relatives.” [20] (p29)

25.26 The British-Danish *2008 FFM Report* further stated:

“The FFM delegation also looked at the provisions for orphans and abandoned children in privately run orphanages, for which purpose they visited the ‘Arrows of God’ orphanage in Lagos.

“The Director of the ‘Arrows of God’ orphanage, Rev. Lieutenant Colonel Deborah Chinwe Ogo (retd), stated that the orphanage is one of eight Lagos State-approved orphanages in the area. These ‘approved orphanages’ are orphanages that are registered with the Lagos State Government and with the federal government, and have been given official approval to function as orphanages. Quarterly meetings are held with the other orphanages and representatives of the federal government and other organisations. She added that the orphanage has a family tracing service.

“The FFM delegation noted that the orphanage building was small and dilapidated but construction work was being carried out at the time of the visit in September 2007. The Director of the orphanage explained that the orphanage provides basic facilities for the children who live in it such as cookers, baths, toilets and communal bedrooms. The children receive regular meals. The orphanage is connected to the national electricity supply network and has a generator to provide electricity when the power supply fails.

“The Director of the orphanage stated that most of the children in the orphanage are referred to it by the police, although some come from church organisations. Any disabled children, i.e. deaf or dumb, are looked after at a branch of the orphanage in another part of Lagos. The orphanage took in babies and children up to 19 years of age. They also arranged for the adoption of children up to the age of three. At the time of the FFM visit, the orphanage had 180 children under its care, some of whom boarded at school or university. The orphanage is run by volunteers and receives funding from voluntary donations. Children are taught at the orphanage from kindergarten to primary school level. Depending on how their education has progressed, they then can go to secondary school at the ages of 10, 11 or 12. [20] (p31)

“The Director of the orphanage stated that all children brought to the orphanage are given a blood test, and if they are found to be HIV positive they are referred to the Mother Theresa Home in Lagos where they have facilities

for dealing with the disease. Likewise, those with physical disabilities and those that are blind are referred to the Government School for the Disabled and the Government School for the Blind respectively. The government also runs an orphanage for children with disabilities. The Director of the orphanage said that the Lagos State Government does run some orphanages but she did not know to what extent the State Government funds these orphanages or what their facilities are like. As far as she was aware, the federal government does not run any orphanages in Lagos State. She was aware that there were orphanages in other parts of the country but did not know how many. As far as the children's general health is concerned, the orphanage has an arrangement with a private hospital, the J Rapha Hospital, for the children to be treated and payment to be made, as and when the orphanage can afford it." [20] (p32)

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## CHILD TRAFFICKING

- 25.27 A United Nations International Children's Emergency Fund (UNICEF) *information sheet on child trafficking in Nigeria*, dated March 2007, stated that:

"The trafficking of children for the purpose of domestic service, prostitution and other forms of exploitative labour is a widespread phenomenon in Nigeria. In view of the clandestine nature of trafficking, accurate and reliable figures are hard to get ... the FOS/ILO National Child Labour Survey (2003) estimates that there are 15 million children engaged in child labour in Nigeria with 40% of them at the risk of being trafficked both internally and externally for domestic forced labour, prostitution, entertainment, pornography, armed conflict, and sometimes ritual killings.

"Nigeria is a source, transit and destination country for child trafficking. Currently, external trafficking of children exists between Nigeria and Gabon, Cameroon, Niger, Italy, Spain, Benin Republic and Saudi Arabia. ...

"Traffickers exploit the trust of people in a widespread, culturally accepted common practice in West Africa of placement and fostering as part of the extended family safety net. In some instances, desperately poor and uninformed parents willingly co-operate with the traffickers, giving away their children in exchange for a small fee. In the hands of unscrupulous guardians, these children are increasingly trafficked and exploited for money.

"The poor economic situation in Nigeria has led to unemployment and high rates of school drop-out. These circumstances have created a large pool of inactive and unengaged children and adolescents who are much more vulnerable to trafficking than their peers who go to school. The motivation, especially of teenagers, to find work away from home is often driven by the increasing taste for material things. For many others it is a question of bare survival." [19a]

- 25.28 The USSD *2009 Human Rights Report* noted:

"Women and children were most at risk of being trafficked, and 70 percent of

all trafficking victims in the country were female. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Traffickers moved children from rural areas to cities to work as domestics, street peddlers, and beggars. ...

“Child trafficking occurred most frequently in the southeast states of Abia, Ebonyi, and Enugu, specifically the selling of babies through illegal and unregistered hospitals and maternity homes. Many young girls, upon discovering they were pregnant, decided to enter these hospitals to obtain money from selling their babies. NAPTIP officials reported that the girls received 20,000 to 30,000 naira (approximately \$133 to \$200) for selling a baby; the baby was then resold for 300,000 to 400,000 naira (\$2,000 to \$2,650) in illegal and undocumented transactions. Reportedly babies were sometimes sold to legitimate couples who wanted a child, but many babies also were sold for use in rituals during which they were killed.” [3a] (Section 6)

- 25.29 The US Department of Labor 2008 Report, *Findings on the Worst Forms of Child Labor*, published 10 September 2009, also stated that “... commercial sexual exploitation of children occurs in some Nigerian cities, including Port Harcourt, Bonny, and Lagos. There are also reports of girls in refugee camps located in Nigeria being subject to sexual exploitation, including prostitution.” [77]

For information on government efforts to tackle trafficking see the main section on [Trafficking](#)

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## EDUCATION

- 25.30 The USSD 2009 *Human Rights Report* stated:

“Public schools remained substandard, and limited facilities precluded access to education for many children. The law calls for the government--when practical – to provide free, compulsory, and universal primary education to age 12. However, compulsory primary education rarely was provided, and there were numerous mandatory school fees. Most educational funding came from the federal government with state governments required to pay a share; however, not all state governments released their funding share. As a result of the government's failure to pay them for months at a time, primary, secondary, and university teachers were frequently on strike. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send children to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in elementary and secondary schools.” [3a] (Section 6)

- 25.31 The Nigeria section of Europa World (accessed 19 April 2010) stated that primary education begins at six years of age and lasts for six years.

Secondary education begins at 12 years of age and lasts for a further six years. Education to junior secondary level (from six to 15 years of age) is free and compulsory. [1]

- 25.32 A report published by the United Nations *Girls' Education Initiative* in May 2008 stated:

"The 2005 National School Census (NSC) revealed a net primary enrolment ratio [NER] of 83.71% [male=87.01%; female=81.39%] suggesting that a substantial proportion [16%] of the primary school age population [6-11 years] was not enrolled in primary schools. This may look encouraging but there are large geographical and gender disparities between the south and north regions of Nigeria, partly due to underlying socio-cultural factors. Girls' NER in some states in the South are as high as 70% while some in the north are as low as 24%.

"The picture is worse in secondary schools with the national female enrolment ratio at 44%. The regional breakdown shows an alarming disparity with girls NER of 60% in the south-west while the North West shows a dismal 10%.

"Between 2002 and 2005, completion rates have improved for boys by 3% (from 83.4% to 86.4%), while they declined for girls by 8% (from 83% to 75%). Gender participation (measured by gender ratio - GR) still favoured males with wide variations in gender gap in access to primary education across the states and zones.

"The underlying causes include the low value accorded by parents to girls' education, early marriages, poverty, low quality learning environments and low value accorded to girls' education, harmful practices, local beliefs, and norms that impact negatively on girls' education. Against this backdrop, the Federal Government is making efforts to ensure that children everywhere, both boys and girls alike, will be able to complete a full course of primary education. This is done in close partnership with development partners, civil society organizations, private sector, philanthropic individuals and organizations.

"UNICEF Nigeria and other development partners have been working with the Government of Nigeria to promote girls education and various initiatives have been undertaken including the current Girls Education Project (GEP) geared towards promoting and enhancing girls' participation in education ... the Girls' Education Project has continued to record success in access to education for girls since its inception. Increases in enrolment and attendance rates and decrease in gender gaps have been experienced during the project implementation phase. On average, in the project implementation focus communities, girls' enrolment has increased by an average of 73% from 2005. This has resulted in an overall reduction of gender gaps in the GEP focus schools from 44% in 2005 to 31% in 2007. Attendance rates have also improved, with an 11.9% increment in the GEP focus schools, with that of girls increasing by 39%." [50]

- 25.33 The EIU's *2008 Country Profile on Nigeria* stated:

"Central Bank of Nigeria (CBN) data show that education spending averaged

around 8.3% of federal government recurrent expenditure and around 4.7% of capital expenditure in 2002-2006. There has been an improvement in the literacy of the general population. According to the UNDP [United Nations Development Programme], adult literacy rose from 55.4% in 1975-94 to 69.1% in 1995-2005. However, according to most local sources, over the past two decades, standards of education in the public sector have deteriorated. As a result, there has been significant growth in the number of private primary and secondary schools, mainly in urban areas ... the proportion of children of the elite who are privately educated is much higher ... in September 1999 the then president, Olusegun Obasanjo, launched the free and compulsory Universal Basic Education (UBE) scheme aimed at wiping out illiteracy. It is similar to the Universal Primary Education programme, which was introduced in 1976. The government claims that the programme has had some success, with the pupil/school ratio falling as more schools have been built in the past five years. The number of primary schools has risen from 48,860 in 2000 to 59,340 in 2005 and secondary schools from 8,275 to 12,610, according to CBN data although it is not clear what percentage of these are private. However, the reality is that in the current situation the government will continue to struggle to generate sufficient funds, facilities and qualified teachers to make significant improvements in education standards.” [10] (p17).

- 25.34 The US Department of Labor 2008 Report, *‘Findings on the Worst Forms of Child Labor’*, published 10 September 2009, noted:

“The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Nigeria. While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or perform manual labor; such boys are also often without adequate food or shelter. Street children, who often work as beggars and street hawkers, have been reported to be an increasing population in urban areas.” [77]

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## HEALTH AND WELFARE

- 25.35 The USSD 2008 *Human Rights Report* noted that: “... girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunization series against childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.” [3g]

- 25.36 An undated UNICEF document, *‘Maternal and child health’*, stated:

“Preventable or treatable infectious diseases such as malaria, pneumonia, diarrhoea, measles and HIV/AIDS account for more than 70 per cent of the estimated one million under-five deaths in Nigeria. Malnutrition is the underlying cause of morbidity and mortality of a large proportion of children under-5 in Nigeria. It accounts for more than 50 per cent of deaths of children in this age bracket.

“The deaths of newborn babies in Nigeria represent a quarter of the total number of deaths of children under-five. The majority of these occur within the first week of life, mainly due to complications during pregnancy and delivery reflecting the intimate link between newborn survival and the quality of maternal care. Main causes of neonatal deaths are birth asphyxia, severe infection including tetanus and premature birth.” [19e]

See also [Medical Issues](#), [Women](#), and [Overview](#)

### Facilities for children with learning disabilities

25.37 The Landinfo 2006 FFM report stated:

“According to professor Abengowe [Abuja Clinics], the facilities available for children with all sorts of learning disabilities (autism and down’s syndrome were mentioned) are extremely limited in Nigeria, even in private health care institutions in Abuja and Lagos. In some cases, someone working in a university clinic might take a special interest, but s/he would have few resources available to do something for the child. ‘Poor people simply deal with the situation themselves, whereas some of the well-to-do will possibly send them abroad for treatment’. He went on to say that missionaries can sometimes offer help, and there are homes for such children: ‘Compared to the size of the population, however, it’s a drop in the ocean. It is not unheard of that these children are abandoned by their parents, but fortunately, people are generally accommodating towards people with mental disabilities’.” [40b] (p26)

25.38 The World Organization Against Torture (OMCT) report for the 38<sup>th</sup> session of the United Nations Committee *on the Rights of the Child in 2005* stated:

“People and children with disability are the least cared for, and discrimination against them - both within the family and in society in general - is widespread in Nigeria ... the population of people with a disability continues to increase alarmingly, but the country’s social services, including the sector providing assistance to disabled children, remain poor. There are few specialised institutions for disabled persons, but most of them are run by NGOs and lack appropriate facilities, in spite of some governmental funding ... the State report [Second Periodic Report by Nigeria to the CRC] to the [UN] Committee [on the Rights of the Child] notes that ‘some efforts are being made in Nigeria to provide for the full realisation of full development and enjoyment of life by disabled children.’ But it also recognised that these efforts are inadequate and that ‘awareness in the situation and plight of disabled children is lacking [...]’ It also admits that ‘[...] financial allocation for this special group of children is low’, and that ‘training of professionals/caregivers has not been encouraged by the government over the last years.’” [39] (p21)

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## DOCUMENTATION

## Birth registration and certificates

25.39 A *UNICEF* article of 9 September 2008, 'Birth registration campaign gives children a second chance', stated: "Although Nigeria is a signatory to the Convention on the Rights of the Child – whose Article 7 prescribes the mandatory registration to give children an identity at birth – only 30 per cent of children here are registered at birth...In collaboration with the authorities in Kano, UNICEF ensured that a total of 4,140 special birth-registration staff were trained to go door to door." [19d]

25.40 On the matter of birth certificates, the US Department of State *Reciprocity Schedule* noted that they were "... generally available, particularly for events occurring after 1970. Registration of births and deaths is compulsory in Lagos. The National Population Commission issues birth certificates for births after 1992." [3e]

25.41 An *Immigration and Refugee Board of Canada* Response to Information Request of 5 August 2008, 'Birth registration process', stated:

"Although the registration of births in Nigeria is compulsory, only a small proportion are actually registered. Several sources consulted ... indicate that the national average for birth registration stands at about 30 percent. According to UNICEF, in urban areas, approximately 50 percent of births are registered, while in rural areas, only about 21 percent are registered. Low registration rates in Nigeria have been attributed to a number of factors, including a lack of awareness of current legislation and the importance of birth registration, limited number of registration centres, limited financial resources and a lack of effective registration infrastructures.

"Birth registration is said to be a requirement for enrolment in school, for the issuance of travel documents, and for the proposed new national identity card.

"Since 1992, the National Population Commission (NPC) has been responsible for the registration of births in Nigeria. If an individual is not born in hospital (e.g. is born in a house), then there will not be anyone present to register them with the NPC; however, the parents can obtain a sworn affidavit from their local government, stating that the child was born in that local government area. The sworn affidavit can then be taken to the NPC, which will register the child and issue a birth certificate ... In Nigeria, certain hospitals, churches and local governments may issue birth certificates; however, these certificates must be taken to the NPC for registration.

"Individuals born before 1992 may also obtain an NPC birth certificate. When registering with the NPC, these individuals must present a sworn affidavit from their local government and must undergo an interview. Therefore birth certificates issued by the NPC that indicate an individual was born before 1992 are valid.

"The NPC reportedly issues a standard birth certificate...the birth certificate includes 'standard' information, such as the individual's name, father's name,

mother's name, place of birth and date of birth.

