

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	243
Land:	Nigeria
Kilde:	U.S. Department of State
Titel:	Human Rights Practices 2011
Udgivet:	24. maj 2012
Optaget på baggrundsmaterialet:	28. juni 2012

[EN](#) | [DE](#)**Source:**

USDOS - US Department of State

Title:

Country Report on Human Rights Practices for 2011 - Nigeria

Publication date:

24 May 2012

ecoi.net summary: Annual report on human rights in 2011 [ID 217663]**Countries:**

Nigeria

[Original link](#)**Recommended citation:**USDOS - US Department of State: Country Report on Human Rights Practices for 2011 - Nigeria, 24 May 2012 (available at [ecoi.net](#))http://www.ecoi.net/local_link/217663/324293_en.html (accessed 31 May 2012)

Country Report on Human Rights Practices for 2011 - Nigeria

EXECUTIVE SUMMARY

Nigeria is a federal republic of 36 states and the Federal Capital Territory (FCT). On April 16, President Goodluck Jonathan of the ruling People's Democratic Party (PDP), who had assumed the presidency in May 2010 following his predecessor's death, won election to a four-year term, along with Vice President Mohammed Namadi Sambo, also of the PDP. International and domestic election observers considered the April presidential, gubernatorial, and legislative elections to be generally credible, orderly, and a substantial improvement over the flawed 2007 elections. However, there were reports of fraud and irregularities, including vote rigging and buying, under-age voting, ballot stuffing, and political violence. Immediately following the presidential election, supporters of the opposition Congress for Progressive Change (CPC) candidate, Muhammadu Buhari, a northern Muslim, challenged the outcome of the election. Postelection violence in protest of Jonathan's victory erupted in the north and in the Middle Belt States, directed towards local grievances and political targets, resulting in loss of lives, property damage, and restrictions of movement. The April 9 legislative elections produced major changes in the National Assembly, as only about one-third of the incumbents in both houses were reelected, and opposition parties gained many seats. While security forces generally reported to civilian authorities, elements of the security forces periodically acted independently of civilian control.

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

Other serious human rights problems included sporadic abridgement of citizens' right to change their government, due to some election fraud and other irregularities; politically motivated and extrajudicial killings by security forces, including summary executions; security force torture, rape, and other cruel, inhuman, or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringements on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption; violence and discrimination against women; child abuse; female genital mutilation (FGM); the killing of children suspected of witchcraft; child sexual exploitation; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor;

discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; vigilante killings; forced and bonded labor; and child labor.

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

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents committed numerous arbitrary or unlawful killings.

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

Credible reports also indicated that other uniformed military personnel and paramilitary mobile police carried out summary executions, assaults, and other abuses across the Niger Delta and Borno State (see section 1.g.). The national police, the army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects, as well as to disperse protesters. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the illegal apprehension, detention, and sometimes execution of criminal suspects. The reports of state or federal panels of inquiry investigating suspicious deaths remained unpublished.

For example, on September 12, members of the police unit Operation Famou Tangbei (OFT) raided the home of Freddie Philip Ockiya in Yenagoa, Bayelsa State. Members of the OFT arrested Ockiya and took him to the local police station. His family searched for him until September 21, when his body was discovered at the morgue. The family filed a suit against members of the police and government in a federal high court. The inspector general of police disbanded the OFT in late September, but authorities did not arrest any members of the OFT in connection with Ockiya's death by year's end.

On October 15, the Special Task Force (STF) allegedly killed Ward Head Alhaji Ahmadu Ali Kazaure in Jos. The STF attacked the area after unknown assailants killed one soldier.

The 2010 annual report of the Police Service Commission identified 253 pending disciplinary cases for misconduct by police officers. The report also said that the commission had received 91 appeals and petitions during the year.

In April 2010 the Maiduguri High Court found that in 2009 police detained and subsequently killed Baba Fagu, the father-in-law of then Boko Haram leader Muhammad Yusuf, following violent clashes between police and militant members of Boko Haram in four northern states in 2009. The court ordered the federal and state governments to pay 100 million naira (\$617,000) as compensation to Fagu's family. The Borno State government challenged the

Maiduguri High Court's decision and appealed the judgment. At year's end the case remained in the Court of Appeals in Jos, Plateau State.

In 2009 soldiers arrested Muhammad Yusuf. Credible media reports claimed that police executed Yusuf, whose bruised body subsequently was seen at state police headquarters with multiple bullet wounds. While police initially admitted killing Yusuf in custody, they subsequently claimed he died while trying to escape. Buji Fai, a former state government official suspected of funding Boko Haram, also reportedly died in custody along with Fagu. Later that year, then president Yar'Adua pledged to conduct a full investigation of the Boko Haram uprising, including the circumstances surrounding Yusuf's death, but authorities had not publicly released the results of the investigation by year's end. On July 19, five police officers were arraigned in the federal high court in Abuja for the murder of Yusuf. The court granted bail to four of the officers, while one remained in custody. The case continued at year's end.

In 2009 AI published *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, which documented 39 cases of security force killings and enforced disappearances based on interviews and research conducted between July 2007 and July 2009. According to the report, national police were responsible for hundreds of extrajudicial executions, other unlawful killings, and enforced disappearances each year. In a country where "bribes guarantee safety," those who could not afford to pay risked being shot or tortured to death. Authorities did not investigate the majority of cases or punish perpetrators. When investigations occurred, they did not comply with international standards, and officers suspected of extrajudicial executions generally were sent away on training or transferred to other states instead of being prosecuted. Police often claimed that the victim was an armed robber killed in an exchange of gunfire or a suspect killed while trying to escape police custody. AI charged that Police Force Order 237, which permits officers to shoot suspects and detainees who attempt to escape or avoid arrest, "lets the police get away with murder."

A panel established by Plateau State to investigate the killings of approximately 700 civilians by security forces in the Jos North local government area in 2008 attributed the violence to provocation by religious leaders as well as violence by political parties and local government officials. The panel's full report, released in April 2010, linked persons wearing uniforms to impersonate police with many of the killings; the report did not find definitive evidence of police or military involvement in extrajudicial killings. By year's end authorities had neither charged nor punished anyone for the killings. In February 2010 President Jonathan called for a second investigative committee following an outbreak of violence earlier in the year. In September 2010 this body, known as the "Lar Committee," submitted its recommendations, which included establishment of a truth and reconciliation committee, ending the indigene-settler dichotomy, and redesigning the Plateau State capital. Following further violence in August, President Jonathan announced that the government would work to harmonize all previous reports on the Jos crisis with the intention of publishing a white paper on the crisis. In addition the Plateau State Assembly called for the establishment of a truth and reconciliation committee, as recommended in the Lar Committee report. However, the committee's recommendations had yet to be implemented, and neither the federal nor the Plateau State government set up truth and reconciliation committees by year's end.

Police use of excessive force, including live ammunition, to disperse demonstrators resulted in numerous killings during the year. For example, on February 11, Ekiti police reportedly shot and killed five persons protesting the announcement of the relocation of a federal university to Oye-Ekiti that the state governor previously had promised would be located in the Ado-Ekiti community. Authorities had neither charged nor punished anyone for the killings by year's end.

Police used gunfire to control or disperse political rallies, resulting in numerous deaths and injuries. For example, on February 12, police attempting to control the flow of participants at a PDP rally in a Port Harcourt stadium fired into the air. The gunfire prompted a stampede resulting in the death of 20 persons. Authorities had neither charged nor punished anyone for the incident by year's end.

In 2010 AI released the report *Port Harcourt Demolitions: Excessive Use of Force Against Demonstrators*, which documented an attack in 2009 in which police and the JTF fired into a crowd of citizens peacefully protesting the proposed demolition of their homes. The report stated that the JTF shot and seriously injured at least 12 persons, and witnesses claimed that they saw six bodies in a police vehicle. Authorities had neither charged nor punished anyone for the killings by year's end.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued, despite numerous announcements by the police inspector general that independent police roadblocks would be eliminated and offenders punished. According to AI's 2009 report, police often stopped commercial drivers and asked them to pay bribes, the amount of which depended on the weight of the vehicle. Police shot drivers when they refused to pay, when a disagreement occurred over the price, or when it remained unclear whether they had paid. These police practices continued during the year.

On August 14, police in Anambra State reportedly shot five persons at a roadblock after they would not pay a bribe

of 20 naira (\$0.13). One of the passengers reportedly died at the scene, while the other four were rushed to a hospital, where they were pronounced dead. Eyewitnesses stated that the driver claimed to already have paid 20 naira but could not produce a receipt that the policeman demanded. When the driver attempted to leave, the police opened fire. A police representative confirmed that one person was killed and three were rushed to the hospital. There were no developments in the case by year's end.

For example, on October 16, police reportedly shot and killed Victor Emmanuel in Bayelsa State after he criticized the police for extorting money from passing motorists on the road from his church. On October 28, police officials announced that the accused officers received an "orderly room trial" that could lead to dismissal or prosecution; however, the case remained pending at year's end.

Police sometimes shot bystanders by mistake. For example, on September 10, four federal police officers guarding a funeral procession in Akoko, Delta State, opened fire on mourners after drinking heavily, killing at least three persons. A police spokesman confirmed the incident but offered no explanation for the actions of the officers. The police force dismissed the four officers, and at year's end the four officers remained in custody awaiting the filing of criminal charges.

Police and military personnel used excessive and sometimes deadly force to quell civil unrest and interethnic violence, and to deal with property vandalism. For example, on June 12, anti-riot police reportedly shot protesters in Ogoni, Rivers State. After villagers gathered to protest excessive use of force by police during an earlier protest over the construction of a military base in a nearby village, police attempted to arrest the protesters. Police reportedly opened fire, killing three persons. The Rivers State government reportedly investigated, but there were no developments in the case by year's end.

On October 20, police shot and killed a girl and injured her two sisters while they were working in the fields of their family's farm in Ekiti State. Local residents angered by the shooting protested outside the police station. When they would not disperse, police opened fire, injuring at least six individuals. On October 24, Ekiti State Governor Kayode Fayemi criticized the killing and called for an immediate investigation. An investigation remained pending at year's end.