"The website of the NPC indicates that birth registration is free and that children should be registered with them within the first sixty days of birth. Upon registration, the parents may be asked for the following information: child's name, date of birth, place and type of birth and birth order; mother's name, age at birth of child, marital status, education, ethnicity and place of residence; father's name, age at birth of child, marital status, education, ethnicity and place of residence.

"According to the website, there are several locations at which birth registration takes place, including NPC registration centres, NPC offices at the local government headquarters, NPC desks in hospitals and health centres, and other unspecified designated locations. In 2007, there were reportedly 2,322 NPC birth registration centres in Nigeria, or approximately 3 per local government area." [38e]

See also [Forged and fraudulently obtained documents](#)

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## 26 TRAFFICKING

### OVERVIEW

- 26.01 Trafficking is prohibited by law but is practised and is a serious problem. People are trafficked both in to and out of Nigeria as well as within the country. Information about the practice is provided in the US State Department country *Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, which stated:

“The country was a source, transit, and destination country for trafficked persons during the year [2009]. No government or NGO [Non-Governmental Organisation] estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for Prohibition of Trafficking in Persons (NAPTIP) came from Edo state.

“Criminals smuggled citizens to Europe, the Middle East, and other countries in Africa for forced labor, domestic servitude, and sexual exploitation. Traffickers moved girls and women for forced prostitution and domestic labor to Italy, Austria, Spain, Norway, Belgium, the Netherlands, Greece, the United Kingdom, Russia, and countries in West and Central Africa. The UN Office on Drugs and Crime (UNODC) estimated that 72 percent of female trafficking victims for prostitution in Italy came from the country. Traffickers moved children for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated 5,000 Beninese children were trafficked into Abeokuta, Ogun state, and forced to work in the granite quarries.” [3a] (Section 6)

- 26.02 The USSD *2009 Human Rights Report* stated:

“The UNODC reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or acquaintances of victims. Traffickers employed various methods. Many organized themselves into specialties, such as passport and other document forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and pay. Once away from their families, children underwent harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly those forced into prostitution. In some cases traffickers employed practitioners of traditional magic to threaten victims with curses to procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited

Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, Libya, and Morocco.  
...

"The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Prison terms range from 12 months to life, while fines range from 50,000 to 200,000 naira (approximately \$332 to \$1,330)." [3a] (Section 6)

- 26.03 The US State Department '*Trafficking in Persons Interim Assessment: Nigeria*, dated 24 February 2010, stated:

"The Government of Nigeria has demonstrated sustained progress to combat trafficking in persons since the release of the 2009 Report. From January to October 2009, prosecutors convicted 25 trafficking offenders and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) provided care to 928 victims.

"NAPTIP ceased the practice of interrogating trafficking suspects at the same facility that houses its Lagos trafficking victim shelter. To better ensure that victims' rights are respected, NAPTIP formed a committee of directors to review victim care policies to strike a balance between ensuring safety and promoting freedom of movement. NAPTIP provided training on these issues to training personnel and implementing partners. The Nigerian government organized anti-trafficking awareness events, such as a race against human trafficking in Edo State." [3f]

- 26.04 An *IRIN* news report of 15 March 2010, 'Nigeria: Trafficking convictions up but progress slow', noted:

"Interceptions and convictions of human traffickers and smugglers have risen year-on-year in Nigeria since the government passed legislation to ban the trade in 2005, but the volume of trafficking is still high and progress on convictions needs to speed up, say government officials... Over 4,000 victims were intercepted between 2004 and the end of 2009, with the number rising each year to reach 1,000 in 2007 and 1,269 in 2008, according to NAPTIP.

"Most children trafficked and smuggled in Nigeria are sent by families to work as domestic labourers, with a minority used as street beggars, or sold into marriage or to illegal orphanages, according to NAPTIP. Families pay middlemen to take children across the borders to West African destinations like Togo and Cameroon, or north to Saudi Arabia, said ... the head of NAPTIP.

"The UN Children's Fund (UNICEF) child protection specialist in Abuja ... said poverty was still the main reason families pushed children to leave home to find work. ...

"In 2009 the government also set up a Victims Trust Fund, through which assets confiscated from traffickers are transferred to victims. NAPTIP said so far the assets of two traffickers in Sokoto State had been seized.

“But prosecuting traffickers was still ‘achingly slow’ ... with dozens of cases awaiting trial. A 2009 report on Nigeria's justice system noted that detainees could wait up to nine years for conviction. NAPTIP's southern zonal coordinator ... said it would take state-by-state reform of the prosecution system to speed up the rate.” [21g]

See also [Children](#), subsection [Child trafficking](#)

See The International Organization for Migration 2006 report. ‘Migration, Human Smuggling and Trafficking from Nigeria to Europe’  
<http://www.humantrafficking.org/publications/442>

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## MIGRATION ROUTES AND TRANSIT STAYS

- 26.05 The International Organization for Migration (IOM) 2006 report ‘*Migration, Human Smuggling and Trafficking from Nigeria to Europe*’, stated:

“The extensive use of forged documents makes many Nigerians fly not directly from Nigeria to the destination, but rather travel through other countries where they will attract less attention. It is especially common for traffickers not to send women directly from Nigeria to Italy, but through another West African country (most commonly Ghana) and from there by plane to a city in western Europe (e.g. London, Paris or Amsterdam). From there, the women then travel to Italy by train and usually arrive in Turin.

“This city has become an important point of transit for trafficking. Another possibility is to fly from Nigeria to Moscow, Istanbul or a town in eastern Europe and then cross the border illegally into western Europe. Towards the end of the 1990s the number of Nigerian illegal immigrants arrested in Turkey increased dramatically.

“In addition to those who fly directly to western Europe or via a third country, a considerable number of Nigerians travel towards Europe through the Sahara and into Europe by ship. A few travel by sea as stowaways, but this is a relatively insignificant route.

“Nigeria’s membership in the Economic Community of West African States (ECOWAS) makes it relatively easy to travel to the rest of West Africa. Since 1980, citizens of ECOWAS member states have, at least in theory, been able to travel without a visa to other member states for up to 90 days. Nigerians can thereby travel to the transit cities that in the past 10 to 20 years have had an important role in the migration from West Africa to Europe. These are first and foremost Agadez in Niger, and Gao and Kayes in Mali. In these cities, migrants come into contact with the smugglers who can take them through the Sahara and towards Europe...after having crossed the Sahara, the most common routes on to Europe are by ship from Western Sahara to the Canary Islands, from Morocco to Spain and from Tunisia or Libya to Italy. Another route is through Dakar and the Cape Verde Islands to the Canary Islands. In recent years the routes from Western Sahara to the Canary Islands have gradually become more important. Nigerians together with a number of nationalities are present in both these flows.” [44] (p34)

- 26.06 An *Inter Press News Agency* [IPS] article of 11 September 2009, 'Trafficking from Nigeria Rises Sharply', recorded:

"An alarming rise has been recorded in the number of Nigerian girls trafficked to Italy. Last year 1,782 young girls from Nigeria arrived in Lampedusa, compared to 166 in 2007, human rights organisations say. Lampedusa, an Italian island 205 km from the Italian coast, located between Tunisia and Sicily, is used as a holding centre for migrants, particularly from Africa. ...

"Aikpitanyi, 30, left Nigeria in 2000 on promise of a job in London, but was 'sold' to a criminal group, sent to Italy and forced into prostitution ... In 2003, when Aikpitanyi found the courage to escape her jailers and inform the police, she was assaulted and reduced to coma. It was a long time before she could find protection from a women's organisation and then build her own organisation, Girls from Benin City, named after a city in southern Nigeria. The group now helps many Nigerian victims or former victims of trafficking.

"The government of Nigeria is doing a lot to stop human trafficking', ... minister for women's promotion and child protection told IPS. 'In 2003 we enacted a law providing for a very severe sentence for anybody caught trafficking in persons, and we set up an agency for the prohibition of human trafficking (Naptip) that secures shelters and protections to victims.

"These girls are often very young, they are not mature enough to decide about their future' [said the minister]. The Nigerian government is cooperating with Italy to identify victims, she said, assist them when they come back, and integrate them back within their family in their country of origin." [69d]

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## SOCIETAL ATTITUDES TO TRAFFICKING

- 26.07 The IOM 2006 report on *people trafficking from Nigeria to Europe* stated:

"To many families, having a daughter travel to Europe is the only way to escape extreme poverty. For most, there is no other way to go to Europe than to accept the offers of the traffickers. Trafficking has led many families out of poverty and into appearing successful in the local community. Until recently, women who travel to Europe were therefore often regarded as heroines, and people in Benin City were proud of what the many women who had left achieved in the material sense. Following more than a decade of emigration from Edo to Italy, the contact with Italy has clearly left its mark on the local community - cars and big houses financed with money from Italy, queues of people in the post office sending parcels to Italy, and queues of people picking up money from Italy from the money transfer company Western Union.

[44] (p30) ... in recent years, the pride in the results achieved through emigration has gradually been replaced by shame. There is also greater awareness of the negative experiences of many Nigerians who go to Europe. In response to pressure from women and human rights groups and the international community, Nigerian authorities are increasingly inclined to act to

combat the trafficking of women. The establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in 2003 was an important step in this respect. Independently of how efficient the measures have been, they have contributed to a certain shift in attitudes. Many Nigerians are also worried about the reputation the nation and the people have gained in Europe due to the prostitution business.” [44] (p31-32)

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## GOVERNMENT EFFORTS TO TACKLE TRAFFICKING

26.08 The USSD 2009 *Human Rights Report* stated:

“During the year the government took steps to implement the National Plan of Action passed in August 2008. The action plan is a broad framework of antitrafficking programs that cover research, prevention, prosecution, and protection and requires coordination between government, law enforcement agencies, the legislature, and NGOs.

“By year's end the government had obtained 25 trafficking convictions. Preliminary data indicated that during the year NAPTIP investigated 149 new cases and prosecuted 37 new cases, with 88 cases pending. Observers attributed the low conviction rate to witnesses' reluctance to testify and to the slow progress of cases through the courts.”

“The NPF (National Police Force) Antitrafficking Task Force staffed 22 units in states with the worst trafficking problems. Officials complained of insufficient funding to support investigative field work.

“The government increased collaboration on investigations with law enforcement agencies in the Netherlands, France, Spain, Italy, and Benin. By year's end NAPTIP had signed mutual cooperation agreements with eight nations. Officials attended international workshops on trafficking, and the government collaborated with Benin to arrest traffickers and repatriate trafficking victims. The Ogun State government signed a memorandum of understanding with Benin to stop the trafficking of Beninese children in the rock quarries of southwest Nigeria.” [3a] (Section 5)

26.09 The USSD 2009 *Trafficking in Persons Report*, published 16 June 2009, stated:

“The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the government more than doubled the number of trafficking offenders convicted, while it improved assistance given to victims, demonstrated strong awareness-raising methods, and increased funding to its anti-human trafficking organization, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Nigeria's strengthened anti-trafficking record over the last year reflects the cumulative impact of progressively increasing efforts made by NAPTIP over the last several years.

“The Government of Nigeria increased law enforcement efforts to combat trafficking during the last year. Nigeria prohibits all forms of trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers. This law’s prescribed penalties of five years’ imprisonment for labor trafficking, 10 years’ imprisonment for trafficking of children for forced begging or hawking, and a maximum of life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. Nigeria’s 2003 Child Rights Act also criminalizes child trafficking, though only 20 of the country’s 36 states have enacted it. During the year, NAPTIP reported that it investigated 209 trafficking cases, 37 of which were prosecuted, resulting in the conviction of 19 sex traffickers and four labor traffickers. Sentences imposed on convicted traffickers ranged from six months’ to 40 years’ imprisonment. One sex trafficking offender received a sentence of 40 years’ imprisonment, two received sentences of 24 years’ imprisonment, and others received two-, five-, and seven-year sentences. Six sex traffickers received sentences of one year’s imprisonment or less. While one labor trafficker was sentenced to 20 years’ imprisonment, one was sentenced to one year imprisonment and two were given the option of serving one to two years in prison or paying fines of between \$65 and \$600. Over the year, the government provided anti-trafficking training for 823 law enforcement officials and integrated a trafficking training course in the National Police Force’s standard curriculum. For several months in 2008, NAPTIP cooperated with European law enforcement counterparts in Operation Koovis. This resulted in the arrest of 60 Nigerian trafficking suspects in Europe, where they will be prosecuted.” [3d]

- 26.10 Government efforts to tackle people trafficking have been hindered by the actions of corrupt government officials, as noted in the *USSD 2009 Human Rights Report*: “Reports continued from informants and foreign officials that law enforcement officers and other individuals in the immigration and airport authorities collaborated in trafficking persons across the country’s borders. NAPTIP provided training to police and customs officials on trafficking. The law provides penalties for officials who aid or abet trafficking.” [3a] (Section 5)

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## GOVERNMENT PROTECTION FOR TRAFFICKING VICTIMS

- 26.11 The *USSD 2009 Human Rights Report* stated:

“The government provided protection and rehabilitation for trafficking victims, although funding was insufficient. NAPTIP served as the point of contact for immigration and police officials who discovered victims. During the year [2009] 928 victims passed through the agency. NAPTIP operated shelter facilities at secure locations in Lagos, Abuja, Benin City, Uyo, Enugu, Sokoto, Maiduguri, and Kano. The Ministry of Women Affairs operated two shelters, one in Kano and another in Benin City. NAPTIP officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP also maintained hotlines for victims and anyone seeking or wanting to provide information on trafficking. During the

year the government helped victims to repatriate to their home countries and reunited trafficked children with their families.

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

“The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and police officers worked together to provide assistance. NAPTIP organized ‘town hall’ meetings with NGOs to bring together community and traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued efforts to protect victims. An Edo state NGO, Idia Renaissance, operated a youth resource center, funded by UNICEF [United Nations International Children’s Emergency Fund] and foreign organizations, that provided job-skills training and counseling to trafficking victims and other youth. The Society for the Empowerment of Young Persons, with support from a foreign donor organization, provided vocational training and business mentoring support to trafficking victims in Edo State.” [3a] (Section 5)

- 26.12 The USSD *2009 Trafficking in Persons Report*, published 16 June 2009, stated further:

“The Nigerian intensified its efforts to protect trafficking victims during the last year. NAPTIP continued to operate seven shelters - in Lagos, Abuja, Kano, Sokoto, Enugu, Uyo, and Benin City. The Ministry of Women’s Affairs operates two additional shelters, one in Kano, and one in Akwa Ibom. The government collaborated with NGOs and international organizations to provide victims with care. NAPTIP continued to provide care to victims with HIV/AIDS through agreements with hospitals whereby the government pays portions of this care and hospitals agree to provide care at lower cost or sometimes for free. The government reported that between October 2007 and September 2008 it identified 887 trafficking victims, of whom NAPTIP rescued 291, the Immigration Service rescued 215, the Nigerian Police intercepted 304, the Civil Defense Corps intercepted 56, the Federal Road Safety rescued 18, the State Security Service intercepted two, and a Nigerian Embassy rescued one. NAPTIP reported that from February 2008 to February 2009 932 victims-387 of whom were children-received care at its seven shelters. The agency’s largest shelter in Lagos, with a capacity for 120 victims, housed an average of 35 to 40 victims at any given period during the year.” [3d]

- 26.13 A Danish Immigration Service Fact-Finding Mission (FFM) report about *the protection of victims of trafficking in Nigeria*, published in April 2008, stated:

“Fapohunda (LRC) [Legal Resources Consortium] explained that NAPTIP does it[s] utmost to perform its duties and the agency is trying to be efficient and it is definitely more efficient that [sic] most other state institutions in Nigeria. NAPTIP lacks resources and even though some donors have supplied assistance to NAPTIP, this has not been followed up by sufficient

government funds. The lack of resources means that it can be difficult for NAPTIP to provide protection for all victims of trafficking. However, Fapohunda (LRC) considered that NAPTIP is genuine in its fight against trafficking.” [5]

26.14 The same Danish Immigration Service FFM Report noted:

“When asked why it can be difficult for NAPTIP to provide protection for all victims of trafficking even if such victims are returning on a case-by-case basis and not in plane loads, Fapohunda (LRC) explained that his comment was not based on any consideration of returns either on an individual scale or large scale, but on an appreciation on what is the reality on the ground. The reality of the criminal justice system is that it offers little or no protection for victims of crime. There is presently [September 2007] a bill before the parliament on this matter but this is not [a] priority. Also, it was Fapohunda’s (LRC) view that quite apart from legislative limitations, the resources allocated to the NPF and NAPTIP is neither sufficient or adequate to offer the kind of protection (even on an individual basis) that will, at the very least, meet minimum international standards. Nigeria has not invested in its justice system; the casualty of this lack of investment is essentially poor justice institutions. Fapohunda (LRC) added that NAPTIP is a government body within the Federal Ministry of Justice.” [5]

26.15 The Danish Immigration Service FFM report observed:

“Olateru-Olagbegi (WOCON) considered that NAPTIP is committed to assisting victims of trafficking but it lacks personnel, and its staff lack training.

“Olateru-Olagbegi (WOCON) expressed doubt as to whether NAPTIP is capable of protecting victims against traffickers, as NAPTIP might lack the resources and the technical know-how to protect victims. On the other hand, Olateru-Olagbegi (WOCON) had no doubt that NAPTIP has the will to try to do its outmost [sic] to protect victims in need of protection.

“Olateru-Olagbegi (WOCON) considered that NAPTIP lacks facilities for mental health counselling which is much needed by the returnee victims, and which has greatly affected their results in the reintegration of victims (p35) ... it was explained by Rev. Sister Florence (COSUDOW) [Committee for the Support of the Dignity of Women] that many victims of trafficking living abroad would do all they can in order to get asylum in the country where they reside. However, very often their accounts are not based on realities but on made-up stories about their security situation in Nigeria should they be returned. Rev. Sister Florence (COSUDOW) pointed to the fact that many of those victims of trafficking that COSUDOW has assisted after their return to Nigeria have expressed their appreciation that they are back home in Nigeria. This even includes many of those that have been returned to Nigeria by force.” [5] (p36)

26.16 The Danish Immigration Service FFM Report also recorded:

“... when informed that many victims of trafficking in European countries express fear of the prospect of being returned to Nigeria, WOTCLEF rejected that these victims have anything to fear upon their return to Nigeria. If the

victims cooperate with NAPTIP and the NGOs available, they will be assisted and they have nothing to fear. In addition to this, Mrs. Umaru (WOTCLEF) stated that it is not fair to say that the victims have nothing to return to...the only thing that is demanded from the victims is that they cooperate so that it will be possible to identify and prosecute the trafficker and their affiliates. Investigation and prosecution will always take place as long as the victim cooperates and testifies against her traffickers. Any victims of traffickers can receive legal assistance from NAPTIP or any NGO in Nigeria that works against trafficking.” [5] (p36-37)

26.17 The Danish Immigration Service FFM report continued:

“... Ndaguba (NAPTIP Abuja Headquarters) stated that NAPTIP is able to offer victims full protection against physical violence from the agents of trafficking and this includes victims who have testified against traffickers abroad or in Nigeria or are indebted to their agents or Madams. It was added by M. Babandede, Director, Investigation & Monitoring (NAPTIP Abuja Headquarters) that NAPTIP is monitoring victims and it provides shelter and counselling to those who are in need of this. Babandede (NAPTIP Abuja Headquarters) emphasized that naturally NAPTIP can only offer protection to those who are ready to accept this. Babandede (NAPTIP Abuja Headquarters) also emphasized that NAPTIP has the capacity to support and protect returning victims of trafficking who have expressed fear of retaliation, acts of revenge or persecution by agents. However, Babandede (NAPTIP Abuja Headquarters) added that protection may be difficult if victims are returned in planeloads, i.e. in large groups. This would especially be the case if such returns take place without close cooperation and coordination with NAPTIP. On the other hand, victims returned on a case-by-case basis will always be able to enjoy protection by NAPTIP if the agency is notified in advance. This also includes victims who have testified against agents or Madams, or are indebted to them.” [5] (p38-39)

26.18 The Danish Immigration Service FFM report observed:

“... Mrs. Umaru (WOTCLEF) stated that NAPTIP is very competent and she expressed full confidence in NAPTIP. NAPTIP has shelters for victims and it has established a protection programme for victims of trafficking. It was added that NAPTIP is capable of protecting those victims of trafficking that might have a need for protection against traffickers, either because the victim is in debt, or if the victim has testified against traffickers or Madams abroad or in Nigeria. Furthermore, Mrs Umaru (WOTCLEF) emphasized that a victim can stay in the shelter of either WOTCLEF or NAPTIP for as long as necessary. Most victims stay in WOTCLEF’s shelter for six weeks and some may stay for up to six months or more depending on their individual needs. WOTCLEF liaise with the police and they are available for WOTCLEF all the time.” [5] (p39)

26.19 The International Organisation for Migration *IRRICO Country Sheet for Nigeria*, last updated 13 November 2009, stated that:

“There are shelters and safe houses for victims of trafficking in at least seven states in Nigeria: Lagos; Abuja; Benin City; Enugu; Sokoto; Kano; Akwa Ibom. They are managed by a government agency, the National Agency for the

Prohibition of Traffic in Persons (NAPTIP). Two of the shelters, in Lagos and Benin City, were set up by IOM [International Organization for Migration] Nigeria and then transferred to the government counterpart.” [44b]

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## PROTECTION PROVIDED BY NGOS FOR TRAFFICKING VICTIMS

- 26.20 The Danish Immigration Service *FFM report* about *the protection of victims of trafficking in Nigeria* stated:

“Mrs. Umaru (WOTCLEF) informed that WOTCLEF has a shelter for victims of trafficking and the NGO has in the past received financial support from different partners including UNICEF[,] ILO/PATWA [Action Programme Against Forced Labour and Trafficking in Forced Labour] and the World Bank.

“It was added that WOTCLEF offers support to victims of trafficking in terms of skills training such as leather working, sewing and other handicrafts. WOTCLEF advises victims of the opportunities for micro credits and small-scale loans that exist either via other NGOs or from local banks. [5] (p43)

“Furthermore, WOTCLEF provides for education of minors and even up to university level in some cases.” [5]

- 26.21 On the subject of shelters the Danish Immigration Service *FFM report* recorded:

“Mrs. Umaru (WOTCLEF) explained that in Abuja both WOTCLEF and NAPTIP each have a shelter for victims of trafficking and victims can receive assistance and counselling in both shelters. Furthermore, NACTAL [Network of Non-Governmental Organisations Against Child-Trafficking, Labour and Abuse] is about to open a new shelter in Abeokuta, Ogun State.

“Mrs. Umaru (WOTCLEF) portrayed WOTCLEF’s shelter in Abuja ‘like a home’. The delegation visited the shelter and found it to be very much like a home, well equipped, and with a very positive and peaceful atmosphere.

“The delegation was informed that at present WOTCLEF’s home accommodates 14 victims of trafficking, some of which [sic] are returned victims from abroad. Altogether the home can accommodate not more than 30 at a time, but to do so WOTCLEF would need additional funding. All victims in the home receive legal counselling and lawyers frequently visit the home to assist the victims. A majority of the minors are in the home on a voluntary basis. On average, the victims stay for a period up to six months, but some may stay even longer before it become[s] possible to have them reunited with their families. Some of the victims are attending primary and secondary schools by the assistance of WOTCLEF.” [5]

- 26.22 The same Danish Immigration Service *FFM report* stated further on the matter of shelters:

“... Olateru-Olagbegi (WOCON) explained that WOCON does not have its own shelter, and victims of trafficking that are considered to be in need of protection are referred to NAPTIP’s shelter in Lagos ... Rev. Sister Florence (COSUDOW) informed that COSUDOW runs a shelter in Benin City and that victims can seek protection there. So far COSUDOW have been able to accommodate the needs for assistance and protection to all the victims who have requested this (p44) ... in contrast to Rev. Sister Florence (COSUDOW)[,] Olateru-Olagbegi (WOCON) did not consider that COSUDOW’s shelter in Benin City is capable to protect victims of trafficking in need of protection. Olateru-Olagbegi (WOCON) explained that the shelter was not yet functioning, as it had not been completed as of July 2007 when she last visited COSUDOW in Benin City. However, Olateru-Olagbegi (WOCON) considered that COSUDOW is in a better position to run a shelter than NAPTIP would. COSUDOW[’s] Reverend Sisters’ religious orientation give the victims a sentiment that they will be assisted and eventually be freed from their secret oath, and the victims will almost automatically have more confidence in the Reverend Sisters than in government employees at a NAPTIP shelter or even some NGOs.”  
[5] (p44-45)

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## TREATMENT OF RETURNED TRAFFICKED WOMEN BY TRAFFICKERS

- 26.23 The Danish Immigration Service *FFM report* about *the protection of victims of trafficking in Nigeria* stated:

“Rev. Sister Florence (COSUDOW) had no information as to whether a victim of trafficking had been severely persecuted or killed by traffickers in Nigeria. It was added that the trafficker’s objective is to get his money back, and that is why the involved family and the trafficker very often will see to it that the returned victim will be re-trafficked. Re-trafficking is a very common phenomenon.

“In contrast to Rev. Sister Florence (COSUDOW), Jane Osagie (IRRRAG) [International Reproductive Rights Research Action Group] considered that returned victims of trafficking are vulnerable as they face serious dangers in Nigeria. Traffickers will persecute the returnees if they are still indebted to these traffickers and the victims are frightened, as they strongly believe that they are obliged by the oath that they took before leaving Nigeria. The victims fear for the consequences if they do not or cannot pay their debt, and at the same time, many victims are seriously traumatized from their experiences abroad.” [5]

- 26.24 The same Danish Immigration Service *FFM report* continued:

“Jane Osagie (IRRRAG) explained that she did not have any precise information on the level of maltreatment of returning victims by traffickers. On the other hand, there are reports confirming that traffickers expose their victims to various forms of intimidation.

“When asked about the scope of persecution and reprisals on [the] victims of trafficking that have not paid their debt upon their return to Nigeria, Jane Osagie (IRRRAG) explained that NAPTIP would be the source of such information. IRRRAG does not have adequate information of the scale of persecution by traffickers.

“Morka (NAPTIP Lagos Zonal Office) stated that since 2003, threats of reprisal[s] from traffickers have never resulted in the loss of the life of victims. Before NAPTIP was established in 2003, traffickers were able to operate more or less as they wished, but now they are aware of the fact that there is a law on trafficking in humans, and that NAPTIP has the will and capacity to investigate and prosecute them. Furthermore, in general there is much more focus on human trafficking in Nigeria now more than was the case some years ago, as a result of enlightenment campaigns and awareness raising activities.

“Morka (NAPTIP Lagos Zonal Office) considered that the network of traffickers in Nigeria is strong. However, he discarded the view that victims of trafficking are at risk of persecution or killing by traffickers even if they have cooperated with [the] police abroad in identifying and prosecuting traffickers or Madams.” [5]

26.25 The Danish Immigration Service *FFM report* noted:

“Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that a returning or returned victim of trafficking and her family who have not yet paid the debt to the trafficker is at much more risk of retaliation than if the victim has testified against an [sic] trafficker or Madam abroad. [5] (p26) ... Rev Sister Florence (COSUDOW) stated that regardless of whether the debt has been paid or the victim has given evidence in court, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria. However, Grace Osakue (GPI) [Girls’ Power Initiative] considered that it would be an overstatement to say that any victim of trafficking who has given evidence against traffickers and/or Madams abroad would be able to attain ample protection against reprisals by traffickers if the victim returns to Nigeria.” [5]

26.26 The Danish Immigration Service *FFM report* recorded:

“Grace Osakue (GPI) added that the traffickers are desperate to get hold of the money they have invested. If a victim gives evidence against traffickers or Madams, the witness will be at serious risk of persecution by the traffickers if she returns to Nigeria. First of all, the witness or the witness’ family will be threatened to pay back the debt and in addition to this the witness may be punished severely or even killed. [5] (p27)

“However, Grace Osakue (GPI) had no evidence that victims of trafficking that have given evidence against traffickers or Madams abroad have been killed on return to Nigeria. Grace Osakue (GPI) added that she did not have any evidence that even persons that have given evidence against traffickers in local court cases in Nigeria have been victims of revenge killings. On the other hand, Grace Osakue (GPI) emphasized that in general returning or returned victims of trafficking are very insecure in Nigeria and she added that those

who have testified in local court cases in Nigeria must be considered to be in real danger. Grace Osakue (GPI) added that GPI does not have any evidence of specific danger, as all court cases known to GPI - which victims in Nigeria are giving evidence against traffickers - are still pending. It was explained by Grace Osakue (GPI) that trials abroad and local trials in Nigeria against traffickers are two very different things as the consequences for victims that have been witnesses are dissimilar; as traffickers and Madams abroad may have a better opportunity to take revenge against such a victim, if she returns to Nigeria.” [5] (p27-28)

26.27 The Danish Immigration Service *FFM report* noted:

“Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) did not consider that persecution of victims of trafficking by traffickers occurs in Nigeria. Reprisals from traffickers or Madams might take place in Europe but this is not the case in Nigeria and there are no official records about threats or reprisals from traffickers against victims. However, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) added that if persecution or retaliation takes place in Nigeria it has got to be in a very subdued manner. The Catholic Secretariat of Nigeria/Caritas Nigeria has never heard of this taking place and Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) could confirm NAPTIP’s assertion that victims of trafficking in Nigeria are not victims of violent persecution or killings by traffickers.” [5] (p28)

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## TREATMENT OF RETURNED TRAFFICKED WOMEN BY RELATIVES

26.28 The Danish Immigration Service *FFM report* about *the protection of victims of trafficking in Nigeria*, stated:

“Regarding reactions from the victims['] own families, Jane Osagie (IRRRAG), could not give specific examples of cases in which a returning victim had been the victim of physical violence from her own family. However, returning victims are exposed to psychological and emotional violence/pressure from their families and it is common that victims who have returned before the debt has been paid are re-trafficked. If the family rejects a victim because it considers that she has spoiled its chances to become wealthy this victim will most likely be re-trafficked back to Europe by her family.” [5]

26.29 The Danish Immigration Service *FFM report* noted:

“Grace Osakue (GPI) stated that returning victims of trafficking face a very complex and cruel situation, as their relation to their family is very difficult. Some victims may be excluded from their own family if they have returned or have been returned before the debt to the trafficker has been paid. There is also a genuine risk that returning victims will be re-trafficked to allow the family to pay back it’s [sic] debt to the trafficker. The victim has returned to a situation that is no less difficult than when she left Nigeria and she will have even more reason to try to leave for Europe again because she still has to pay the debt.