Boko Haram increased its attacks on police and security forces, banks, bars and restaurants, religious sites, and government buildings in the north and the FCT. Shootings and bombings in Maiduguri, Borno State, occurred on a weekly--and sometimes daily--basis throughout the year, and violence spread to neighboring Yobe, Bauchi, and Adamawa states by year's end. Targeted attacks on key institutions and buildings in the capital of Abuja contributed to an increase in the overall level of violence (see section 1.g.).

b. Disappearance

Continuing abductions of civilians by militant and criminal groups occurred in the Niger Delta, particularly in Port Harcourt (see section 1.g.).

Other parts of the country also experienced a significant increase in abductions, some of which may have been politically motivated.

On March 17, kidnappers abducted the 97-year-old mother of the PDP candidate for Delta Central senatorial district, Chief Ighoyota Amori. The kidnappers demanded that Amori either drop his bid for senate or pay 100 million naira (\$617,000). On March 22, the Anti-Kidnapping Task Force of the Delta Waterways Security Committee freed Amori's mother. Whether Chief Amori paid the ransom was not known.

On October 11-13, approximately 2,000 members of the country's two main national oil unions conducted a strike due to their concern about increased kidnappings in the oil-producing south.

Earlier kidnappings involved international oil workers and perceived high-value targets; however, in recent years kidnappings evolved to include members of the middle class and family members of celebrities and politicians. The primary motivation for these kidnappings was economic (see section 6, Other Societal Violence or Discrimination).

In recent years Akwa Ibom, Abia, Anambra, Imo, and Rivers states passed strict antikidnapping laws that prescribed long prison sentences, and sometimes the death penalty, for those found guilty of kidnapping. However, these laws resulted in few convictions. On March 16, Minister of Police Affairs Humphrey Abah announced new measures to address the increasing number of abductions, including community policing, increased training of officers in handling kidnappings, provision of equipment to police, and deployment of specially trained officers to areas prone to kidnappings. However, the police had operated no known antikidnapping or abduction programs by year's end.

Some kidnappings had links with terrorism. In May gunmen abducted a British and an Italian citizen working with an Italian construction company in Birnin Kebbi, Kebbi State. On August 4, a video appeared online in which the two engineers appeared bound and blindfolded with armed men who claimed to be affiliated with al-Qaida. The two men remained missing at year's end.

On August 12, kidnappers abducted the father of Nigerian international soccer player John Mikel Obi's in Jos. On August 23, police in Kano rescued him and arrested seven kidnappers, including two soldiers. Authorities charged the seven kidnappers with kidnapping, conspiracy, and terrorism.

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

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

JTF's use of excessive force during raids on militant groups and criminal suspects in the Niger Delta and Borno State resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses (see section 1.g.).

During the year the Network on Police Reform in Nigeria (NOPRIN) released a 486-page report, *Through the Lens of the Media: A Report on Public Perception of the Nigeria Police 2010/2011*. The report provided details on police extrajudicial killings, police brutality and torture, excessive use of force, rape, sexual violence, corruption, extortion and bribe taking, collusion with criminals, and other acts of misconduct during the period of January 2010 to September 2011. The report also detailed the funding of the police force and their unacceptably high casualty rate during the period.

In May 2010 the Open Society Justice Initiative, together with the NOPRIN, released a 138-page report, *Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*, with first-hand reports from investigations at over 400 police stations. Describing summary executions of suspects, torture as a means of investigation, rape, and extortion, the report claimed that the government had acknowledged these problems but had actually allowed the abuse to continue with "a stunning degree of impunity."

Police commonly used a technique called "parading" of arrestees. Parading involved literally walking the persons through public spaces, subjecting them to public ridicule and abuse. Bystanders often hurled taunts, food, and objects. Police defended this practice with the argument that public humiliation helped deter crime. For example, on September 23, the Plateau State government paraded 21 robbery suspects in various locations throughout the state.

On August 1, the federal high court in Calabar ordered the police to pay 20 million naira (\$123,000) in damages to Ottoh Obono, whom police had paraded in front of journalists in 2009 before arraigning him for alleged involvement in armed robbery. The court determined that such a form of punishment violated Obono's constitutional rights. Citing the NGO Social Justice and Advocacy Initiative, a 2009 AI report noted that "intimidation, torture, and extortion of detainees" remained "entrenched practices" in the criminal justice system. The National Human Rights Commission (NHRC) claimed that most cases in court were prosecuted by the police "based on confessions obtained under circumstances of torture."

Police and military use of excessive force in response to violent attacks by Boko Haram resulted in numerous deaths and injuries (see sections 1.a. and 1.g.).

Security forces beat journalists during the year (see section 2.a.).

According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. In May 2010 the Open Society Justice Initiative reported that rape was "a routine but unspoken aspect of policing" and was "one of the fringe benefits attached to night patrol." This report on corruption within the country's police force highlighted the problem of rape of arrested prostitutes by police. The report described police officers raping women who could not pay as little as 1,000 naira (\$6) for their release. Police allegedly raped women who came to report crimes at police stations. The report also claimed that officers, both male and female, sodomized women with bottles and metal pipes. In August 2010 Human Rights Watch (HRW) released a report detailing widespread police abuse of power, including acts, or threats, of rape or sexual assault, as a means to extort bribes from female detainees or women traveling between road checkpoints.

In early October a police officer raped homicide suspect Hafsat Manye while in detention in Ganjuwa, Borno State. The police command informed the Legal Aid Council that after conducting an investigation, authorities dismissed the officer, who was expected to face charges in court.

AI reported in 2009 that police frequently raped women in detention but that victims did not report the abuse because of the social stigma attached to rape and the fact that police officers had committed these crimes.

Varying sharia penal codes existed in 12 northern states, and sharia courts delivered “hadd” sentences. For example, such sentences included caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out during the year. Numerous sharia cases from previous years awaited appeal or implementation of sentence, including pending amputation 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 1999 conviction.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Authorities often did not carry out sentences under sharia due to 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 violated 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 was not challenged in the courts as a violation of statutory law. In some cases convicted persons paid fines or went to jail instead of being caned. Sharia courts usually carried out caning immediately, while the sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. For example, on September 8, an Islamic court in Zamfara ordered the amputation of the right hands of two suspects found guilty of stealing a bull worth 130,000 naira (\$800). The suspects appealed the case. Appeals often took months or years to decide.

Ethnic or communal clashes resulted in deaths and injuries during the year (see section 6).

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Most of the country’s 234 prisons, built 70 to 80 years earlier, lacked basic facilities. The system included 11 maximum security prisons, 80 satellite prisons, 10 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees.

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

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

Only those prisoners with money, or whose relatives brought food regularly, had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money.

Prisoners with mental disabilities remained incarcerated with the general prison population. Individual prisons made efforts to provide mental health facilities, but most prisons did not provide mental health care.

The federal government operated all the country’s prisons but maintained few pretrial jail facilities. Of the total prison population, 70 percent were pretrial detainees.

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

Although the law precludes the imprisonment of children, minors lived in the country's prisons, many of whom were born there. A 6,000 report by the African Union on the rights and welfare of the Nigerian child found that an estimated children lived in prison and detention centers. Despite a government order to identify and release such children and their mothers, authorities had not solved the problem by year's end.

Authorities held political prisoners with the general prison population, not separately.

Prison authorities allowed visitors within a scheduled timeframe. Few visitors came due to lack of family resources and travel distance. Prisoners could attend religious observances, although prisons often did not have equal facilities for both Muslim and Christian worship. In some prisons outside clergy constructed chapels or mosques.

Prisoner complaints centered on access to court proceedings, as in many cases inmates lacked transportation to attend a court hearing. No effective system existed for monitoring prisons for inhumane conditions. All prisons suffered from poor facilities, overcrowding, and lack of resources.

There were no regular outside monitors of the prisons, and no statistics on the mistreatment of prisoners or availability of food or medical care.

The government provided access to prisons for monitoring conditions, although few outside visits occurred. The local Red Cross made attempts to visit prisons but could not maintain a regular visit schedule. Authorities inconsistently maintained records for individual prisoners in paper form but without making them widely accessible.

The country does not provide services of an ombudsman who can serve on behalf of prisoners and detainees to consider such matters as creating alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, or recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

The government did not make widespread improvements to prisons during the year, but individual prison administrations attempted to collect donations to benefit the inmates. For example, benefactors contributed facilities to help alleviate overpopulated prisons. In October the Amazing Grace Pentecostal Church donated a multipurpose hall to the Kirikiri Female Prison in Apapa, Lagos.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF arbitrarily arrested hundreds of persons during sweeps for militants, and security forces made arbitrary arrests during the national elections.

Role of the Police and Security Apparatus

The National Police Force (NPF) reports to the inspector general of police, who is appointed by the president and responsible for law enforcement operations. An assistant inspector general commanded each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces; however, state governors may direct federal police for local emergency actions. The SSS is responsible for internal security and reports to the president through the national security advisor. Due to the police's inability to control societal violence, the government continued to rely on the army in some cases. For example, in September President Jonathan ordered the deployment of 1,300 soldiers to Plateau State after local police could not contain an outbreak of ethnoreligious violence in Jos.

The NPF, SSS, and military reported to civilian authorities; however, these security services periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish abuse and corruption. The NPF remained susceptible to corruption, committed human rights abuses, and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units. However, most cases lingered in court and went unresolved after the initial investigation.

According to AI's 2009 report, only a fraction of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. Officers worked without basic equipment and sometimes made crime victims pay for the gasoline and stationery necessary to conduct an investigation. Such lack of resources contributed to corruption (see section 4).

Arrest Procedures and Treatment While in Detention

Police and security forces have authority to arrest individuals without first obtaining warrants, if they have a reasonable suspicion that a person committed an offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow suspects to engage counsel and post bail.

Arbitrary Arrest: Police routinely detained suspects without informing them of the charges or allowing access to counsel and family members. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Authorities kept detainees incommunicado for long periods. Numerous detainees alleged that police demanded bribes to take them to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.