The debt to a trafficker can be as much as US\$50,000 to US\$70,000. When asked why a family would accept to enter a burden of this magnitude, Grace Osakue (GPI) explained that the families involved in trafficking have been told that this amount can easily be earned by the victim during two or three years abroad. Therefore, the expectations are very high among the families that their trafficked family member will earn huge amounts of money for the family in Nigeria when the debt to the trafficker has been paid.” [5] (p31)

26.30 The Danish Immigration Service *FFM report* observed:

“According to Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria), the family of a returned victim often consider that the victim is the reason why the investment failed and this could easily result in the victim being excluded from her own family or even killed.

“According to Morka (NAPTIP Lagos Zonal Office), most traffickers have family ties to their victims and they are therefore less willing to persecute or kill victims as a reprisal or deterrent, even if the victims cooperate with foreign police in a criminal case against the Madam or trafficker abroad. The local traffickers will keep a low profile and they would rather try to continue their trafficking business than risk being exposed and prosecuted for attempting to take revenge against a victim that has testified against them.

Roland Chigozie (Idia Renaissance) explained that a victim of trafficking who has cooperated with police abroad in order to prosecute Madams or traffickers face a very difficult situation when they return to Nigeria, and some may prefer a life in prison or to stay abroad, instead of being disowned by the family and the humiliation of being considered a failure because the family has lost its investment, that is the money paid to the trafficker in order to send the girl or woman abroad.” [5] (p32)

See also [Women](#) and [Children](#)

## INTERNAL RELOCATION

26.31 The Danish Immigration Service *FFM report* about *the protection of victims of trafficking in Nigeria* stated:

“Regarding internal relocation Olateru-Olagbegi (WOCON) considered that it would be difficult for a victim to relocate to another location in Nigeria in order to avoid reprisals from traffickers. Ethnic groups tend to cluster in groups even in Lagos and it is difficult for a person to settle in a place where he or she has no network. Olateru-Olagbegi (WOCON) suggested that such victims should have the opportunity to live in communities that are set up for them (half way home).

“Olateru-Olagbegi (WOCON) explained that it is difficult for anyone to settle in a place where that person’s ethnic group is not present as it would be difficult to speak the local language and to sustain a livelihood. In the south, anyone who has his or her origin in the northern part of Nigeria is called ‘stranger’ and even in Lagos there are special quarters for northerners and in the north there

are special areas for non-northerners known as ‘Sabongari’ literally meaning ‘the place for strangers.’

“Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) stated that it is very correct to say that victims of trafficking who feel threatened can relocate to other places in Nigeria if they feel insecure or are threatened but they would require resources to settle in these new places.

“Grace Osakue (GPI) considered that with economic support, victims of trafficking can relocate to anywhere in Nigeria. In the long run however, Nigerian communities are known to consider offspring of non-indigenes as not eligible to entitlements such as political positions, scholarships, job placements or such rights claimed by indigenes. This explains why people continue to identify with and feel most comfortable in their home states.

“With regard to reintegration, De Cataldo (IOM) noted that this is possible, including relocation.” [5] (p51)

See also [Freedom of movement](#)

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## 27. MEDICAL ISSUES

### OVERVIEW

- 27.01 The International Organisation for Migration (IOM) *IRRICO Country Sheet for Nigeria*, last updated 13 November 2009, stated:

“The principal arm of Government in health care delivery is the Federal Ministry of Health. The Ministry is charged with coordinating all health activities throughout the Federation. Medical and health services are also the responsibility of the state governments, which maintain hospitals in the large cities and towns. Most of the state capitals have public and private hospitals, as well as specialised hospitals. Each city also has a university teaching hospital financed by the Federal Ministry of Health.

“*Public (State-owned) Hospitals:* These consist of general hospitals, as well as university teaching and specialist hospitals. Charges are moderate but some of them lack equipment and adequate amenities. There are often delays and the large number of patients means that they may not be attended to promptly. Consultation and registration fees in government-owned hospitals are N500 (€2.30). Laboratory tests cost between N700-N1,200 (€3.21-€6).

“*Private Hospitals:* These are standard-sized hospitals. While some have adequate hospital equipment, others do not and have to refer patients to bigger hospitals for laboratory tests and X-rays. They are generally more expensive but are accessible to anyone who can afford their services. Consultation fees in private hospitals range from N4,000-N6,000 (€18.35-€28). Laboratory tests cost between N1,000-N1,500 (€5-€7) per test.

- 27.02 The same IOM *IRRICO Country Sheet* observed:

“The main health problem in Nigeria is malaria. Malaria is the leading cause of morbidity and mortality, with transmission throughout the entire country. It is preventable and treatable but malaria kills nearly one million people every year. In addition to the hundreds of thousand of Nigerians that die each year, malaria also makes millions of Nigerians sick. This single disease accounts for about 60% of outpatient visits, 30% of hospitalisations, 25% of deaths in children under one year old, and 11% of maternal deaths. It lays a heavy burden on Nigeria’s families, communities, health system, and workforce. ...

“Other prevalent health problems are hypertension, diabetes, HIV, tuberculosis, cerebrum spinal meningitis, sickle cell disease, and typhoid. HIV and tuberculosis are treated free in Nigeria at almost all public hospitals (subject to the availability of drugs). ...

“Drugs are available but may be expensive ... There are many pharmacies throughout Nigeria. The National Agency for Food and Drug Administration and Control (NAFDAC) has worked hard to ensure that these pharmacies are regulated and sell genuine medicines to the Nigerian public. But, data obtained from a study in 36 countries from all World Health Organisation (WHO) geographical regions, and covering World Bank income groups, has

revealed an alarming lack of essential medicines in the public sector. The study, which included Nigeria, shows that this is driving patients to pay higher prices in the private sector, or go without any. Results show an average public sector availability of medicines of only 38% across surveys. This forces patients to buy medicines from the private sector where treatments are more expensive and often unaffordable.” [44b]

27.03 The British-Danish *2008 FFM report* stated that:

“The FFM delegation interviewed a Nigerian medical doctor at the National Hospital in Abuja to obtain information about health care services in Nigeria. Additional information was obtained from another Nigerian doctor in March 2008 who also corroborated the information obtained from the first doctor consulted.

“The doctor at the National Hospital stated that, in general, Nigerian hospitals suffer from poor funding, a lack of qualified medical staff, a lack of drugs and a lack of medical equipment. The federal government and state governments do not provide free medical services, but the new national health insurance system which started in January 2007, will help to take care of health expenses for many people. Under the scheme, employers pay in money on behalf of their employees, while the self-employed are expected to take out their own health insurance. Nigeria has 250,000 doctors serving a nation of 140 million people (2006 Nigerian Census). Doctors and nurses, and other medical professionals, are poorly paid and many accept postings abroad where they can earn a lot more than they do in Nigeria.” [20]

27.04 The British-Danish *2008 FFM report* continued:

“The doctor added that there are teaching hospitals which train all kinds of medical staff, and federal and state nurse training schools. There are training centres for laboratory and radiology staff, and staff who deal with medical records. There are also two post-graduate medical colleges which train and certify specialists. The federal government runs some public hospitals, which it maintains and funds, and also pays the salaries of the medical staff who work in them. Some public hospitals in Nigeria are run by state governments which maintain and fund them. In the Federal Capital Territory area, the federal government runs several general hospitals. There are no restrictive health care control measures in Nigeria which means that patients are free to go to any hospital in any state for treatment. Despite the limitations of Nigeria’s health care system, a large number of diseases and conditions can be treated including heart conditions, high blood pressure, polio, meningitis, HIV/AIDS, hepatitis, sickle cell anaemia, diabetes, cancer and tuberculosis.” [20]

27.05 The British-Danish *2008 FFM report* recorded that:

“The doctor added further that medical care provided in public and teaching hospitals, including investigations and any drugs prescribed or administered, have to be paid for, even in medical emergencies. If a person, however, arrives at a hospital and requests or needs medical treatment but does not have the money to pay for it in advance, it is possible that medical treatment will still be provided but only on condition that the person concerned or his

relatives makes a payment as soon as possible after the first 24 hours, or provides an acceptable guarantor. If no payment or guarantor can be provided at all by the person concerned or his relatives, medical treatment is refused. Private hospitals exist in Nigeria and provide a higher standard of medical care than public sector hospitals, but charge their patients a lot more money. All the Nigerian teaching hospitals and a few specialist and private hospitals have intensive care units but not all of them are well equipped. [20] (p38)

“The doctor stated that food is provided in some public sector hospitals but has to be paid for. Public sector hospitals usually include the cost of food and water in the fees they charge to their patients. In the parts of the country where public sector hospitals do not provide food and water, the relatives of the patient are expected to provide them with these provisions. According to another Nigerian doctor, consulted in March 2008, water provided in public sector hospitals is usually given free of charge.” [20]

#### 27.06 The British-Danish 2008 FFM report observed:

“The doctor stated that road traffic accidents are common in Nigeria and can result in serious injuries and death for the people involved. General ambulance services for medical emergencies and people who are acutely ill are few and far between in Nigeria. Also, there are very few general public mobile paramedic services available to treat people at the location where they happen to be ill or injured. In general, people who have sustained serious injuries at home, at their place of employment or at a road traffic accident, have to arrange for their own transport to hospital, or rely on other people to arrange this for them. Some general, teaching, specialist and private hospitals, however, have ambulance services and often respond to requests from the general public for a small fee. Ambulance and paramedic services are mostly provided by private companies, the armed forces for military personnel, and by foreign embassies for their staff.” [20] (p39)

(The US Embassy in Nigeria provides basic information about medical services available and a list of many of the hospitals in the country [http://nigeria.usembassy.gov/medical information.html](http://nigeria.usembassy.gov/medical%20information.html) )

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## Hiv/Aids

#### 27.07 Avert.org, in its HIV and AIDS in Nigeria section last updated 14 May 2010, recorded:

“In Nigeria, an estimated 3.6 percent of the population are living with HIV and AIDS. Although HIV prevalence is much lower in Nigeria than in other African countries such as South Africa and Zambia, the size of Nigeria’s population (around 149 million) meant that by the end of 2009, there were almost 3 million people living with HIV.

“Approximately 192,000 people died from AIDS in 2009. With AIDS claiming so many lives, Nigeria’s life expectancy has declined significantly. In 1991 the

average life expectancy was 54 years for women and 53 years for men. In 2009 these figures had fallen to 48 for women and 46 for men.

“... in 2006 Nigeria opened up 41 new AIDS treatment centres and started handing out free ARVs to those who needed them. Treatment scale-up between 2006-7 was impressive, rising from 81,000 people (15% of those in need) to 198,000 (26%) by the end of 2007.

“Resources needed to provide sufficient treatment and care for those living with HIV in Nigeria are seriously lacking. A study of health care providers found many had not received sufficient training on HIV prevention and treatment and many of the health facilities had a shortage of medications, equipment and materials.

“The government's National HIV/AIDS Strategic Framework for 2005 to 2009 set out to provide ARVs to 80 percent of adults and children with advanced HIV infection and to 80 percent of HIV-positive pregnant women, all by 2010. However, only 34 percent of people with advanced HIV infection were receiving ARVs in 2010. In the revised framework (from 2010 to 2015), the treatment goals were set back to 2015.” [28]

- 27.08 The American Project for Supply Chain Management System has been successful in supplying Nigeria with anti-retroviral drugs as its website (accessed 17 May 2010) explained: “As of the end of 2009, 312,000 of an estimated 3 million adults and children in Nigeria living with HIV/AIDS received antiretroviral therapy.(ART). The Government of Nigeria has an ambitious goal to provide antiretroviral (ARV) treatment to 694,000 recipients by the end of 2011. Strengthening the country's supply chain system for ARVs is essential to making this happen.” [49]
- 27.09 According to information published on the Drugs for AIDS and HIV Patients (DAHP) website (accessed 17 May 2010), the ARV [antiretroviral] drugs, Zidovudine, Lamivudine, Nevirapine and Stavudine are available in Nigeria to treat people suffering with HIV/AIDS. [37]
- 27.10 The US State Department *Country Report on Human Rights Practices 2008, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) observed:

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

“In September 2008 the Bauchi state Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to accept or reject a suggested partner. As of March [2009], 94 HIV positive couples were matched and had married. The Joint UN Program on HIV/AIDS voiced concern over the plan due to the increased risk of passing

the virus on to any children born and the possibility of leaving the children orphaned.” [3a] (Section 6)

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## TREATMENT FOR CANCER

- 27.11 A *Vanguard* (Nigerian newspaper) article, dated 16 June 2008, about cancer in Nigeria, stated that:

“Prof. Clement Adebamowo of the Division of Oncology, Department of Surgery, University of Ibadan, discloses that ... complex diseases such as cancer are fast emerging as an important health care priority for the future. Adebamowo states that, ironically, while improvements in public health and increased funding for health care initiatives are leading to a decrease in incidence of communicable diseases, the attendant increase in life expectancy is precipitating an increase in the incidence of all cancers, as a higher proportion of the population reached the complex diseases-bearing age ... worse still, clinical services for cancer are grossly inadequate and poorly distributed. Only a few centers have functioning radiotherapy equipment. Radiologic services are generally available, but access is seriously limited by high cost. The same argument of high cost goes for chemotherapy. Pathology services are generally available, but the scope of services is limited. Molecular diagnostic methods are not widely available. Surgery is often performed by surgeons whose primary clinical practice is not oncology, and there is a very limited scope for multidisciplinary cancer care.

“There is increasing awareness of modern palliative care and pain management, which is particularly useful as patients often present [themselves] with advanced disease, and physicians have limited access to treatment that offer the prospect of prolonged survival. ...

“A Consultative Committee on National Cancer Control exists to formulate policy guidelines relating to the prevention and management of cancer in Nigeria. But even with [the] existence of professional bodies such as the Nigerian Cancer Society, the Society of Oncology and Cancer Research in Nigeria, and several other local and international bodies actively promoting cancer control and prevention, the incidence of cancer has continued to escalate. So there is ongoing cancer research in Nigeria.

“Essentially, the most common cancers documented in Nigeria to date are cancers of the uterus and breast for women and liver and prostate cancers for men ... investigations showed that only very few hospitals operate screening programmes for cervical cancer, even then, they are poorly funded, unsystematic, and incomprehensive. The country lacks an established national mammographic screening programme and available mammographic services are hard to come by. The pattern is that most breast and cervical cancer patients present [themselves] at a younger age than in developed countries. Problems of impeded access to health care, ignorance, poverty and a general lack of coordination of issues of health education complicate matters.” [29]

- 27.12 A *Punch* (Nigerian newspaper) report, dated 24 September 2008, about cancer in Nigeria, stated:

“Regrettably, Nigeria’s health care system is not adequately prepared to respond to the emerging epidemic of cancer, in terms of facilities and expertise. For example, only six hospitals - the Lagos University Teaching Hospital, University College Hospital, Ibadan, National Hospital, Abuja, Ahmadu Bello University Teaching Hospital, Zaria, University of Maiduguri Teaching Hospital, and the University of Nigeria Teaching Hospital, Enugu - have some facilities to treat cancer. Tertiary hospitals in Benin, Sokoto and Gombe are still struggling to develop facilities for the ailment.

“Besides [a] lack of facilities, there is the dearth of adequately trained personnel in the field of oncology. Oncologists are doctors who specialise in cancer treatment. Less than 13 surgical oncologists serve the country’s 140 million population ... it is said that no fewer than 100,000 new cases of cancer are diagnosed annually in the country. This is expected to increase to 500,000 in 2010. More worrisome is the fact that 80 to 90 per cent of these cases are diagnosed at [a] very advanced stage, when it is too late to render any meaningful help than offer palliatives to reduce the pains of the ailment...the World Health Organisation has warned that by 2020 death rates from cancer in men may hover around 72.7 per every 100,000 population and 76 per 100,000 women.” [51]

- 27.13 The British-Danish *2008 FFM report* added that: “Surgical procedures and operations [in cancer cases] can be carried out if necessary but are not widely done in Nigerian hospitals. Radiotherapy for the treatment of bone cancer can be done but bone grafting can only be carried out abroad. Tumours in the brain can be removed, mostly in private hospitals, but this type of operation is not widely available.” [20] (p40)
- 27.14 An article of 23 February 2010 in *Nigerian Compass*, ‘Nigeria: Overcoming the cancer challenge’, noted that: “... experts say that only 20 per cent of cancer patients in Nigeria and Africa get medication.” [70]
- 27.15 An article of 6 April 2010 in the *Daily Independent (Lagos)* (via AllAfrica.com), ‘Nigeria: It’s Shameful to Treat Cancer Abroad’, stated that: “... radiotherapy facilities used in this country are limited. Currently ... the functional ones are in LUTH, Lagos, UCH Ibadan, National Hospital in Abuja and Ahmadu Bello University Teaching Hospital, Zaria.” [54b]

## TREATMENT FOR HEART CONDITIONS AND CARDIOVASCULAR DISEASES

- 27.16 The British-Danish *2008 FFM report* stated that:

“The doctor stated that the most common type of cardiovascular disease that Nigerians suffer from is hypertension (high blood pressure), with 8%-10% of Nigerians suffering from the condition. Drugs that can reduce blood pressure are available but are very expensive and are not affordable by the majority of the population. There are no specialist cardiovascular or cardiothoracic centres in Nigeria, but treatment is available for a wide variety of

cardiovascular conditions and diseases, including congenital heart conditions. People suffering from coronary heart disease or people who have had heart attacks can be treated, in general, but coronary artery by-pass and angioplasty operations are not available in Nigerian hospitals. In general, invasive heart operations are not available but heart valve defects, atrial septal defects, and aneurysms can be treated. Pacemakers can be installed and therefore patients with certain types of arrhythmias (abnormal heart rhythm) can be treated. There is inadequate treatment available in Nigerian hospitals for people suffering from primary cardiomyopathy (enlargement of the heart cavity). This condition in its end-stage can be cured through the use of a heart transplant but heart transplant operations are not yet available in Nigerian hospitals.” [20] (p40)

## TREATMENT FOR SICKLE CELL ANAEMIA

27.17 The British-Danish *2008 FFM report* stated that:

“The doctor stated that no cure exists for sickle cell anaemia, but people with the condition can be monitored and managed effectively in Nigerian hospitals. Blood transfusion services are available in most hospitals in Nigeria if needed by people suffering from sickle cell anaemia. Some hospitals, however, suffer from a lack of blood available for transfusions. According to another Nigerian doctor, consulted in March 2008, bone marrow transplants are available in hospitals where trained haematologists exist.” [20] (p40)

27.18 A Voice of America News article of 16 April 2010, ‘Experts Say Treatment for Sickle Cell Anemia in Africa Still Lacking’, noted that “...medical specialists say care for those living with the disease in Africa is limited...There is no cure for the disease. But simple steps like a healthy diet, vaccinations, and antibiotics can limit the pain and help people to live longer.” [88]

## TREATMENT FOR TUBERCULOSIS AND OTHER LUNG DISEASES

27.19 The British-Danish *2008 FFM report* stated further “The doctor stated that treatment for tuberculosis, emphysema and asthma is available in Nigerian hospitals, and all the drugs needed to treat these diseases are also available. Invasive lung surgery operations, however, are not carried out in Nigerian hospitals.” [20] (p40)

## TREATMENT FOR DIABETES

27.20 The British-Danish *2008 FFM report* stated:

“The doctor stated that all the drugs needed for the treatment for diabetes are available, including the drugs needed to reduce blood-sugar levels and insulin, which can be injected by doctors, if needed, as there are no facilities in Nigeria for self-injection. Nigerians with diabetes tend to see a doctor about their condition when the disease has reached an advanced stage, due to a lack of regular medical check-ups and knowledge of the symptoms. Nevertheless, these people can still be treated, and related peripheral conditions such as eye disease, neuropathy, kidney disease (nephropathy), and vascular ulcers

can also be treated.” [20] (p39)

## ORGAN TRANSPLANTS

- 27.21 The British-Danish *2008 FFM report* stated: “The doctor stated that lung, liver and heart transplant operations are not available in Nigerian hospitals. In a few hospitals, however, kidney transplant operations can be carried out but these operations are not widely available in Nigerian hospitals.” [20] (p41)

## TREATMENT FOR EYE DISEASES

- 27.22 The British-Danish *2008 FFM report* stated: “When asked about treatment for eye diseases in general, the doctor stated that a wide variety of eye diseases and conditions, such as glaucoma and cataracts, can be treated in Nigerian hospitals.” [20] (p41)

## TREATMENT FOR MALARIA

- 27.23 The WHO *World Malaria Report 2009*, in relation to Nigeria, observed:
- “Nigeria accounted for one fourth of all estimated malaria cases in the WHO African Region in 2006. Transmission occurs all year round in the south but is more seasonal in the north. Almost all cases are caused by *P. falciparum*, but only a small fraction are parasitologically tested. The surveillance data show neither the true magnitude of the malaria burden nor evidence of a systematic decrease, because of inconsistent and incomplete reporting. IRS [Indoor Residual Spraying] was piloted in some project areas in 2008. The national malaria control programme delivered about 11.5 LLI Ns [Long Lasting Insecticide Treated Nets] and 7.3 million ITNs [Insecticide Treated Nets] during 2006–2008 (7.7 million LLI Ns were delivered in 2007 and 2008), covering only 5% of the population at risk. The programme delivered about 8 million ACT [Artemisinin Combination Therapy] treatment courses in 2006 and 12 million in 2008, far fewer (10%) than the estimated treatment needs. Funding for malaria control was reported to have increased from US\$ 17 million in 2005 to over US\$ 82 million in 2008, provided mainly by the Government, the Global Fund and the World Bank. This amount is unlikely to be sufficient to reach the national targets for prevention and cure.” [32b]
- 27.24 The Ministry of Health’s National Malaria Control Programme Anti Malarial Policy document from 2005 stated that “current drugs for treatment of uncomplicated malaria are Artemisinin based combination therapies.” Such drugs included in the therapies were Artemether and Lumefantrine. [87]

## TREATMENT FOR HEPATITIS

- 27.25 The British-Danish *2008 FFM report* stated:
- “Many Nigerians suffer from hepatitis, especially type A and B, according to the doctor. The other types of hepatitis - C, D and E are not common in Nigeria. There is treatment available for all five types of hepatitis in Nigerian hospitals. The doctor believes that more people need to be vaccinated against

the disease as this will help the Nigerian health care system manage the problem better.” [20] (p41)

## MENTAL HEALTH

27.26 The World Health Organisation *2005 Mental Health Atlas* stated:

“Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level. However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each state has a school of Health Technologists for [the] training of primary care professionals including health care workers.

“There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers...the following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, phenobarbital, phenytoin sodium, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, biperiden. Benzhexol (5mg) is [also] available.” [32]

27.27 The British-Danish *2008 FFM report* stated:

“The FFM delegation interviewed a leading consultant psychiatrist, based in Lagos, to find out about mental health care services in Nigeria. According to the psychiatrist, psychiatric treatment is available throughout Nigeria with about 35 psychiatric hospitals, teaching hospitals and university departments of psychiatry offering treatment for mental conditions. Eight of these are run by the federal government and the others are run by individual states. There are also a few private clinics. Nigerian psychiatric hospitals are able to treat all psychiatric illnesses, including severe or clinical depression, suicidal tendencies, paranoia, post-traumatic stress disorder, schizophrenia and other psychotic conditions.

“The psychiatrist added that hospitals are well staffed and their staff are well qualified. Doctors are offered fellowship training, and all nurses must have a qualification in mental health as well as in general nursing. Some hospitals are not as well equipped as others. For example, the Psychiatric Hospital at Yaba, in Lagos can offer electroconvulsive therapy and electroencephalogram (EEG) investigations which other psychiatric facilities may not.

“The psychiatrist added further that whilst treatment in some state hospitals is free, any drugs have to be paid for. When considering treatment the patient’s financial situation is taken into account, and this can influence which drugs are prescribed, the older drugs being cheaper than the newer drugs. Where a patient is unable to afford to pay for any drugs then the Social Welfare Unit, which may be found in the hospitals, will carry out a social assessment and report back to the Medical Director of the hospital for a decision on the next line of action. In the case of Yaba, some funds are available for paupers. The Association of Friends of the Hospital also sponsor treatment for some

patients and there may be similar arrangements at other psychiatric hospitals.

“The psychiatrist stated that among the older and therefore cheaper drugs available, are Chlorpromazine, Haloperidol, Imipramine and Amitriptyline. Among the more modern drugs available are Olanzapine, Risperdal, Fluoxetine and Sertraline. It should be noted that the cost of drugs, listed at Annex C in the report, is per tablet, capsule or injection, and it should also be noted that these costs at Yaba hospital are the minimum prices in May 2007, and that drugs may be dearer at other hospitals, or may rise at Yaba depending on the cost of drugs in the market.

“The psychiatrist stated that the hospital in Yaba treats 300 patients that have been admitted, and also treats 300-400 at each outpatients clinic (OPC) a day. There are four OPC days in a week. The initial deposit for admission of patients to Yaba is 32,400 Naira (rate of exchange £1=245.59 Niara as at 16 September 2007) for the General Ward and 36,900 naira for the Drug Unit. This covers accommodation and food for two months of which 5,000 Naira is for drugs. Patients will be requested to pay more money for drugs as soon as the deposit is exhausted, even if he/she has not yet stayed two months. The deposit does not include the cost of registration which currently stands at 1,700 Niara, and that of investigations which depend on the requests by the managing doctor. [20] (p42)

“The psychiatrist further stated that the Drug Unit has 80 beds. The majority of patients have been using cannabis, although some have been using cocaine, heroin and other drugs. The psychiatrist also stated that they did not treat patients with HIV/AIDS at his hospital but referred patients with these conditions to the Teaching Hospital in Lagos, which was equipped to deal with HIV positive patients.” [20] (p43)

- 27.28 ‘Facts on mental health in Nigeria’, an article published by the news website ‘Next’ on 4 April 2009 reported, however:

“Recent studies found that only around 10% of those with severe mental illnesses like schizophrenia received treatment. Annual expenditure on health in Nigeria is less than 3% of Gross Domestic Product, amounting to \$7 per capita. Mental health services receive only a very small part of this total health budget. The majority of the expense of care is paid by patients and families. This is usually difficult as mental illness can last for many years.

“There are only 4 psychiatric hospital beds per 100,000 people in Nigeria. Very few of these are accessible outside the major cities. Even though the Federal and University hospitals see many patients, the majority of the population in the rural areas cannot access the care they offer. For most patients and families, the first point of call is the traditional healer or prayer house. In many cases, owners of these facilities are not aware of which cases they should refer on.” [78a]

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## 28. FREEDOM OF MOVEMENT

- 28.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report), stated that:

“The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence and routinely set up roadblocks and checkpoints to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks, which were sometimes maintained every few miles.” [3a] (Section 2d)

See also [Trafficking](#), subsection [Internal Relocation](#)

- 28.02 Freedom House’s *Countries at the Crossroads* report 2010, released 7 April 2010, recorded:

“All Nigerians have the right to own property under the constitution. However, under the 1978 Land Use Act, all land ownership is effectively vested in the state governments, which have the power to license all land within their jurisdiction and make it available to individuals through an elaborate land-use application process. This normally culminates with the governor of the state issuing the applicant a certificate of occupancy, and only after the granting of such a certificate can an individual legally make use of landed property. Given that the application process can take many years, individuals living on land without a certificate are often subjected to undue hardship because they cannot legally sell or develop it. This policy also allows the government, whether at the federal or state level, to arbitrarily seize land or revoke property rights without regard to due process. According to a Joint Senate Committee on the Federal Capital Territory (FCT) and Housing, this policy was invoked arbitrarily and with impunity by then minister of the FCT Mallam Ahmad Nasir el-Rufai, who served from July 2003 through May 2007. Most revocations were done under the guise of clearing illegal structures from around Abuja. The committee also reported the allocation of 3,645 plots of land in the final two weeks of the Obasanjo administration under questionable circumstances. Even after el-Rufai’s departure, widespread destruction of community housing in Abuja continued into 2009. In early May 2009, Yar’Adua sent draft legislation to the National Assembly to reform the Land Use Act. The legislature has not yet acted on this bill.” [30a]

- 28.03 Amnesty International’s *World Report 2010*, published 27 May 2010, observed:

“Forced evictions continued throughout Nigeria. The authorities failed to provide compensation or alternative housing to people forcibly evicted from their homes. Some communities faced their third forced eviction. In Port Harcourt, capital of Rivers state, forced evictions were carried out throughout the year along the waterfront, affecting thousands of people.