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

Security forces arbitrarily arrested numerous persons during the year. During postelection violence in April and May, authorities arrested hundreds of persons across the country, many of them based on little or no evidence of involvement in violence (see section 1.a.). Most individuals gained their release within a few weeks; however, an unknown number of persons remained incarcerated without bail or charges at year's end.

On October 19, the federal high court in Jos, Plateau State, discharged six suspects arrested on conspiracy and terrorism charges during the January 2010 violence in Jos. Security forces detained journalists and demonstrators during the year (see sections 2.a. and 2.b.).

Economic and Financial Crimes Commission (EFCC) officials reportedly singled out political opponents of the governing party in their arrest and detention of state, local, and federal government officials on corruption charges during the year (see section 4).

The rape of women in detention by police remained a problem (see section 1.c.).

On September 29, police in Ebonyi arrested 100 members of the Movement for the Actualization of the Sovereign State of Biafra for holding a peaceful meeting and wearing clothing and pins with a Biafran insignia. Police announced that they detained the group out of fear of a breach of the peace. Police released the members soon thereafter.

Pretrial Detention: Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 70 percent of the prison population, with some awaiting trial more than 10 years. At year's end 33,692 pretrial detainees resided in the country's prisons, in a total of 48,124 prisoners. Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees lacked access to trials because police had insufficient vehicles to transport them to court on their trial dates.

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

On September 22, the press reported that Attorney General and Minister of Justice Mohammed Adoke gave the Prison Decongestion Committee, established in July, 90 days to free inmates who should not have been incarcerated. The nine-member committee headed by the permanent secretary in the ministry, Alhaji Abdullahi Yola, toured prisons in all 36 states as part of the process. By year's end there was no word of the release of any inmates.

Amnesty: In October the governors of Borno and Anambra states freed 42 and nine prisoners, respectively, in celebration of Independence Day. The governor of Borno State said that he granted amnesty to those who suffered from acute illness or old age.

e. Denial of Fair Public Trial

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

On August 18, the National Judicial Council (NJC) suspended the president of the Court of Appeal, Justice Ayo Isa Salami, after he refused the NJC's directive to apologize to the NJC and the chief justice of Nigeria, Justice Aloysius Katsina-Alu. Salami had accused Katsina-Alu of interfering in the proceedings of the 2007 Sokoto State gubernatorial court case. In an attempt to settle the dispute, the NJC set up three panels to investigate the disagreement. The panels declared neither justice was at fault, declared the issue resolved, and requested that Salami apologize to the NJC and Katsina-Alu. The Nigerian Bar Association reached contrary findings, and Salami refused to apologize. After the NJC suspended Salami, President Jonathan used his constitutional authority to recommend the compulsory retirement of Salami and appointed Justice Dalhatu Adamu as acting president of the Court of Appeals. The case raised questions regarding the partisan nature and level of independence within the judiciary. Salami appealed the ruling, and the court case continued at year's end.

The Ministry of Justice implemented strict requirements for the education and the length of service for judges at the federal and state level; however, no requirements or monitoring bodies existed for judges at the local level, which resulted in corruption and miscarriages of justice in those courts.

Military courts tried only military personnel.

Sharia and customary (traditional) courts of appeal function in 12 northern states and the FCT. The constitution also provides that the government establish a federal sharia court of appeal and a final court of appeal, but authorities had not done so by year's end.

The constitution provides that states may establish courts based on common-law or customary-law systems. The law also provides that states may elect to use the sharia penal code in the courts. While sharia courts have operated throughout the north for centuries, in 2000 sharia courts received authority to also hear criminal cases and pass sentences based on the sharia penal code, which outlines hadd offenses and punishments, including caning, amputation, and death by stoning. For example, on October 10, an Abuja magistrate court ordered a punishment of 12 strokes of a cane to a man found guilty of stealing a cow.

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

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common-law appellate courts; however, no challenges with adequate legal standing reached the common-law appellate system. The highest appellate court for sharia remained the Supreme Court, staffed by common-law judges not required to have any formal training in the sharia penal code.

Trial Procedures

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, authorities did not always respect these rights. Although an accused person is entitled to counsel of his choice, no law prevents a trial from going forward without counsel, except for certain offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases and stipulates that a trial should not go forward without it. Defendants have the right of appeal.

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

No legal provisions in common law barred women or other groups from testifying in civil or criminal proceedings or gave their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in sharia courts. Some "qadis" (sharia court judges) allowed separate evidentiary requirements to prove adultery or

fornication for male and female defendants. For women, pregnancy represented permissible evidence in some sharia courts. By contrast men could be convicted only by confessing to the crime or by eyewitness testimony. Sharia courts provided women with certain benefits, including increased access to divorce, child custody, and alimony, because it remained significantly easier, faster, and cheaper to get an audience in a sharia court than in a common-law court.

There was a lack of due process in numerous trials. For example, in 2009, the army convicted 27 enlisted soldiers who had served as UN peacekeepers of mutiny and sentenced them to life in prison; the soldiers had protested after officers had stolen their stipends during deployment. After the case garnered international media attention, prison guards took reprisals against the jailed soldiers. The army reduced the sentences of the 27 to seven years. Meanwhile, the army found the officers guilty of theft and reassigned them or forced them to retire; however, none received a prison sentence. In September 2010 the defense attorney appealed to the new army chief of staff to review these sentences. There were no developments in the case by year's end.

A Lagos court continued aspects of the case of Major Hamza Al-Mustapha, who had been held since 1998. Authorities arrested him on treason charges for, among other allegations, the assassination attempts on former president Olusegun Obasanjo and other prominent prodemocracy activists. In December 2010 the judge discharged Al-Mustapha and acquitted him of these charges, stating that the prosecution had not made its case. However, the court continued to pursue charges against him for his alleged role in the killing of Alhaja Kudirat Abiola, wife of former president-elect Chief Moshood Kashimawo Olawale Abiola. During the examination by the prosecution, Al-Mustapha claimed his confession of involvement in the death of Kudirat Abiola occurred under duress and therefore remained inadmissible as evidence. The judge rejected the motion of the defense, and the court case continued at year's end.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, but authorities infringed on these rights during the year, and police raided homes without warrants.

Between January and June, activities leading to evictions and displacements of persons across the country were less frequent due to the April general elections. Politicians in states such as Lagos and Rivers avoided development projects that required demolition of homes due to fear of becoming unpopular with the electorate.

In Abuja the Federal Capital Development Authority continued to threaten eviction of residents in communities not deemed in compliance with the Abuja city plan. The FCT government typically claimed that demolished homes, businesses, or churches lacked proper permits, even if owners were able to produce paperwork indicating that the structures were built legally. No transparent legal process existed for deciding which homes would be demolished, and persons who lost homes lacked recourse to appeal and received no compensation. Many observers viewed the demolitions as motivated primarily by corruption and discrimination based on socioeconomic class, since mostly lower- and middle-class persons lost their homes and property. Once vacated, authorities sold these properties to wealthy persons with connections to government officials.

The government threatened to evict residents of 23 communities in the Ketti and Kabusa districts of Abuja, which housed almost 50,000 persons. AI reported that on June 25 and 27, the Task Force on Environmental Sanitation, accompanied by soldiers and police, set fire to buildings in the Apo district of Abuja. Police reportedly shot in the air and arrested persons trying to flee the area, resulting in the reported death of three persons and the forced eviction of an estimated 100 others.

In 2010 authorities in Port Harcourt forcibly displaced residents on the waterfront in an area slated for redevelopment, an action that left thousands of residents homeless. Demolitions in Port Harcourt lessened during the year due to sustained civil society intervention and public debate. However, the government often paid compensation only to landlords, who did not reside in these communities, leaving the tenants homeless and without compensation. The effort by the Rivers State governor to demolish slums on 21 Port Harcourt waterfront sites, which would displace 200,000 residents, came to the courts in July 2010, when members of the Ijaw ethnic group filed a suit to stop the demolition and resettlement. The government sought to clear out “poorly built structures” and to replace them with schools and commercial and residential buildings in an urban renewal program paid for by investors. Residents protested evictions without adequate planning for replacement housing for the poor.

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

Niger Delta

The Niger Delta region is home to a large oil industry that produced approximately 2.6 million barrels of crude oil per day at year’s end. Particularly since 2006, militant groups have used violence, including kidnapping oil company workers, to demand greater control of the region’s resources. Kidnapping for ransom, armed robberies, gang wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued during the year and contributed to the region’s general insecurity and lack of economic vitality. In June 2009 the government announced a general and unconditional amnesty for militants in the Niger Delta, and almost all major militant leaders accepted the offer by the October 2009 deadline.

Authorities established a training camp for former militants in Obubra, Cross River State, and by September 24, 20,192 former militants had completed training in nonviolence. Many militants expressed interest in vocational training and received stipends during rehabilitation. By year’s end 5,280 former militants were undergoing vocational training, with 1,538 attending courses abroad. The amnesty program resulted in a decline in militant violence in the region. Some observers expressed concern, however, that the militants used amnesty payments to purchase more arms.

The government’s amnesty program reduced the level of conflict for much of the year. Disagreements arose between former militants and the government concerning who qualified for the amnesty program, the amount of cash payments, the availability of vocational training, and continued possession of arms by former militants.

Criminal gangs, called “cults” in some parts of the region, have copied the methods of more sophisticated militants to amass wealth and power. In a recent trend, kidnappings targeted businessmen, doctors, teachers, religious leaders, foreign residents, and others. Gangs extended their reach beyond the core Niger Delta states, where they originated as politically sponsored thugs to intimidate opponents and aid election rigging. Kidnappings committed primarily for ransom increased throughout the country, including in the north (see section 6, Other Societal Violence or Discrimination). In recent years power struggles between gangs resulted in extensive property damage and hundreds of deaths, including of civilian bystanders.

Killings

Niger Delta

From May 11-18, members of the JTF and Niger Delta militants led by John Ipoko (aka John Togo) waged a series of battles at Obubu creek, in Delta State. Media reported that the JTF sustained numerous casualties, and Togo may have died of a fatal gunshot wound after the battle. On May 18, the JTF shot and killed one of two militants thought to be accomplices of Togo during a pursuit.