“On 28 August, thousands of people were forcibly evicted from Njemanze Community, Port Harcourt. On 12 October in Bundu Community, Port Harcourt, at least three people died and 11 were seriously injured after combined troops of the JTF and police used firearms to disperse a crowd demonstrating against intended demolitions and blocking their entry into the community.” [12e]

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## 29. FORGED AND FRAUDULENDLY OBTAINED DOCUMENTS

- 29.01 The International Organization for Migration report *'Migration, Human Smuggling and Trafficking from Nigeria to Europe'*, published in 2006, stated that:

"The widespread corruption and crime in Nigeria is also evident in connection with emigration. It is relatively easy to get genuine documents with partially or completely wrong information as long as one is willing to pay. In addition, there is a well-developed industry [which has] specialized in altering data in documents already issued. Weaknesses in Nigeria's public administration also result in weak quality control of documents being issued even when there is no corruption involved. Nigerian passports are often produced only based on birth certificates, and birth certificates may be issued based on the information provided by the applicants themselves (Norwegian Directorate of Immigration, 2004)...the most central document in connection with emigration, the passport, is misused mainly in three ways:

- Original passports are altered, e.g. by replacing the photograph of the visa with another one.
- Genuine passports are issued with false information by means of bribes.
- Several persons use the same passport one after the other.

"Especially when a passport has a valid Schengen visa, it is often sent back to Nigeria as soon as the first holder has arrived in Europe, so that as many people as possible can enter with the same visa. Depending on which method is used to get the passport and the visa, the cost is usually between US\$ 500 and US\$ 3,000. Since Nigerian passports tend to raise suspicion, false passports from West African countries are frequently used, e.g. from Benin, Ghana, Togo and Senegal...even those who do use their own passport with correct information may use falsified additional information in visa applications, for instance about work and income. The embassy staff at the European embassies in Abuja note that different forms of fraud to obtain a Schengen visa are very widespread (Norwegian Directorate of Immigration, 2004). However, the forgeries and the suspicion they create may also affect bona fide applicants who are then also unjustly suspected of submitting incorrect documentation." [44] (p23)

- 29.02 The British-Danish *2008 Fact-Finding Mission (FFM) Report*, dated October 2008, stated:

"The FFM delegation interviewed the Deputy Director for West Africa, UK Visas, British Deputy High Commission, Lagos, about documentation and forgery issues. He stated that corruption is endemic in Nigeria and the use of forged documents is widespread. Any printed official document can be forged. Genuine official documents such as birth, marriage, divorce, and death certificates, ID cards, driving licences and passports can be obtained from officials by bribery. Furthermore, information contained in genuine official documents is often false, inaccurate or cannot be relied upon. Documents that are submitted in support of UK visa applications have to be rigorously examined and checked.

“An Entry Clearance Officer (ECO), based at the British Deputy High Commission in Lagos, was also interviewed about documentation and forgery issues. (ECOs are officials who have the authority to issue visas). He reiterated the fact that corruption is endemic in Nigeria and that any kind of printed official document can be forged. He also stated that documents submitted in support of visa applications, as noted above, have to be rigorously examined and checked.” [20] (p46)

- 29.03 The US State Department *Country Report on Human Rights Practices 2008*, Nigeria, released on 25 February 2009, noted that “The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking ... employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation.” [3a] (Section 5)

For information on corruption generally see [Corruption](#). See also [Birth Certificates](#) and [National Identity Cards and Passports](#)

### Authentication of official documents

- 29.04 On the issue of authentication of official documents, the British-Danish 2008 *FFM Report* stated:

“When asked whether birth, marriage, divorce and death certificates could be authenticated, the ECO stated that there is no federal government central registry office where copies of all birth, marriage, divorce and death certificates can be obtained. Such documents are most frequently obtained by Nigerian citizens who need them, from local authorities and local registry offices. Likewise with passports, these can be obtained from local passport offices as there was not, until very recently, a centralised passport-issuing agency. He was uncertain as to whether local authorities or local registry offices routinely keep copies of documents but believes some may do. The ECO further stated that the process of issuing official documents in Nigeria is often poorly regulated, and issued documents can often be unreliable, having had little or no verification involved in their production.

“In practice, attempts to authenticate birth, marriage, divorce and death certificates are rarely made by ECOs. This is because the process of authenticating these kinds of documents is often difficult, time-consuming and in some cases, not possible. Likewise, it would also be difficult to authenticate land and property ownership/entitlement documents as there is no centralised land or property registry which holds all the names and addresses of all the landowners and property owners in Nigeria, as well as details of the land and property owned by them. Moreover, the ECOs who work at the British Deputy High Commission in Lagos do not have the resources to authenticate all documents submitted in support of visa applications. Attempts are often made, however, to authenticate other types of documents such as school or university examination certificates, and financial documents such as bank statements.” [20] (p46)

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### 30. INTERNALLY DISPLACED PEOPLE (IDPs)

- 30.01 The Internal Displacement Monitoring Centre (IDMC) published a report on 19 November 2009, *'No end to internal displacement'*, about the problems and difficulties faced by Nigerians who have become internally displaced. The report stated that:

"Internal displacement caused by both communal violence and internal armed conflict is a recurrent phenomenon in most states in Nigeria. The parties to the fighting have sought political, economic and social advantages in a country with endemic poverty, low levels of education and a huge and alienated youth population.

"There are no clear figures of the current number of internally displaced people (IDPs) in the country. Ad-hoc local registration exercises have hinted at the scale of displacement, but many people have sought shelter and support from family and friends and so have not been counted.

"In 2009, increasingly bloody clashes between the army and militia members in the Niger Delta led to the displacement of thousands of people. However, with access to the area limited, the numbers, location and needs of IDPs are unknown. Recent steps to resolve the conflict have given IDPs cause to hope for a return home, notably the disarmament of some militia members under an amnesty.

"In several central and northern states, outbreaks of violence over election results or between communities divided along religious lines have triggered large-scale death, destruction and displacement. Most recorded IDPs have sought refuge in police or army barracks, hospitals, mosques and churches." [7]

- 30.02 The federal government and state governments have put measures in place to assist IDPs, but these are to a large extent inadequate, as the IDMC report stated:

"The government has not yet adopted a national IDP policy, and national, international and local agencies have assisted IDPs on an ad-hoc or selective basis. The signing of the African Union's IDP convention in October 2009 may indicate the government's intention to address internal displacement in a more consistent and coherent manner. ...

"The National Commission for Refugees (NCFR) has taken de facto responsibility for post-emergency situations and long-term programmes aimed at durable solutions for IDPs as well as refugees. If necessary, it assisted NEMA with camp management, and it has a dedicated unit working on IDP issues but it lacks both the resources and the structure that could facilitate an effective response. ...

"The Nigerian Red Cross (NRC), the most prominent humanitarian organisation, has the structure and personnel to respond at very short notice, and often provides immediate assistance ahead of the local governments. Faith-based organisations also play an important role in both immediate relief

and long-term support to IDPs of their religion.” [7a]

30.03 The same IDMC report observed that:

“There are no official IDP camps of a long-lasting nature in the country. Temporary shelter is normally provided in army or police barracks, schools or hospitals but they serve as IDP camps only for a limited period. The vast majority of displaced people in Nigeria reportedly seek refuge with family, friends or host communities in areas where their ethnic or religious group is in the majority.” [7a]

30.04 A subsequent IDMC report, ‘*Global Overview of Trends and Developments 2009*’, published 17 May 2010, further stated:

“Both new displacements and returns were reported in 2009. In May [2009], thousands of people fled clashes in the Niger Delta between MEND militants and the governmental Joint Task Force (JTF), charged with restoring order in the Niger Delta. In the central and northern regions referred to as the ‘middle belt’, between 4,500 and 5,000 people were displaced in February following sectarian violence in the city of Bauchi, while in July clashes between a militant group and the army in Borno State led to the displacement of some 4,000 people. Over the year, people who had been displaced because of post-electoral violence in Jos at the end of 2008 reportedly started to go home where possible.

“Most IDPs were supported by their family or friends or local faith-based groups, and only some groups received assistance from local government bodies or the Nigerian Red Cross. However their protection needs appear to have been significant. Human rights organisations have regularly accused the security forces of failing to provide protection during outbreaks of inter-communal violence, while people displaced into makeshift camps in schools or army barracks have had to endure overcrowded and insanitary conditions. Many children internally displaced by these episodes were unable to go to school, and displaced women and girls risked sexual and gender-based violence and exploitation. In the Niger Delta, there were accounts of disruption to family life as many women and children found shelter separately from the men.

“Nigeria was among the countries which signed the Kampala Convention.” [7b] [the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, also known as the Kampala Convention.]

Please see weblinks below for further information on the Kampala convention.

[http://www.achpr.org/english/Press%20Release/KAMPALA%20CONVENTION\\_IDPs.pdf](http://www.achpr.org/english/Press%20Release/KAMPALA%20CONVENTION_IDPs.pdf)

[http://www.africa-union.org/root/au/Conferences/2009/october/pa/summit/doc/Convention%20on%20IDPs%20\(Eng\)%20-%20Final.doc](http://www.africa-union.org/root/au/Conferences/2009/october/pa/summit/doc/Convention%20on%20IDPs%20(Eng)%20-%20Final.doc)

30.05 The same IDMC report continued:

“There has been no consistent drive for durable solutions; in many cases there has been no support for the rebuilding of homes and livelihoods in areas of return, and where IDPs have sought to integrate locally or resettle in another part of the country, material support has been scarce and has varied from state to state. ...

“The UN in Nigeria has focused on development rather than humanitarian issues, where it believes it may have a greater impact on ending the recurrent conflicts. Coordination between humanitarian agencies at all levels has been inconsistent.” [7b]

30.06 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report), recorded:

“There were an estimated 80,000 internally displaced persons in the country.

“After the July [2009] uprising by Boko Haram, the government of Niger state forcibly relocated 1,200 members of the Darul Islam sect.

“Ethnic disputes over land and political power along the borders of Benue, Taraba, and Ebonyi states resulted in the displacement of hundreds of persons. The governors of Benue, Taraba, and Ebonyi states attempted to quell the violence through meetings with local leaders, curfews, and development programs. The federal government deployed mobile police units to affected areas to prevent further violence.

“In November as many as 1,000 fishermen and their families from the Bakassi Peninsula sought refuge near Calabar due to reported violence by Cameroonian police forces. This area was part of the lands moved from Nigeria to Cameroon in response to the International Court of Justice's 2007 Greentree agreement to settle the disputed land border between the two nations. Rivers state emergency services were trying to provide permanent housing and services for displaced citizens at year's end.” [3a] (section 2d)

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## 31. FOREIGN REFUGEES

- 31.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report) stated that:

“The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; it is a member of the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

“According to the National Commission for Refugees, the country had approximately 10,000 refugees, most of whom were from Sudan, Chad, Cameroon, and the Democratic Republic of Congo.

“Refugee status for refugees displaced by the civil war in Sierra Leone terminated on January 1, when the camps were closed. Subsequently, 553 persons were repatriated to Sierra Leone. Another 240 refugees who requested residency were provided two-year residency permits and help in obtaining passports from Sierra Leone; the refugees also received job training and small grants from the UNHCR United Nations High Commissioner for Refugees to begin their lives in the country.

“The government also assisted in the repatriation of numerous Liberians and the resettlement in third countries of 232 Liberians. Another 349 Liberian refugees were registered for local integration in the country and resided in refugee camps administered by the UNHCR.

“As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. The UNHCR provided food, education, and job skills training, and refugees were able to move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

“The government also provided temporary protection to a few hundred individuals who may not qualify as refugees.” [3a] (Section 2d)

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## 32. CITIZENSHIP AND NATIONALITY

32.01 Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent. [6]

32.02 The Constitution in Article 25(1) states that Nigerian citizenship can be acquired by any person:

- “born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria
- born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen
- born outside Nigeria provided one parent is a Nigerian citizen.” [6]

32.03 Article 26(1) of the Constitution states that Nigerian citizenship can be obtained by registration by any person provided:

- “he is of good character;
- he has shown a clear intention of his desire to be domiciled in Nigeria; and
- he has taken the oath of allegiance as prescribed in... the Constitution.

“(2) the provisions of this section shall apply to:

- ...any woman who is or has been married to a citizen of Nigeria; or
- ...every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.” [6]

32.04 The Constitution states that Nigerian citizenship can be obtained by naturalisation by any person provided:

- he is of full age (over 18)
- he has resided in Nigeria for at least 15 years and plans to remain in Nigeria
- he is of good character
- he is familiar with Nigerian culture and customs and can support himself
- he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the Constitution. [6]

### NATIONAL IDENTITY CARDS

32.05 An Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) of 5 August 2008, ‘The issuance of national identity cards after 2003 ...’, recorded:

“In February 2003, the Nigerian government launched a registration process for obtaining a national identity card; however, distribution of the cards

reportedly did not begin until 2004. Those eligible to register included Nigerians aged eighteen years and older.

“With respect to the application procedure for the card, an October 2004 report on a fact-finding trip to Nigeria by the Norwegian Directorate of Immigration states the following:

“The applicant is interviewed, and photograph and fingerprints taken. The interview is meant to clarify national/ethnic and geographic origin, among other means by asking control questions and assessing the applicant’s language, dialect and accent. Relevant information given in the application form and during the interview is registered electronically. Significantly, the applicants are *not* asked to submit any official documents for identification.’

“Application forms for the card reportedly request the following information from applicants: birth date and place (state and local government area), place of residence, birth place of father, profession and religion.” [38f]

32.06 The same CIRB RIR continued:

“In a 29 July 2008 telephone interview, an official at the Nigeria High Commission in Ottawa provided a similar description of the application process for the national identity card. The Official said that an applicant must show up in person for an interview, complete a registration form and pay a processing fee. The individual must also have his or her picture and fingerprints taken.

“Contrary to information provided in the report by the Norwegian Directorate of Information, the Official at the Nigeria High Commission indicated that applicants are required to submit official documents for identification. These documents include a birth certificate or a ‘certificate of origin’ (which the Official also referred to as a ‘local government area certificate’ or a ‘letter of identification from local government’). According to the Official, the certificate of origin confirms that a person was born in Nigeria and is from a certain local government area in a particular state. The certificate can be obtained from an individual’s local government administrative headquarters, after someone from the individual’s neighbourhood attests that he or she is from that particular area. This certificate ensures that individuals from surrounding countries, such as Benin or Cameroon, do not try to claim Nigerian nationality.