Boko Haram

The JTF and STF committed numerous killings during the year but conducted no investigations.

The JTF was linked to numerous killings in Maiduguri Borno State after attacks by Boko Haram. On July 14, in one of the largest such incidents, the JTF allegedly killed 20 to 40 persons following a Boko Haram bombing.

Boko Haram committed drive-by shootings and bombings; targeted killings of security personnel, religious leaders, and political figures; coordinated attacks on police stations and banks; and conducted suicide bombings during the

year, which resulted in the death of hundreds of persons.

For example, on June 16, a car bomb that detonated in the parking lot of the National Police Force Headquarters killed at least three persons and destroyed or damaged at least 50 vehicles. Boko Haram claimed responsibility.

On August 26, a suicide bomber attacked the UN House compound in Abuja, killing 24 persons and injuring more than 120 others, primarily Nigerian citizens. Boko Haram claimed responsibility.

On November 4, Boko Haram launched a series of bomb attacks and coordinated assaults in Damaturu and Potiskum, Yobe State, and Maiduguri, Borno State. The bombs and subsequent gun battles with security forces resulted in the death of 100 to 200 police officers, Boko Haram fighters, and bystanders, as well as the destruction of the Yobe police headquarters and six churches.

On December 25, a car bomb that detonated at the St. Theresa Catholic Church in Madella, outside of Abuja, killed at least 37 persons and wounded another 50 to 60. Boko Haram claimed responsibility.

Abductions

Niger Delta

Government authorities responded to kidnappings in the Niger Delta by deploying the JTF, which reportedly used excessive force and engaged militants and criminals in gun battles.

In some areas tensions remained high between oil-producing communities and oil company employees and contractors. Criminals abducted foreign oil company contractors for ransom, including the capture of five foreign workers from an offshore oil rig on October 24.

While militant groups used kidnappings generally for ransom, they sometimes publicized the acts as an expression of grievances about lack of economic development, local control of oil revenues, or prisoner releases. During the year criminals continued to kidnap the relatives (usually children or parents) of prominent state politicians for ransom or to force payment for services such as protection details and voter intimidation during elections.

Other Conflict-related Abuses

Niger Delta

In August the UN Environmental Program released a report that found that damage from oil industries in Ogoniland amounted to \$1 billion and would take 25 to 30 years to clean up.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Speech: The constitution entitles every individual to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Federal and state governments generally respected this right; however, there were reported cases in which the government abridged the right to speech and expression.

For example, on November 22, a Bauchi State chief magistrate court sentenced Mukhtar Abdu and Quwalu Mohammed to three years in prison or payment of a 10,000 naira fine (\$62) for the composition of an abusive song about the secretary to the Bauchi State government. The two men had 30 days to appeal the case. The case continued at year's end.

Freedom of Press: On May 2, Freedom House released its annual survey of media independence, *Freedom of the Press 2011*, which described the press in Nigeria as "partly free." Nonetheless, a large and vibrant private domestic press frequently criticized the government. There were more than 100 national and local publications, including 15 privately owned major daily newspapers; one national, government-owned daily newspaper; six weekly newsmagazines; and several sensationalist evening newspapers and tabloid publications. State and local governments also owned daily or weekly newspapers, which tended to be poorly produced, had limited circulation, and required large state subsidies. There were 25 independently owned, private radio stations. The government owned one radio network with 43 stations. There were 15 independently owned private television stations and four privately owned direct-to-home satellite network stations. The government owned one television network, the Nigerian Television Authority, with 48 affiliate stations. Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information.

Violence and Harassment: Security forces beat, detained, and harassed journalists. On numerous occasions security forces and police arrested and detained journalists who criticized the government. At times reporting on issues such as elections and political corruption proved to be particularly sensitive.

For example, on March 10, the SSS arrested and detained for three days three journalists in Plateau State. The SSS accused the journalists of distributing leaflets criticizing Plateau State Governor Jang.

On July 2, the SSS detained former FCT minister Nasir El-Rufai at the Abuja airport. El-Rufai had published an opinion article that cited and criticized budget figures for the government's spending on security services.

On October 11, police arrested four senior editors of *The Nation* newspaper on charges of forgery. The editors of the *The Nation* had included in an October 4 cover story a copy of a letter purportedly from former president Obasanjo to President Jonathan recommending the firing of certain officials. When police did not locate the editors they sought to arrest, they arrested four other editors "by proxy." Police released the editors during the following two days after pressure from the media, politicians, and civil society groups. The House of Representatives Committee on Justice filed a report demanding that the police and the Jonathan administration explain the reason behind the arrest of the journalists and issue apologies to the employees of *The Nation*. The federal government and former inspector general of police Ringim did not provide an apology by year's end.

Politicians and political parties harassed and attacked journalists perceived as reporting in a negative manner. During local and national elections, journalists were intimidated or attacked for covering election events.

For example, on April 5, prior to national assembly elections, unknown assailants attacked *Daily Trust* correspondent Joseph Hir outside his home in Lafia, Nasarawa State. Hir previously had written an article criticizing politicians.

On April 9, during national assembly elections, PDP officials beat African Independent Television cameraman Tamunoemi Kingdom and another crew member in Ozoro, Delta State. The officials had attempted to stop the crew from filming the harassment of a man entering a polling station.

Election officials also participated in attacks on journalists. For example, on March 22, state electoral commissioner Rufus Akeju allegedly attacked *Leadership* correspondent Sefiu Ayanbimpe in Oshogbo, Osun State. Ayanbimpe had investigated charges by the opposition Conference of Nigerian Political Parties that Akeju received payments from the state government. Akeju invited Ayanbimpe to his office in Oshogbo to discuss the allegations. When Ayanbimpe arrived, Akeju beat him before handing him over to the SSS, which briefly detained him.

Journalists received death threats during the year. For example, in July University of Uyo professor Des Wilson went into hiding after persons connected to Akwa Ibom State Governor Godswill Akpabio threatened his life. Wilson served as an officer of the Independent National Electoral Commission (INEC) for Ikot-Ekpene Federal Constituency during the presidential election and submitted a report detailing massive irregularity and fraud connected to Governor Akpabio's administration.

Journalists also were at risk of abduction. There were no developments in the January 2010 case in which armed police abducted Internet journalist Ikenna Samuelson Iwuoha from his home, on the orders of Governor Ikedi Ohakim of Imo State. Iwuoha filed a lawsuit against Ohakim for his beating and mistreatment while in custody.

Censorship or Content Restrictions: Journalists practiced self-censorship. Local NGOs claimed that security forces intimidated newspaper editors and owners, which led them to censor some reports of killings and other human rights abuses.

The law requires local television stations to limit programming from other countries to 40 percent and restricts foreign content of satellite broadcasting to 20 percent. In 2008 National Broadcasting Commission (NBC) chief executive Yomi Bolarinwa ordered that all local prime-time news broadcasts contain no more than 20 percent foreign content and that international news be broadcast live. The 2004 NBC's prohibition of live broadcasts of foreign news and programs remained in force but did not apply to international cable or satellite services.

The government controlled much of the electronic media through the NBC, which was responsible for monitoring and deregulating broadcast media.

Radio stations remained susceptible to political censorship and attacks by political groups. For example, on January 19, Oyo State Governor Alao Akala (PDP) banned the state-owned Broadcasting Corporation of Oyo State from giving broadcast time to opposition parties.

On January 20, the Nigerian Union of Journalists claimed that the opposition CPC paid persons to attack the offices of two progovernment radio stations, Bauchi Radio Corporation and FRCN Globe FM.

Libel Laws/National Security: 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 and possible fines.

Nongovernmental Impact: Boko Haram threatened media outlets and killed members of the press. During the year the group threatened to kill journalists who failed to report what Boko Haram believed to be authentic stories about the group. On October 23, suspected Boko Haram gunmen shot and killed Zakariya Isa, a cameraman for the Nigerian Television Authority, at his residence in Maiduguri, Borno State. Boko Haram took credit for the killing, stating that it was retribution for Isa spying for the secret police and JTF; Boko Haram did not say he was killed for being a journalist.

Mob violence occasionally inhibited freedom of expression. For example, in January a crowd of armed persons arrived in Makurdi, Benue State, and attacked newspaper vendors to retrieve copies of a national newspaper that had published a negative story about a local politician.

Internet Freedom

There were few government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups generally engaged in expression of views via the Internet, including by e-mail, with few exceptions.

Several Internet news sites critical of the government experienced server problems, which site owners attributed to government interference. Such disruptions usually lasted a few hours.

In January Jigawa police arrested and detained Moukhtari Ibrahim Aminu after he insulted Jigawa Governor Sule Lamido on his Facebook page. Police detained Aminu for 10 days, after which he was arraigned and remanded in prison until February 7. There were no new developments in the case by year's end.

In March 2010 a Kaduna sharia court ordered the immediate suspension of all debates on blogs and the online social networking sites Facebook and Twitter regarding the 1999 amputation of Bello Buba Jangebe's right hand as punishment for stealing a cow. The court issued a restraining order to prevent an NGO, the Civil Rights Congress, from discussing the decade-old case in its online forums. The presiding judge stated that the defendants, as Muslims, had no right to question any judgment given by a sharia court. The judge's order represented the first of its kind restricting Internet freedom. There were no reports of government attempts to collect or disclose personally identifiable information in connection with a person's peaceful expression of political, religious, or ideological opinion or belief.

Academic Freedom and Cultural Events

The federal government continued to restrict academic freedom by controlling elementary and secondary

curriculums, including mandating religious instruction.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government occasionally banned gatherings when it concluded that their political, ethnic, or religious nature might lead to unrest. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis. Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries (also see section 1.a.). Open-air religious services held away from places of worship remained prohibited in many states, due to fear that they might heighten interreligious tensions. During national elections numerous states banned or cancelled political rallies, citing fears that the organizers planned to incite violence.