“According to the Official at the Nigeria High Commission, national identity cards are issued in Nigeria; the embassy does not issue them.” [38f]

32.07 The same CIRB RIR noted:

“Between 2003 and 2007, more than 30 million national identity cards were distributed in Nigeria ... The Nigerian national identity card is a synthetic (polycarbonate) card, measuring approximately 3.4 by 2.1 inches. The card has no expiry date. The front of the card has a clear, holographic laminate. At the top of the card, the words ‘Federal Republic of Nigeria National Identity Card’ are written in block letters. Below this title, on the left hand side, is the Nigerian coat of arms, and below the coat of arms, is the cardholder’s digital

photograph. Below the title on the right hand side of the card is the Nigerian flag. In the bottom right corner of the card is a form in the shape of Nigeria. An image of the Nigerian coat of arms is found in the background of the front of the card.

“The following cardholder information is also found on the front of the card: surname; first name; middle name; maiden name; date of birth; height; sex; occupation; blood group; applicant’s residence, including address, town/village, LGA [local government area], state, ‘Ward’ and ‘PU’ number.

“The back of the national identity card contains ‘particulars of next of kin’, including surname, first name, middle name and address. It also holds information on the applicant’s origin (place and state), as well as the date and place of issue of the ID card. Three number also appear on the back of the card: the ‘Seq Number’ (sequence number) and the ‘ID Form Number’, which are numerical, and the ‘Personal Number’, which is alphanumerical. A barcode is found at the bottom of the back of the card.” [38f]

32.08 The same CIRB RIR stated:

“Cited in a 19 February 2003 British Broadcasting Corporation (BBC) article, Nigeria’s Deputy Interior Minister stated that the government had taken ‘foolproof’ measures to prevent fraud, double registration and foreigners from obtaining the card. However, according to a 2 July 2008 article in the Lagos-based newspaper ‘This Day’, Nigeria’s identity card scheme has apparently been ‘riddled with fraud’. Irregularities associated with the card have included double registration, ‘wrong documentation’, applications made by individuals who were under the age of eighteen, and errors on the cards. On 10 August 2006, ‘This Day’ reported that seven million national identity cards had been cancelled due to such ‘irregularities’.

“According to a 16 October 2007 article in ‘Business Day’, ... the national ID card is ‘difficult to authenticate because it lacks serial numbers.’ [38f]

32.09 The same CIRB RIR observed:

“Several news sources consulted ... indicate that Nigeria plans to introduce a new national identity card ... The new card will replace the existing one ... Unlike the existing card, which has been optional, the new card will be compulsory. Various news sources indicate that the card may be used for multiple purposes, including registration for voting, payment of taxes, credit transactions, access to health insurance, access to pension and social security, purchase of land, and for the issuance of passports and the opening of bank accounts ... According to a 16 October 2007 ‘BusinessDay’ article, the new card will hold biometric data, but will only display ‘routine information’ about the cardholder; more detailed information about the individual will reportedly be stored in a central database. The National Identity Management Commission (NIMC), a newly established government agency, will be responsible for maintaining the database, as well as registering individuals and issuing the cards. The official website of the NIMC indicates that the database, which will use biometrics and unique numbers for every individual, will hold the following information:

- Personal information i.e. names, date of birth, place of birth, gender, disability, residential address and other addresses
- Identification information i.e. photograph, signature, fingerprints and other biological data (biometrics)
- Residence reference numbers such as ID number, insurance, immigration, passport, driver's license numbers etc.
- History i.e. relationship with others such as parents, spouses etc. and their records
- Registration and ID card history covering date of application, modification, particulars for Multipurpose ID card etc.
- Validation information such as personal identification numbers, password, question and answers for identification
- Records of provision of information.

"While the current card has been issued free of charge, it is anticipated that Nigerians could have to pay up to 10,000 Nigerian Naira to obtain the new card. However, the card will reportedly be free for the unemployed and for those under the age of eighteen. According to the Lagos-based 'This Day', the new identity card system is expected to be implemented by the end of 2008. In a 29 July 2008 telephone interview, the Nigerian High Commission Official said that although there are plans for the issuance of a new national identity card, nothing has yet been implemented. The Official also indicated that the Nigerian government is still issuing the current version of the card." [38f]

32.10 An article in the '*Daily Trust*' of 6 January 2009, 'Nigeria: 14 Million National ID Cards Have Inaccurate Data', stated:

"The Director General of the National Identity Commission, Mr Chris Onyemenam has said that about 14 million national identity cards have errors in them. Onyemenam stated this yesterday in a budget performance and defence session organised for his commission by the House of Representatives' Committee on Interior. He pointed out that the errors in the data of card carriers was just one of the problems faced by his commission, just as he added that 37.9 million entries were correctly done.

"According to him, over two third (sic) of the population are yet to be captured by the National Identity Cards scheme while revealing that as at the time his team took over the Commission, the cards from six states had not been done. He said that the lack of cards by the six states pointed to the fact that millions of Nigerians are denied access to national identity cards. 'Even I, as the Director General of the Commission do not have a copy of my own identity card' he added. ... While admitting that personal information management in the country was still very poor, Onyemenam explained that his commission is embarking on plans to improve the situation by constructing 13 offices in some states at the proposed cost on N22.5 million each so that data centres can be warehoused in those places. He lamented that 'anywhere anyone is registered, if they want to access the data of that person, they have to come to Wuse Zone 5 (Abuja). We want to change that. He maintained that if direct online personal information was available to Banks, establishments and security agencies, the incidence of fraud and financial scams would be reduced." [56]

## PASSPORTS

32.11 The Nigeria Immigration Service (Federal Ministry of Interior) website, accessed 1 April 2009, set out the requirements for obtaining a Standard Nigeria Passport:

- “Guarantor’s from duly signed by a commissioner of oaths plus
- Photocopy of; (a) Data page of guarantor’s passport and (i) Photocopy of National identity card (ii) Drivers License
- Father’s Letter of content (sic) for minors under 16 yrs (Mother’s letter of consent in case of deceased father)
- Marriage certificate where applicable
- Husband’s consent letter or Letter of introduction for employee of government or corporate organization
- Court affidavit and police report in case of lost passport
- Birth Certificate or Age declaration
- Letter of identification from Local Government or origin or residence
- One (1) passport photograph
- Acknowledgement slip and receipt of payment

“All Standard passports have a life span of 10 years with an initial validity of five (5) years.” [57]

32.12 An Immigration and Refugee Board of Canada Response to Information Request of 5 February 2008 about a number of passport-related issues noted that “... all Nigerian passports have a code found under the word ‘authority’, which represents the location where the passport was issued ... A passport with the code 346 was issued in Nigeria.” [38g]

See also [Forged and fraudulently obtained documents](#)

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### 33. EXIT AND RETURN

- 33.01 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response, dated 16 August 2005, about exit and re-entry procedures for Nigerian nationals, and the maximum length of stay to which a foreign national would be entitled, and whether such an individual would be allowed to work in Nigeria. According to the research response, a minister from the Nigerian High Commission in Ottawa and the UNHCR [United Nations High Commissioner for Refugees] in Lagos both stated that there are no exit and re-entry regulations for Nigerian nationals wishing to leave and re-enter Nigeria. Nigerian nationals can leave and re-enter Nigeria freely and as many times as they wish. Individual Nigerian nationals returning to Nigeria who are wanted by the Nigerian authorities, however, will be arrested or detained. [38b]

See also [Corruption](#), [Birth Certificates](#), [National Identity Cards](#) and [Passports](#)

#### Treatment of failed asylum seekers

- 33.02 The British-Danish *Fact-Finding Mission report*, published in October 2008, stated:

“The FFM delegation interviewed Jason Ivory, Head of the Visa Section at the British High Commission in Abuja, about the treatment of returned failed asylum seekers by the Nigerian authorities. He stated that it is not illegal for Nigerians to travel abroad and apply for asylum. Therefore, the Nigerian Immigration Service and the police would have no legal basis to detain and arrest a returned failed asylum seeker. Officials at the British High Commission in Abuja have regular contact with Nigerian NGOs and none of these NGOs have reported to them that returned failed asylum seekers have suffered human rights abuses. He was also not aware of any reports in the Nigerian media to indicate that returned failed asylum seekers have been ill-treated or suffered from any form of persecution from the Nigerian authorities.

“The Head of the Visa Section explained that Nigerian failed asylum seekers return back to Nigeria with temporary travel documents. These documents are checked by immigration officials and the person concerned is then interviewed. The purpose of the interview is to verify the person’s identity and nationality and to ascertain why the person arrived back in Nigeria with a temporary travel document. This is simply a formality and part of the standard procedures carried out by immigration officials. Once the immigration officials have verified the person’s identity and nationality, he is then let through the immigration control section of the airport and is free to continue his journey.” [15] (p45)

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## 34. EMPLOYMENT RIGHTS

- 34.01 The US State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report) stated that:

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

“Workers, except members of the armed forces and employees designated as essential by the government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank.” [3a] (Section 7a)

- 34.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2009 *Human Rights* report:

“Workers not defined as ‘essential’ had the right to strike, although they had to provide advance notice. Workers under collective bargaining agreements cannot participate in strikes unless their unions complied with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers can bring labor grievances to the judicial system for review; however, courts do not ensure due process in protecting workers' rights. Laws prohibit workers from forcing persons to join strikes, closing airports, or obstructing public by-ways, with violations subject to stiff fines and possible prison sentences.” [3a] (Section 7a)

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## Annex A: Chronology of major events

- 1914** The British dependencies of Northern and Southern Nigeria are merged into a single territory. [1]
- 1922** Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate. [8d]
- 1947** The UK introduces a new Nigerian constitution which establishes a federal system of government based in three regions. [1]
- 1954** The Federation of Nigeria becomes self-governing. [1]
- 1960** On 1 October, Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government. [8d][17a]
- 1963** On 1 October, a revised constitution is adopted and the country is renamed the Federal Republic of Nigeria but the country remains a part of the British Commonwealth. [1]
- 1964** In December, the first national House of Representatives election after independence is held. [1]
- 1966** **January:** Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration. [1]  
**July:** Aguiyi-Ironsi is killed in a counter-coup, and is replaced by Lieutenant-Colonel Yakubu Gowon. [1]
- 1967** **May:** Gowon institutes 12-state system, six in the north and six in the south. [17a]  
**July:** Three eastern states secede as the Republic of Biafra, which sparks off a civil war called the Biafran War. [8d] [17a]
- 1970** **January:** Biafran leaders surrender. Former Biafran regions reintegrate into the country. [8d] [17a]
- 1975** Gowon is overthrown and flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja. [8d]
- 1976** Mohammed is assassinated in a coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution. [8d]
- 1979** Elections bring Alhaji Shehu Shagari to power. [8d]
- 1983** **August - September:** Local government, state and federal elections take place. Shagari wins the presidential election and begins a second presidential term. [1]  
**December:** Major-General Muhammad Buhari seizes power in bloodless

- coup. The government is replaced by a Supreme Military Council; the National Assembly is dissolved, and all political parties are banned. [1]
- 1985** In August, Ibrahim Babangida seizes power in a bloodless military coup and curtails political activity. [8d]
- 1989** **May:** New constitution is promulgated. Babangida announces the end of the prohibition of political parties. [1]
- 1990** **April:** A coup attempt led by Major Gideon Orkar is suppressed. Some 160 members of the armed forces are subsequently arrested. [1]  
**July:** Following their conviction by a military tribunal on charges of conspiring to commit treason, 69 prisoners, including Orkar, are executed. [1]
- 1991** In December, the seat of the federal government is formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place. [1]
- 1992** **July:** National Assembly elections take place. [1]  
 December: National assembly is formally convened. [1]
- 1993** **June:** The military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola. [1]  
**November:** Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha. [1]
- 1994** Chief Moshod Abiola is arrested after proclaiming himself president. [8d]
- 1995** **March:** Olusegun Obasanjo and others are jailed for alleged coup plotting. [17a]  
**November:** Ken Saro-Wiwa, writer and campaigner against oil industry damage to his Ogoni homeland, and eight other activists from the Movement for the Survival of the Ogoni People (MOSOP), are executed following a trial. In protest, the European Union imposes sanctions until 1998, and the British Commonwealth suspends Nigeria's Commonwealth membership until 1998. [8d][17a]
- 1998** Abacha dies and is succeeded by Major-General Abdulsalami Abubakar. [8d]
- 1999** **February:** National legislative elections are held on 20 February. In those elections, the PDP wins 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election is held on 27 February, which is won by Olusegun Obasanjo. [1]  
**May:** Obasanjo is formally inaugurated as President of Nigeria on 29 May. A new constitution was formally promulgated on 5 May, and comes into force on 29 May. [1]
- 2000** Adoption of Shari'a law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims. [8d]
- 2001** In October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for

African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers. [8d]

- 2002** **February:** Some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly Islamic north and ethnic Yorubas from the predominantly Christian south west. [8d]  
**March:** An appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death. [8d]  
**October:** The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. [8d]  
**November:** More than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain. [8d]
- 2003** **12 April:** First legislative elections since end of military rule in 1999. Polling marked by delays and allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority. [1]  
**19 April:** First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 per cent of the vote. Opposition parties reject result. [1]  
**September:** An Islamic appeals court in the northern state of Katsina acquits a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. [1]
- 2004** **April:** Suspected coup attempt. President Olusegun Obasanjo's Government announce that some 20 army officials had been arrested following the discovery of a conspiracy to seize power, believed to be instigated by Major Hama al-Mustapha. [1]  
**May:** Communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor is suspended. [9]  
**October:** Major Hama al-Mustapha and three senior military officers, are charged in connection with a coup attempt that reportedly took place in March 2004. [1]  
**November:** State of emergency lifted in Plateau State. The suspended state governor is reinstated. [1]
- 2006** **February:** More than 100 people are killed when inter-religious violence flares in mainly Muslim towns in northern Nigeria and in the southern city of Onitsha. [8d]  
**May:** The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third presidential term in 2007. [8d]  
**August:** Nigeria hands over the disputed Bakassi peninsula to Cameroon under the terms of a 2002 International Court of Justice ruling. [8d]  
**December:** The National Population Commission publishes provisional results of the 2006 national census which indicates that the national population was 140 million. [43a]
- 2007** **April:** Gubernatorial, National Assembly and presidential elections take place.

- [46]
- May:** On 29 May 2007, Umaru Yar'Adua is formally inaugurated as President of the Federal Republic of Nigeria. The new President, in his inaugural address, declares that he will be a servant leader to the Nigerian people. He also makes many pledges, amongst these is to improve the standard of education and the country's infrastructure, and strengthen the rule of law. [43c]
- 2008 February:** A tribunal upholds the 2007 presidential election results following a challenge by political rivals who wanted the vote annulled. President Yar'Adua remains president. [8d]
- April:** Two former health ministers and a daughter of former president Olusegun Obasanjo, as well as other government officials, are charged with embezzling around 470m Naira of government funds. [8d]
- August:** The Nigerian government formally hands over the Bakassi Peninsula territory to Cameroon, in accordance with an international court ruling, ending a long-standing dispute over the territory. [8h]
- August:** Iran agrees to share nuclear technology with Nigeria to help it increase its generation of electricity. [8d]
- September:** Up to 100,000 Nigerians from Bakassi become displaced and shelter in makeshift camps in the state of Akwa Ibom. The influx of the displaced people overwhelms Akwa Ibom's local authorities. [21c]
- September:** Militants in the Niger Delta step up their attacks on oil installations, in response to what they describe as unprovoked attacks by the military on their bases. [8d]
- October:** The government announces major budget cuts following steep falls in the price of oil. [8d]
- November:** At least 200 people are killed during clashes between Christians and Muslims in the central Nigerian town of Jos. [8d]
- December:** Nigeria's Supreme Court has rejected the final challenge to last year's election of President Umaru Yar'Adua. [8i]
- 2009 January:** Islamic authorities in the northern Nigerian city of Kano informed organisers of a planned protest by divorced women to cancel the event. [8j]
- January:** The main militant group in Niger Delta, MEND, calls off four month cease-fire after army attacks camp of an allied group. [8d]
- February:** At least four people have been killed and 28 injured after clashes broke out in the Northern Nigerian city of Bauchi. Violence flared following an argument between Muslim and Christian communities. Churches, mosques and houses were set on fire. [8k]
- March:** Nigerian gay rights activists have told the country's lawmakers that a new bill to outlaw same sex marriage would lead to widespread human rights abuses. The new law would mean prison sentences for gay people who live together, and anyone who 'aids and abets' them. The plea by activists was made to a public committee of the National Assembly which is discussing the bill. [8l]
- March:** Nineteen opposition parties unite to form a 'mega-party' to compete against the governing People's Democratic Party in elections due in 2011. [8d]
- May:** Niger Delta militant group Mend rejects government offer of amnesty and declares "all-out war" on Nigerian military. [8d]
- July:** Hundreds die in northeastern Nigeria after the Boko Haram Islamist movement launches a campaign of violence in a bid to have Sharia law imposed on the entire country. Security forces storm Boko Haram's stronghold and kill the movement's leader. [8d]

**August:** Two-month offer of a government amnesty for Niger Delta militants comes into force. [8d]

**October:** Nigeria's main armed group in the oil-rich Delta region has announced a new, indefinite ceasefire. The Movement for the Emancipation of the Niger Delta (MEND) said it had been encouraged by the government's 'readiness to engage' in serious talks. [8q]

**November:** President Yar'Adua travels to Saudi Arabia to be treated for a heart condition. His extended absence triggers a constitutional crisis and leads to calls for him to step down.

**2010 January:** At least 149 people are killed during two days of violence between Christian and Muslim gangs in the central city of Jos.

**February:** Parliament votes to transfer power to Vice-President Goodluck Jonathan until Mr Yar'Adua is able to resume presidency.

Mr Yar'Adua returns to Nigeria but does not return to work.

**March:** More than 120 people are killed in clashes between Muslims and Christians in the flashpoint city of Jos.

Acting president Goodluck Jonathan sacks entire cabinet in a bid to consolidate his grip on power.

**April:** Acting president Goodluck Jonathan swears in a new cabinet.

**May:** President Umaru Yar'Adua dies after a long illness. His vice-president, Goodluck Jonathan, already acting in Yar'Adua's stead, succeeds him. [8d]

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## **Annex B: Political organisations**

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(This list consists mainly of registered political parties but also includes the names of other political organisations that have political objectives or are political in nature)

**Accord [18]**

Registered political party. National Chairman – Hon. Mohammad Lawal Malado

**Action Alliance [18]**

Registered political party. Based in Abuja. National Chairman – Senator Suleiman Salawu.

**Action Congress [18]**

Registered political party. Based in Abuja. National Chairman – Chief Adebisi Bamidele Akande

**Action Party of Nigeria [18]**

Registered political party. National Chairman – Alhaji Lateef Kayode Jakande

**Advanced Congress of Democrats [18]**

Registered political party. National Chairman – Yusuf Buba

**African Democratic Congress [18]**

Registered political party. National Chairman – Chief Ralph Okey Nwosu.

**African Liberation Party [18]**

Registered political party. National Chairman – Chief E.O. Okereke

**African Political System [18]**

Registered political party. National Chairman – Sir Lawrence Famakinde Adedoyin

**African Renaissance Party [18]**

Registered political party. Based in Abuja. National Chairman – Alh. Yahaya E. Ndu

**All Nigeria's People's Party [18]**

Registered political party. Based in Abuja. National Chairman – Chief Okey Nwosu

**All Progressives Grand Alliance [18]**

Registered political party. Based in Abuja.

**Alliance for Democracy [18]**

Registered political party. Based in Abuja.

**Allied Congress Party of Nigeria [18]**

Registered political party. National Chairman – Alhaji Moh Sanusi

**Better Nigeria Progressive Party [18]**

Registered political party. Based in Abuja. National Chairman – Dr. Iheanyichukwu G. Nnaji.

**Citizens Popular Party [18]**

Registered political party. National Chairman – Barr. Maxi Okwu.

**Community Party of Nigeria [18]**

Registered political party. Based in Abuja. National Chairman - Alhaji Musa Bukar Sani.

**Congress for Democratic Change [18]**

Registered political party. National Chairman – Edozie Madu.

**Democratic Alternative [18]**

Registered political party. National Chairman – Dr. Abayomi Ferreira.

**Democratic People's Alliance [18]**

Registered political party. National Chairman – Chief S.O. Falae.

**Democratic People's Party [18]**

Registered political party. Based in Abuja. National Chairman – General J.T. Useni (Rtd.)

**Fresh Democratic Party [18]**

Registered political party. Based in Abuja. National Chairman – Rev. Chris Okotie.

**Hope Democratic Party [18]**

Registered political party. National Chairman – Chief Barr. Ambrose A. Owuru

**Justice Party [18]**

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

**Labour Party [18]**

Registered political party. Based in Abuja. Chairman – Barr. Dan Nwanyanwu.

**Liberal Democratic Party [18]**

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

**Masses Movement of Nigeria [18]**

Registered political party. Chairman – Barr. Edreez Alibi

**Movement for Democracy and Justice [18]**

Registered political party. Based in Abuja. National Chairman – Chief J.O. Osula.

**Movement for the Restoration and Defence of Democracy and Justice [18]**

Registered political party. Based in Abuja. National Chairman – Alh. Mohammadu A. Gambo.

**National Action Council [18]**

Registered political party. Based in Abuja. National Chairman – Dr. Olapede Agoro.

**National Advance Party [18]**

Registered political party. National Chairman – Dr. Olatunji Braithwaite.

**National Conscience Party [18]**

Registered political party. Based in Abuja. National Chairman – Dr. Osagie Obayuwana.

**National Democratic Party [18]**

Registered political party. National Chairman – Alh. Habu Fari.

**National Majority Democratic Party [18]**

Registered political party. National Chairman – Prince Solomon Akpona.

**National Reformation Party [18]**

Registered political party. Based in Abuja. National Chairman - Chief Anthony Enahoro.

**National Solidarity Democratic Party [18]**

Registered political party. National Chairman – Chief Udemba Chukwudolue

**National Unity Party [18]**

Registered political party. National Chairman – Chief Perry C. Opara.

**New Democrats [18]**

Registered political party. Based in Abuja. National Chairman – Professor Isa Odidi.

**New Nigeria People's Party [18]**

Registered political party. National Chairman - Dr B.O. Aniebonam.

**Nigeria Advance Party [18]**

Registered political party. National Chairman – Dr. Olatunji Braithwaite

**Nigeria Elements Progressive Party [18]**

Registered political party. National Chairman – Amb. Y. Mamman.

**Nigeria People's Congress [18]**

Registered political party. Based in Abuja. National Chairman – Ngozi Emioma.

**O'odua People's Congress (OPC) [1]**

Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

**People's Democratic Party [1][18]**

Registered political party. Based in Abuja. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election, and was re-elected as President at the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections. The 2007 presidential election was won by the PDP's presidential candidate, Umaru Yar'Adua.

**People's Mandate Party [18]**

Registered political party. Based in Abuja. National Chairman – Prof. Edward Oparaoji.

**People's Progressive Party [18]**

Registered political party. National Chairman – Solomon Iyabosa Edebiri

**People's Redemption Party [18]**

Registered political party. Based in Abuja. National Chairman – Alh. Abdulkadir B. Musa.

**People's Salvation Party [18]**

Registered political party. Based in Abuja. National Chairman – Dr. Junaidu Mohammed.

**Progressive Action Congress [18]**

Registered political party. Based in Abuja. National Chairman – Chief Agadenyi Charles Nwodo.

**Progressive Peoples' Alliance [1]**

Registered political party. Based in Abuja. National Chairman – Clement Ebri.

**Republican Party of Nigeria [18]**

Registered political party. National Chairman – Shittu Mohammed.

**United Democratic Party [18]**

Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

**United Nigeria People's Party [18]**

Registered political party. Based in Abuja. National Chairman – Mallam Selah Jambo.

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## **Annex C: Prominent people: past and present**

### **Abacha, General Sani [1]**

Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

### **Abubakar, Abdusalam [1]**

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

### **Aguiyi-Ironsi, General Johnson [1]**

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

### **Asari, Alhaji Dokubo [22d]**

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

### **Babangida, Ibrahim [1]**

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

### **Balewa, Abubakar Tafawa [1]**

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

### **Buhari, Muhammadu**

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 presidential election, and came seventh Party [18]

Re. 19 per cent of the votes. [1]. He was a presidential candidate in the April 2007 presidential election and gained second place with 19 per cent of the votes cast. [46]

### **Gowon, General Yakubu [1]**

He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

### **Jonathan, Goodluck**

He was sworn in as president in May 2010 following the death of Umaru Yar'Adua, having been acting president since November 2009. Born in 1957 in the oil-rich Niger Delta region, he is a Christian from the Ijaw ethnic group. [8u]

### **Obasanjo, Olusegun [1] [8d]**

Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. [8d]. Obasanjo won the 1999 presidential election, and took office on 29 May 1999. He was subsequently re-elected as president in the 2003 presidential election and was president for a further four years. [1]

### **Odumegwu, Ojukwu Chukwuemeka [1]**

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 presidential election, and came third, winning 3.29 per cent of the votes.

**Okah, Henry [8p]**

He is a senior militant (alleged to be the leader) in the armed group, the Movement for the Emancipation of the Niger Delta (MEND).

**Oshiomhole, Adams [3a]**

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

**Saro-Wiwa, Ken [1]**

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). He was arrested in May 1994 in connection with the murder of four Ogoni chiefs. In November 1995, he was executed along with eight other MOSOP members.

**Shagari, Alhaji Shehu [1]**

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major-General Muhammad Buhari.

**Tom, Ateke [22d]**

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger Delta region.

**Yar'Adua, Umaru Musa [8g]**

He was the PDP candidate in the April 2007 presidential election, which he won, becoming Nigeria's new President in May 2007. He died in May 2010 after a long illness. [8u]

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## Annex D: List of abbreviations

The following abbreviations have been used in the Nigeria COI Report. The abbreviations of political parties and political organisations are contained in Annex B.

|                 |                                                                 |
|-----------------|-----------------------------------------------------------------|
| <b>BHC</b>      | British High Commission (Abuja)                                 |
| <b>CBN</b>      | Central Bank of Nigeria                                         |
| <b>CLEEN</b>    | Centre for Law Enforcement Education                            |
| <b>ECO</b>      | Entry Clearance Officer (British High Commission official)      |
| <b>EFCC</b>     | Economic and Financial Crimes Commission                        |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK government department)      |
| <b>FFM</b>      | Fact-Finding Mission                                            |
| <b>FGM</b>      | Female Genital Mutilation                                       |
| <b>GPI</b>      | Girls' Power Initiative                                         |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| <b>HRW</b>      | Human Rights Watch                                              |
| <b>ICRC</b>     | International Committee of the Red Cross                        |
| <b>IDP</b>      | Internally Displaced Person                                     |
| <b>IGLHRC</b>   | International Gay and Lesbian Human Rights Commission           |
| <b>IGP</b>      | Inspector General of the Police                                 |
| <b>ILO</b>      | International Labor Organization                                |
| <b>INEC</b>     | Independent National Electoral Commission                       |
| <b>LACVAW</b>   | Legislative Advocacy Coalition on Violence Against Women        |
| <b>LEDAP</b>    | Legal Defence and Assistance Project                            |
| <b>MEND</b>     | Movement for the Emancipation of the Niger Delta                |
| <b>NACTAL</b>   | Network of NGOs against Child Trafficking, Labour and Abuse     |
| <b>NAPTIP</b>   | National Agency for the Prohibition of Trafficking in Persons   |
| <b>NDLEA</b>    | National Drug Law Enforcement Agency                            |
| <b>NDPVF</b>    | Niger Delta People's Volunteer Force                            |
| <b>NDV</b>      | Niger Delta Vigilante                                           |
| <b>NHRC</b>     | National Human Rights Commission                                |
| <b>NIS</b>      | Nigerian Immigration Service                                    |
| <b>NLC</b>      | Nigeria[n] Labour Congress                                      |
| <b>NPF</b>      | Nigerian Police Force                                           |
| <b>NPS</b>      | Nigerian Prisons Service                                        |
| <b>PRAWA</b>    | Prisoners Rehabilitation and Welfare Action                     |
| <b>SSS</b>      | State Security Service                                          |
| <b>UN</b>       | United Nations                                                  |
| <b>UNDP</b>     | United Nations Development Programme                            |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights               |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                   |
| <b>UNICEF</b>   | United Nations International Children's Emergency Fund          |
| <b>UNIFEM</b>   | United Nations Development Fund for Women                       |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime                        |
| <b>USSD</b>     | United States State Department                                  |
| <b>WACOL</b>    | Women's Aid Collective                                          |
| <b>WHO</b>      | World Health Organization                                       |
| <b>WOCON</b>    | Women's Consortium of Nigeria                                   |
| <b>WOTCLEF</b>  | Women Trafficking and Child Labour Eradication Foundation       |
| <b>WRAPA</b>    | Women's Rights Advancement and Protection Alternative           |

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