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

Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 56 parties registered with the INEC by year's end. On August 18, the INEC deregistered seven political parties that did not meet the requirements for the establishment of a political party.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, security officials restricted freedom of movement at times by enforcing curfews in areas experiencing ethnoreligious violence. They also routinely set up roadblocks and checkpoints, sometimes every few miles, to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCFR), its federal commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee, on which the UNHCR had observer status, governed the granting of refugee status, asylum, and resettlement, and it also reviewed refugee resettlement.

In-country Movement: During the year state officials imposed dusk-to-dawn curfews in response to sectarian conflicts. For example, authorities imposed curfews in August and September in areas of Kaduna State and Plateau State, following ethnoreligious violence. In some cases state and local governments, such as Yobe State and Maidugiri, Borno State, imposed curfews or otherwise restricted movement in the aftermath of Boko Haram attacks.

Exile: There are no legal grounds for forced exile, and there were no examples of formal legal proceedings to exile a citizen. However, some citizens chose self-exile for political reasons. For example, Nuhu Ribadu, former chairman of the EFCC, left the country in 2009 after threats on his life. Ribadu voluntarily returned to the country in June 2010 and ran as an opposition candidate for the presidency in the April election.

Internally Displaced Persons (IDPs)

There was no national registration of internally displaced citizens and no accurate count, although the NCFR estimated the number to be approximately one million. The NCFR estimated that Edo, Akwa-Ibom, Jigawa, and Plateau states each contained at least 200,000 IDPs. There were many causes of displacement, including boundary and border disputes, sectarian and communal violence, localized political violence, postelection violence, forced evictions, conflict in the Niger Delta and Plateau State, the government's use of force in its efforts to eliminate extremist sects, altered cattle grazing patterns due to climate change, and major flooding in the northwest. The government's response to IDPs remained uneven, depending on the state affected. Federal NCFR budgets did not cover the need, and state and federal emergency management resources were inadequate. The NCFR estimated that postelection violence resulted in the displacement of more than 33,000 persons. For example, clashes in Kafanchan in southern Kaduna State caused up to 14,000 persons to flee their homes for relative sanctuary in other villages in Kaduna State.

The NEMA worked with civil society and religious groups to provide food and shelter to IDPs. The Kaduna State government, charitable organizations, and religious institutions offered homes to families fleeing the violence and assisted with integrating them into small communities throughout the state. Most of these IDPs either moved back to their villages or took up residence with family members in nearby villages, and the Kaduna State government continued to work on developing housing options for those still displaced at year's end.

Ethnic disputes over land and political power along the borders of Benue, Taraba, and Nassarawa states resulted in violence, destruction of property, and the displacement of hundreds of persons. The federal government deployed mobile police units to affected areas to prevent further violence. For example, in November and December the government deployed security forces after an eruption of violence between Fulani and Tiv ethnic groups in Benue State near the Nasarawa border. Press reports estimated at least 50 people killed and 5,000 people displaced as a result of the violence.

Beginning in early 2009, 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 formed part of the lands that the International Court of Justice awarded to Cameroon pursuant to the 2007 Greentree agreement to settle the disputed land border between the two nations. Rivers State emergency services tried to provide permanent housing and services for displaced citizens at year's end.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

According to the UNHCR, the country had 8,806 refugees, with another 1,529 refugee applications pending at year's end. Most of these refugees came from Liberia, Cameroon, and the Democratic Republic of the Congo.

An office operated by the NCFR in Maiduguri, Borno State, assisted refugees from Chad.

Access to Basic Services: The UNHCR provided food, education, and job skills training, and refugees could move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

Durable Solutions: As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. Authorities decommissioned the camp at Oru, near Lagos, although refugees continued to occupy buildings without permission. Some of the 2,500 refugees in the camp received 75,000 naira (\$463) to integrate into the local community. At year's end others still sought to repatriate or resettle in third countries.

Temporary Protection: The government also provided temporary protection to a few hundred individuals who may not qualify as refugees.

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

The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. Overall, authorities conducted credible general elections in April. Some candidates alleged fraud and filed petitions before election tribunals, which upheld some results while overturning others. Such fraud and continued election irregularities abridged citizens' right to change their government to a limited extent.

Elections and Political Participation

Recent Elections: The government held presidential, gubernatorial, and legislative elections in April. The elections were scheduled to begin on April 2, but logistical challenges caused the INEC to delay them until April 9. Thirty-seven parties participated in the legislative elections. The INEC initially estimated a voter turnout as high as 75 percent, although this number varied from 20 to 60 percent in different regions. The legislative elections produced major changes in the National Assembly, with only about one-third of the incumbents in the Senate and the House of Representatives returning and the opposition parties gaining many seats. International observers witnessed generally calm and orderly voting at many polling stations.

The presidential election was held on April 16. President Goodluck Jonathan, who had assumed the presidency in May 2010 following his predecessor's death, and Vice President Mohammed Namadi Sambo were elected to a new four-year term. Twenty parties were listed on the ballot in the presidential election. The INEC estimated a voter turnout of 35 percent of the country's 70 million registered voters. According to the INEC, President Jonathan, the PDP candidate, tallied 58.9 percent of the vote, while CPC candidate Muhammadu Buhari won 32 percent. Project Swift Count (PSC) 2011, a group of four Nigerian civil society organizations, conducted parallel vote tabulations and reported that President Jonathan received 58.7 percent of the vote and Muhammadu Buhari received 30.8 percent. The PSC deployed field observers to 1,497 polling units in all 774 local government areas in 36 states and the FTC. Election observers judged the presidential election to be more organized than the legislative elections and largely free, fair, and transparent. However, observers reported that some election precincts experienced fraud and electoral irregularities including vote rigging and buying; under-age voting; ballot stuffing; late openings and overcrowding of polls; insufficient voting materials; and intimidation and political violence.

Some violence occurred during the campaigns and on election day. On April 6, a bomb killed a PDP official preparing to distribute election materials in Kaduna. On April 8, outside the INEC office in Suleja, Niger State, a bomb blast killed as many as 13 persons. In September six suspected members of Boko Haram were arraigned at a federal high court in Abuja for allegedly bombing the election office in Suleja, as well as for the bombing of a PDP political rally, a church, and detonation of a bomb that killed security agents. On October 20, the hearing commenced and continued at year's end.

On election day a bomb explosion at a polling station in Maiduguri, Borno State, killed two persons, and in Delta State police shot and killed two individuals during an interparty dispute at a polling station.

Political violence occurred at federal, state, and local levels, as well as within political parties. In some cases before and after the election period, violence stemmed from rivalries and competition between political candidates. However, immediately following the April 16 presidential election, supporters of opposition CPC candidate Buhari began protests of President Jonathan's victory that led to an outbreak of violence in the north and in the Middle Belt states. The northern states of Adamawa, Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Niger, Sokoto, Yobe, and Zamfara experienced violent riots. Incidents ranged in severity and included mass protests, machete attacks, prison breaks, and the burning of businesses, places of worship, houses, and government offices. Rioters targeted local opponents, political rivals, and innocent bystanders. The violence claimed lives, damaged property, and led to restrictions of movement. HRW stated that election-related violence resulted in more than 800 deaths and displaced 65,000 persons in the 12 northern states. The police put the total at 520 deaths.

Gubernatorial elections for 26 states occurred on April 26 amid postpresidential election violence. Ten states did not hold gubernatorial elections due to a series of court decisions that extended the tenure of the incumbent governors. Kogi State held gubernatorial elections on December 4. The remaining nine states planned to hold gubernatorial elections off cycle in the coming years.

On October 10, the government released the report on postelection violence of the Presidential Committee on the 2011 Election Violence and Civil Disturbances. Retired grand qadi Sheikh Ahmed Lemu led a [panel](#) in the investigation of the causes of postelection violence and developed recommendations to prevent such occurrences in the future. The panel found that the root causes of the violence included widespread desire for change following failed promises to fix infrastructure; corruption; zoning policies that turned the election into an ethnoreligious contest; rumor mongering and negative campaigning; the failure of the government to enact previous panel recommendations; and the individual actions of some candidates. The report specifically identified CPC candidate Buhari as contributing to the violence. The panel found that his comment to supporters to "guard their vote" was

“misconstrued by many voters to include recourse to violence which they did.”

During the year the courts continued to hear and adjudicate cases related to the April elections. Following the elections the CPC filed a petition challenging President Jonathan’s victory in court. The CPC petitioned to have election results overturned in 20 states. On November 1, the Presidential Election Tribunal upheld the presidential election results.

In April election rioters in Giade, Bauchi State, killed seven National Youth Service Corps members who manned polls on election duty, a policewoman, and two businessmen. A Bauchi magistrate court presided over the case, which included 20 suspects connected with the killings, as well as 21 others suspected of other postelection murders. The case remained in court at year’s end.

In October violence between PDP and Action Congress of Nigeria (ACN) supporters erupted in Ugba, Benue State. Although accounts varied, the violence appeared to start after assailants attacked the home of a traditional leader in the town, killing four members of his family. The ensuing clash between supporters of the two parties resulted in as many as 30 deaths, and 60 houses also were destroyed.

On March 4, 10 people died and others suffered injuries when a bomb exploded at a political rally for Niger State governor Mu’azu Babangida Aliyu (PDP) in Suleja, Niger State.

Extremists also contributed to the political violence. For example, on January 29, Boko Haram gunmen killed the Borno State All Nigeria People’s Party gubernatorial candidate, Alhaji Modu Fanmani Gubo, and six others in Maiduguri, Borno State.

Political Parties: Establishing a political party remained relatively easy if supporters paid the required fees. Parties generally formed around individuals rather than on ideological grounds. Allegations continued that the PDP established new parties to confuse voters with large numbers of candidates.

Membership in the majority party, PDP, conferred advantages, primarily in employment. Police arbitrarily arrested opposition leaders.

On October 25, police in Kogi State arrested 28 members of the opposition ACN party while they traveled to Abuja on an Osun State government bus. The police commissioner in Osun stated that police arrested the ACN members because they could not explain their “mission” to Abuja.

Participation of Women and Minorities: Men continued to account for more than 90 percent of the country’s appointed and elected officials in more than 500 ministerial and national assembly positions.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The Jonathan administration demonstrated this diversity. President Jonathan is an Ijaw from the southern state of Bayelsa, the vice president is a Hausa Fulani from the northern state of Kaduna, the senate president is an Idoma from the central state of Benue, and the speaker of the house is from the northwest state of Kebbi. The government attempted to balance other key positions among the different regions and ethnic groups; however, with more than 250 ethnic groups, ensuring representation of every group in the government was difficult.

The majority PDP also engaged in “zoning” for many key positions, a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. The practice of zoning became an issue because Jonathan’s transition from vice president to president after the death of former president Yar’Adua, a northerner, upset the prior rotational scheme.

On June 6, the National Assembly elected Aminu Waziri Tambawal as speaker of the house, disrupting the practice of zoning and countering the wishes of the majority PDP party, which hoped to retain a member from the southwest in the position of speaker. The PDP attempted to thwart Tambuwal’s election as speaker both before and on the day of the election of principal officers of the House of Representatives. Security agents laid in wait to arrest Tambuwal on arrival at the National Assembly on the day of the election; however, he was able to evade arrest and enter the National Assembly, where he was elected speaker.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government and the security forces. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office.

There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and alleged requests from judicial officials for bribes to expedite cases or obtain favorable rulings.

Police corruption remained rampant, particularly at highway checkpoints. Police routinely stopped drivers who did not commit traffic infractions, refusing to allow them to continue until they paid bribes. The Office of the Inspector General of Police attempted to strengthen the Police Monitoring Unit, which was charged with visiting police stations to search officers for signs of accepting bribes; however, the unit remained ineffective and made no arrests by year's end. Citizens could report incidents of police corruption to the NHRC; however, the NHRC did not act on such complaints during the year, and no other mechanism existed to investigate security force abuse (see section 5).

In August 2010 HRW released *Everyone's in on the Game*, a report on corruption and human rights abuses by the police. HRW compiled information from 145 interviews and documented pervasive police extortion with impunity committed by police officers throughout the country. Police demanded bribes, threatened arrest and physical harm, and enforced a system of "returns" in which officers must pay up the chain of command a share of the money they extorted from the public. This system undermined the rule of law and created a large disincentive for superior officers to hold their subordinates accountable for extortion and other abuses.

Public officials, including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels), must comply with financial disclosure laws, including the requirement to declare their assets before assuming and after leaving office. Violators risked prosecution, but cases rarely came to conclusion. On October 26, the Code of Conduct Tribunal commenced the trial of former governor of Lagos State Asiwaju Bola Ahmed Tinubu, who allegedly failed to disclose multiple foreign bank accounts he operated while serving as governor. There was no decision in the case by year's end.

The EFCC's anticorruption efforts were largely ineffectual. The 2008 replacement of its internationally respected chairman, Nuhu Ribadu, and transfer of many of its senior personnel raised questions about the government's commitment to fighting corruption. On November 23, President Jonathan removed EFCC Chair Farida Waziri after credible allegations appeared that she was engaged in corrupt practices.

On August 25, HRW released *Corruption on Trial*, a report on the record of the EFCC. The report examined the EFCC's record of conviction and prosecution of members of the political elite implicated in corruption under Ribadu and his replacement Waziri. The report found that, although the EFCC had done a competent job of prosecuting apolitical financial crimes, it had less success in high-profile political corruption cases. .

Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who had fallen out of favor with the government, while those who were in favor continued their activities with impunity. Since 2005 the EFCC prosecuted 26 nationally prominent public officials and recovered 1.7 trillion naira (\$10.5 billion). However, only four of these officials--former inspector general of police Tafa Balogun, former Bayelsa State governor Diepreye Alamieyeseigha, former Edo State governor Lucky Igbinedion, and PDP chieftain and former Nigerian ports authority chairman Olabode George--were convicted. The courts granted bail to all the others.

In May the EFCC arrested former minister of works and housing Hassan Lawal for the mismanagement of 50 billion naira (\$308 million). Their trials continued at year's end. In June the EFCC arrested Dimeji Bankole, former speaker of the House of Representatives, and Deputy Speaker Usman Nafada for the alleged misappropriation of one billion naira (\$6.2 million) and 40 billion naira (\$247 million), respectively.

In October the EFCC arrested four former governors who vacated office earlier in the year, including former Ogun governor Otunba Gbenga Daniel, former Oyo governor Chief Adebayo Alao-Akala, former Nasarawa governor Alhaji Aliyu Akwe Doma, and former Gombe governor Muhammed Danjuma Goje. The four allegedly misappropriated or stole 58 billion naira (\$358 million), 25 billion naira (\$154 million), 18 billion naira (\$111 million), and 12.8 billion naira (\$79 million), respectively. Their trials began in December and continued at year's end.

Former Delta State governor James Ibori was acquitted on 170 counts of corruption charges. He continued to face court charges in the United Kingdom for money laundering and other financial crimes stemming from embezzlement during his government tenure. The United Arab Emirates extradited Ibori to the United Kingdom, where he was scheduled to stand trial in February 2012.

In May 2010 authorities arraigned former PDP national chairman Vincent Ogbulafor on 17 criminal counts of corruption and money laundering in the amount of 2.3 billion naira (\$14 million). Ogbulafor filed a petition to dismiss the charges. There were no new developments in the case by year's end.

In August 2010 Attorney General Mohammed Adoke announced that the government could not authenticate the Pius Okigbo Panel report on former military president and general Ibrahim Babangida, which charged that Babangida mismanaged 12.4 billion naira (\$76 million) during his administration. The civil society group Socio-Economic Rights and Accountability Project (SERAP) accused the attorney general of a cover-up. A federal high court was scheduled to announce a ruling on July 28, but did not do so by year's end.

On October 20, the federal high court in Ado-Ekiti, rearraigned former Ekiti State governor Ayodele Fayos. In 2006 he was accused of laundering 1.4 billion naira (\$8.6 million) while in office. The case continued at year's end.

On May 28, President Jonathan signed into law the Nigerian Freedom of Information Act (FOIA). The law allows any person to request information from a government office. The office must grant access to the information or explain why access is denied within seven days of receiving the request, or transfer the request to the appropriate office within three days. The FOIA makes it the responsibility of all public offices to keep records and provides immunity for public officers against any form of civil or criminal proceeding for "disclosure in good faith of any information" pursuant to the FOIA. The act provides a 30-day window within which anyone denied access by any public institution can bring the matter to court for a judicial review. The act includes a fine of 500,000 naira (\$3,083) for any institution or public officer who wrongfully denies access to information or records. Destruction of records is a felony punishable with a minimum penalty of one year's imprisonment under the act.

Civil society groups introduced a number of cases at the national and state level to test the FOIA during the year. For example, in September the SERAP brought a case against the Oyo State government after being denied access to information on state funding for primary education. The case continued at year's end.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded to their views. The government did not interfere with international human rights organizations that visited the country to research human rights violations, police abuses, and ethnic conflicts.

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

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the government did not enforce the law effectively. The constitution prohibits discrimination based on the circumstances of a person's birth. However, the constitution does not explicitly prohibit discrimination based on disability.

Women

Rape and Domestic Violence: The law criminalizes rape and provides penalties of 10 years' to life imprisonment, as well as fines of 200,000 naira (\$1,233) for those convicted of rape, but societal pressure and the stigma associated with rape reduced both the percentage of rapes reported and the penalties imposed for conviction. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.

The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. According to the 2008 Nigeria Demographic and Health Survey (NDHS), 3 percent of married women between the ages of 15 and 49 experienced spousal rape.

Rape remained rampant in universities. For example, in September a video allegedly showing five men gang-raping a female Abia State University student began circulating on the Internet. The video, which garnered extensive media coverage, led to criticism across the country. University and Abia State government officials initially denied the authenticity of the video. Police officials in Abia made initial arrests but eventually released the suspects without charge. Police stated that they could not prosecute the case unless the victim came forward. The House of Representatives Justice Committee and the NHRC both called for an investigation of the case, but there was no additional progress by year's end.

No laws criminalize gender-based violence, and some federal laws allow such violence. For example, the penal code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman.

Domestic violence remained widespread and often was considered socially acceptable. In a survey released in 2009, 28 percent of women reported experiencing violence after age 15, the majority of which a husband or partner had inflicted. The Legislative Advocacy Coalition on Violence Against Women conducted a survey of gender-based violence in 18 states from January through June of 2010. Of the 479 cases surveyed, 44 percent involved cases of physical violations, 21 percent sexual violations, 18 percent domestic violence, 12 percent harmful traditional practices, and 3 percent economic violations.

Police did not intervene in domestic disputes. In rural areas courts and police remained 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 2008 NDHS, 43 percent of women and 30 percent of men between the ages of 15 and 49 agreed that a husband may justifiably hit or beat his wife for at least one of five specified reasons, including burning food and arguing.

Project Alert on Violence Against Women, a local NGO, continued various outreach efforts to combat domestic violence, including training programs to sensitize police to domestic violence, support groups and programs for male abusers, and assistance to faith-based organizations in counseling victims of domestic abuse. Project Alert also operated a shelter, Sophia's Place, for victims of domestic violence, which offered services such as counseling, legal aid, and acquisition of skills. The Women's Rights Advancement and Protection Alternative also served as a leading voice in the campaign against violence against women and advocated passage of legislation to protect women's rights.

In June 2010 the government deposed the traditional ruler of Akure Kingdom in Ondo State after he attacked one of his wives in the street in full view of witnesses. Police stated that they would press assault charges against the perpetrator, and many in Ondo State and Abuja criticized the actions of the traditional ruler. In a countermeasure the accused filed an injunction naming police and the courts and asking the court to drop the case. There were no developments in the case by year's end.

Harmful Traditional Practices: Purdah, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs. "Confinement," which occurred predominantly in the northeast, remained the most common rite of deprivation for widows. Confined widows stayed under social restrictions for as long as one year and usually shaved their heads and dressed in black as part of a culturally mandated mourning period. In other areas communities viewed a widow as a part of her husband's property to be "inherited" by his family.

Polygyny remained legal and widely practiced among many ethnic and religious groups.

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment,

but authorities may prosecute violent forms of it under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions.

Reproductive Rights: Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of children; however, effective information and counseling on reproductive health was not widely available to women and couples. According to the 2008 NDHS, 70 percent of women knew about at least one method of family planning; however, only 15 percent used any kind of birth control, and only 10 percent used modern methods. Approximately 50 percent of the population consisted of adolescents; many of them were sexually active, but few had access to contraceptives. The UN Population Fund reported the maternal mortality rate at 840 deaths for every 100,000 live births in 2008, a high rate partially due to births to adolescents and women at high risk of complications from pregnancy. Approximately 54,000 women and 250,000 newborns died annually from complications of childbirth. A trained health professional assisted an estimated 39 percent of live births. Women married young and averaged a fertility rate of 5.7 children; 36 percent of mothers did not receive any prenatal care, and only 38 percent of new mothers received postnatal examinations within two days of delivery. Women and men received equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: The constitution provides for equality and freedom from discrimination; however, women experienced considerable economic discrimination. No laws barred women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO coalition expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. According to credible reports, many businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played active and vital roles in the country's informal economy. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

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

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

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

Children

Birth registration: Citizenship of a child is derived from the parents. The government did not require birth registration, and the majority of births remained unregistered; however, lack of documents did not result in denial of education, health care, or other public services.

Education: Public schools remained substandard, and limited facilities precluded access to education for many children. The law calls for the government--when practical--to provide free, compulsory, and universal primary education to age 12. However, authorities rarely provided compulsory primary education, and often charged numerous mandatory school fees. Most educational funding came from the federal government, with state governments required to pay a share; however, some states did not disclose their funding share. Of the country's estimated 30 million primary school-age children, seven million did not enroll in the conventional school system. As a result of the government's failure to pay them for months at a time, primary, secondary, and university teachers frequently went on strike. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send children to school, many girls became involved in activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in elementary and secondary schools.

In May the government released the findings of the 2010 Nigeria Education Data Survey, a follow-up report to the 2008 NDHS. According to the survey, attendance rates in primary school ranged from 35 to 80 percent. The

lowest attendance rates occurred in the northeast and northwest, where rates for boys and girls hovered around 43-47 and 35-38 percent, respectively. Overall, 63 and 58 percent of boys and girls, respectively, attended school. According to UNICEF, for every 10 girls in school, more than 22 boys attended. For young persons between the ages of 17 and 25 years, 25 percent had fewer than two years of education.

Child Abuse: Child abuse remained common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to combat it. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.

Children accused of witchcraft were abused in some states. Children accused of witchcraft suffered kidnapping, torture, and death. According to two local NGOs that operated shelters, Stepping Stones Nigeria (SSN) and the Child Rights and Rehabilitation Network (CRARN), attackers drove nails into children's heads, cut off fingers, tied children to trees, and abandoned them in the jungle. The state governor, reacting to international press stories of persecution of children accused of witchcraft in Akwa Ibom, issued arrest warrants for the leaders of the SSN and the CRARN for alleged misappropriation of funds and personal gain. The cases remained pending at year's end, with outstanding warrants for the shelter's directors.

In June police raided a hospital in Aba, Abia State, and rescued girls being held to produce babies for sale in witchcraft rituals. The police rescued 32 of the girls, ages 15 to 17. Male babies reportedly sold for up to one million naira (\$6,167) for use in trafficking rings or witchcraft rituals. The owner of the hospital claimed that the hospital served as a shelter for pregnant teenagers. Authorities held him for trial at year's end.

On February 11, the NGO International Humanist and Ethical Union claimed that it rescued two children accused of witchcraft in Uyo, Akwa Ibom State. The NGO found the children living with a single man and working in the market as child laborers after their parents had abandoned them.

In September 2010 media reported that public criticism and efforts by the government, particularly in Akwa Ibom State, had caused a drop in new cases of children abused for alleged witchcraft. In November 2010 the government of Akwa Ibom State set up the Commission of Inquiry into Witchcraft Accusations and Child Rights Abuses. On May 10, the commission adjourned, but its findings were not available by year's end.

Self-proclaimed "bishop" Sunday Williams publicly claimed to have killed 110 child witches and asserted that Akwa Ibom State had as many as 2.3 million witches and wizards among its population of 3.9 million. In 2008 authorities arrested Williams and charged him with torture and murder; authorities arraigned him in 2009, and the case continued at year's end.

Harmful Traditional Practices: The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any woman who offers herself for FGM; any person who coerces, entices, or induces any woman to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman's or a girl's sexual organs. The law provides for a fine of 50,000 naira (\$308), one year's imprisonment, or both, for a first offense and doubled penalties for a second conviction.

The federal government publicly opposed FGM but took no legal action to curb the practice. Twelve states banned FGM; however, once a state legislature criminalized FGM, NGOs found that they had to convince the local government authorities that state laws applied in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM; however, underfunding and logistical obstacles limited their contact with health care workers.

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

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 affected women had to rely on charity.

Child Marriage: The Child Rights Act, as passed by the National Assembly, stipulates a minimum age of 18 years for marriage. Most states, especially northern states, did not adopt the act, and those states did not uphold the federal official minimum age for marriage. The government did not take significant steps to stop traditional

practices harmful to children, such as sales of young girls into marriage. According to credible reports, there were incidents of poor families selling their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent “indecency” associated with premarital sex or for other cultural and religious reasons.

In March 2010 Zamfara Senator Sani Ahmed Yerima married a 14-year-old Egyptian girl at the central mosque in Abuja, in violation of the 2003 Child Rights Act adopted by the FCT. He maintained that he was not subject to civil laws, only sharia laws. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) investigated the case, but authorities did not prosecute Yerima.

Sexual Exploitation of Children: There is no statutory rape law. Child prostitution is prohibited, with penalties of up to seven years’ imprisonment for the adult involved. The minimum age of consensual sex is 18. The Child Rights Act, which provides penalties for pornography, was not implemented in all states.

Displaced Children: In June 2010 then acting president Jonathan stated that the country had 17.5 million vulnerable children, including 7.3 million orphans. According to 2009 UN statistics, 1.2 million children became orphans due to HIV/AIDS. UNICEF noted that 25 percent of children in the country, including orphans, suffered from inadequate nutrition, poor access to health care, and infrequent school attendance.

Many children remained homeless and lived on the streets. The government did not have any statistics on their numbers. Major factors causing 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 December 2010 the Ministerial Committee on Madrasah Education reported that 9.5 million children worked as “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 and 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 effectively became homeless.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State’s report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were no reports of anti-Semitic acts during the year. An estimated 700 to 900 members of the Jewish community, all foreign employees of international firms, resided in Abuja and worshipped together in one synagogue.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution does not prohibit explicitly discrimination based on disability; however, it prohibits discrimination based on the circumstances of one’s birth. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services. At year’s end the president had not yet signed into law a disabilities bill passed in 2007 that sought to ensure education and accessibility for persons with disabilities. Government responsibility for persons with disabilities falls under the supervision of the Ministry of Women’s Affairs and Social Development.

Mental health facilities remained almost nonexistent, although officials at individual prisons attempted to include specialized mental health facilities for prisoners with mental conditions. All disabled prisoners stayed with the general inmate population without regard to disability, and no additional services were available.

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

The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist those who were blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs, such as the Hope for the Blind Foundation in Zaria, Kano Polio Victims Trust Association, Joint National Association of Persons with Disabilities, Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities. In 2008 the federal Ministry of Education estimated that there were 3.25 million school-age children with disabilities. Of these, only 90,000 (2.76 percent) enrolled in primary school and 65,000 (1.85 percent) in secondary school.

National/Racial/Ethnic Minorities

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

Many groups complained of insufficient representation in government.

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

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

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

For example, in Plateau State, the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

Religious differences often mirrored regional, ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently, ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups.

Incidents of communal violence between ethnic groups in the Middle Belt, also divided along Christian-Muslim lines, resulted in numerous deaths and injuries, the displacement of thousands of persons, and widespread property destruction.

Ethnoreligious violence, often triggered by disputes between farmers and herders, resulted in numerous deaths and significant displacement during the year. The most deadly examples of such conflict occurred in Jos and the farmland surrounding the city. In January as many as 100 persons were killed in violence that followed the 2010 Christmas bombings in Jos that killed and injured Christians, and in clashes between Christian and Hausa Fulani youths and the STF around the University of Jos. HRW estimated that more than 200 persons, both Muslim and Christian, died in reprisals and counterreprisals, which continued throughout the year.

Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation all contributed to these attacks. Determining motives behind any single attack remained difficult. "Silent killings" occurred throughout the year, in which individuals disappeared and later were found dead. Reprisal attacks at night in which assailants targeted and attacked individual homes or communities occurred frequently. For example, on September 4, unknown assailants killed a family of eight, including a four-month-old baby, during the night in a village outside of Jos. In late August at the end of Ramadan, a dispute between Muslim and Christian youths over the location to hold Eid prayers led to violence in and around Jos that resulted in the death of up to 100 Muslims and Christians. Authorities did not convict any perpetrators of such violence during the year or those involved in attacks by Muslim Fulani herders in March 2010 that left 700 persons dead.

The Presidential Advisory Committee on Jos Crisis delivered its report in August 2010. The report contained recommendations regarding land ownership, indigeneship, the creation of new local government areas, the establishment of a culture of nonviolence, the problem of youth unemployment, and community sensitization. Authorities had not implemented these recommendations by year's end. Ethnic groups cited economic exploitation, environmental destruction, and government indifference as their major problems in the oil-producing Niger Delta region. Incidents of ethnic conflict and confrontation with government officials and forces continued in the Niger Delta area (see section 1.g.).

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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal under federal law and punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread societal taboos against homosexuality, very few persons openly revealed their orientation. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also provided access to information and services on sexual health and rights for LGBT persons, sponsored programs to help build skills useful in social outreach, and provided safe havens for LGBT individuals.

The government and its agents did not impede the work of these groups during the year.

However, on November 29, the Senate passed the Same Sex Marriage (Prohibition) Bill, 2011, that would prohibit participating in or witnessing same-sex marriage ceremonies, criminalize public displays of affection between same-sex couples, and criminalize LGBT organizations. The bill includes penalties, including a 14-year prison sentence for individuals entering into a same-sex marriage, a 10-year sentence for public displays of same-sex affection, and a 10-year sentence for any individual who registers, operates, or participates in LGBT clubs, societies, organizations, processions, or meetings. The bill also calls for a 10-year sentence for any individual aiding, abetting, or witnessing the solemnization of a same-sex marriage. The House of Representatives conducted a first reading of the bill on December 7 but adjourned for the year before conducting a second and third reading and bringing the bill to a final vote.

In March a gang of 10 boys beat and raped three girls they suspected were lesbians in Benin, Edo State. The boys videotaped the attack, and the footage circulated throughout the state. The girls went into hiding due to fear of further attacks and of harassment by the general public. There were no charges filed and no further developments in the case by year's end.

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

Other Societal Violence or Discrimination

There was widespread societal discrimination against persons with HIV/AIDS. The public considered the disease a result of immoral behavior and a punishment for homosexual activity. Persons with HIV/AIDS often lost their jobs or were denied health care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns.

Various reports indicated that street mobs killed suspected criminals during the year. There were no arrests reported from these mob actions and no developments in cases from previous years.

Killings carried out by organized gangs of armed robbers remained common during the year. For example, on August 3, a gang stopped a bus travelling overnight from Lagos to Abuja and forced the passengers to lie down in the road while they robbed them of possessions. During the robbery a second bus travelling on the road ran over and killed 14 of the passengers. Between 10 and 30 of the other passengers remained missing. There were no arrests in the case by year's end.

Kidnappings and related violence were a serious problem. For example, on August 28, kidnappers abducted Elder Tes Sorae, a businessman and chieftain of the PDP in Edo State. During the kidnapping the abductors shot and killed two police officers and Sorae's driver. The abductors also wounded his daughter and mortally wounded his wife, who died five days later. The captors released Sorae on September 5 after his family paid an undisclosed ransom.

On September 7, kidnappers abducted and killed popular musician Bayo Ade in Benin City, Edo State. The abductors asked for 500,000 naira (\$3,083). Police reported that two suspected kidnappers remained in custody, but by year's end, there were no new developments in the case.

In many regions groups of street youths, known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests; however, some statutory limitations on the right of association and on trade unions restricted this right. Under the Trade Unions Act, labor unions must be registered with the government and must have a minimum of 50 members. It also provides that other trade unions may not be registered in the event that a trade union already exists. Workers, except members of the armed forces and employees designated under the Trade Unions Act as essential public sector workers, may join trade unions. Essential workers included government employees in the police, prison service, immigration and customs departments, mint, and Central Bank. Trade union federations, called in the Trade Unions Act "central labor organizations," must register with the government. Each federation must consist of 12 or more affiliated trade unions, and trade union membership in a federation must be exclusive.

The law generally does not ensure a union's ability to conduct its activities without interference by the public authority. The law narrowly defines what union activity is legal. The minister of labor has broad authority to cancel the registration of workers' and employers' organizations. In addition the registrar of Trade Unions has broad powers to supervise union accounts at any time.

The law provides workers, except those in certain categories, with the rights to organize and bargain collectively. Certain categories of workers are denied these rights, including employees of the Customs and Excise Department, Immigration Department, Nigerian Security Printing and Minting Company Limited, prison service, and Central Bank of Nigeria. Workers and employers in export processing zones (EPZs) are subject to the provisions of the labor laws and the 1992 Nigeria Export Processing Zones Decree. Under this decree workers in the EPZs are allowed to organize and engage in collective bargaining, but there are no explicit provisions to ensure that workers in EPZs have the right to organize freely their administration and activities without interference by the public authorities. The law does not allow worker representatives to have free access to the EPZs to organize workers, nor does it allow workers to strike for 10 years following the commencement of operations within a zone. In addition the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, has the exclusive authority to handle the resolution of disputes between employers and employees, thereby limiting the autonomy of the bargaining partners.

The Ministry of Labor is responsible for monitoring and addressing reported cases of antiunion discrimination. There were two central labor organizations, the Nigeria Labor Congress and the Trade Union Congress of Nigeria.

The law limits the right to strike to disputes of rights, including those arising from the negotiation, application, interpretation, or implementation of an employment contract or collective agreement, or those arising from a collective and fundamental breach of an employment contract or collective agreement, such as one related to wages and conditions of work. Strikers are prohibited from blocking airports or obstructing public highways, institutions, or premises of any kind. Strikes in "essential services" are prohibited. Under the Trade Disputes Act,

essential services include, among others, services for, or in connection with, the Central Bank of Nigeria; Nigerian Security Printing and Minting Company Limited; any corporate body licensed to carry out banking business under the Banking Act; postal service; sound broadcasting; maintenance of ports, harbors, docks, or aerodromes; transportation of persons, goods, or livestock by road, rail, sea, or river; road cleaning; and refuse collection. Strike actions, including many in nonessential services, may be subject to a compulsory arbitration procedure leading to a final award, which is binding on the parties concerned. By granting dispute resolution authority to the authorities managing the EPZs, the 1992 EPZ decree removes the autonomy of the bargaining partners, since the zone authorities have the power to impose compulsory arbitration.

Strikes are prohibited over national economic policy. Penalties for participating in an illegal strike include both fines and imprisonment for up to six months. The International Labor Organization (ILO) ruled that the law's restrictions on the right to strike contravened ILO conventions. The ILO recommended that the relevant laws be amended to ensure that workers enjoy the full right to strike, including recourse to protest strikes aimed at criticizing the government's economic and social policies, without sanction, particularly penal sanction, for participating in a peaceful strike. Instead of imposing an outright ban on strikes in such categories of services, the ILO recommended that the government establish a system of minimum service. Workers not defined as essential have the right to strike, although they have 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. Laws prohibit workers from forcing persons to join strikes, closing airports, or obstructing public byways, with violations subject to stiff fines and possible prison sentences.

The law does not prohibit antiunion discrimination and does not provide for reinstatement for workers fired for union activity. No laws prohibit retribution against strikers and strike leaders, but strikers who believe they are victims of unfair retribution can submit their cases to the Industrial Arbitration Panel with the approval of the Ministry of Labor. The panel's decisions are binding on the parties but may be appealed to the National Industrial Court. The arbitration process was cumbersome, time consuming, and ineffective in deterring retribution against strikers.

Officials reported that union membership had declined in recent years. Many workers in the informal sector, where most workers find employment, belonged to thrift and cooperative societies, which helped with daily savings and with loans to meet business needs.

While workers exercised some of these rights in practice, the government generally did not enforce the applicable laws effectively.

According to labor representatives, in many cases workers' fears of negative repercussions inhibited their reporting of antiunion activities. On September 8, presidents of Nigeria Labor Congress and Trade Union Congress (NLC/TUC) along with other union officials were harassed and held hostage by security agents while preparing to lead a protest against nonimplementation of the minimum wage by the Enugu State government. They were later released due to public outcry.

There were no reports of prosecution of the arrested members of the Petroleum and Natural Gas Senior Staff Association of Nigeria; their arrests were tied to the investigation of the alleged Halliburton bribery scandal involving top government officials.

Courts did not ensure due process in protecting workers' rights to bring their grievances to the judicial system for review.

Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in the private sector, particularly in the banking and telecommunications sectors. According to labor representatives, in many cases workers' fears of negative repercussions inhibited their reporting of antiunion activities. In August and September, officials of the NLC/TUC were detained in a hotel in Enugu State by a large crowd, believed to have been sent by the state governor to prevent the officials from addressing a labor rally regarding the new Minimum Wage Act. The officials eventually attended the rally.

A local NGO reported that workers were required to sign, as a condition of employment, contracts that explicitly prohibited employees from attempting to join a union. Some employers dismissed workers involved in organizing unions. In September 2010 the management of an Abuja hotel dismissed workers involved in organization efforts. The fired workers initiated a complaint. The government had not taken action on the complaint by year's end.

In December 2010 a bank withdrew recognition of an employees' union without following the legal process to determine whether the new union was a legal entity. The case continued in court between the parent union and the break-away union. The bank and employees entered into a reconciliation process.

Chinese employers reportedly continued to fail to comply with labor laws pertaining to the protection of union organizing, especially in the construction and textile sectors.

In December 2010 police broke up groups of unionized electrical workers protesting government efforts to privatize the Power Holding Company of Nigeria. These protests occurred in Lagos, Ondo, and Delta states. According to media reports, police arrested up to 20 members of the National Union of Electricity Workers in Ondo State. The workers were eventually released.

There were no known arrests during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, some laws, including the Labor Decree of 1974, Merchant Shipping Act, the Trade Disputes Act of 1990, and Nigerian Press Council Act of 2002 (as amended), contain provisions for sanctions that include imprisonment with compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in the practice of forced or compulsory labor. Enforcement of the law remained ineffective in many parts of the country. The government took steps to identify or eliminate forced labor, but its efforts were hampered by insufficient resources and complicated by jurisdictional issues between state and federal governments. Forced labor remained widespread, particularly bonded labor and domestic servitude. Children worked in agriculture, artisanal building stone and gravel mining, artisanal gold mining, petty trading, fishing, and domestic labor.

UNICEF reported that children were sometimes encouraged to participate in ethnic conflicts, but forced involvement was difficult to prove. Children were forced into criminal activity, and poverty induced children to engage in crime and violent activities.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets a general minimum age for employment of 14 years. Young persons under age 15 may be employed only on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence; however, under the Labor Act these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No young person under the age of 16 may work underground, in machine work, or on a public holiday. No young person may be employed in any job that is injurious to health, dangerous, or immoral. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths above the age of 12 is allowed under specific conditions.

Despite the law, children were not adequately protected due to weak or nonexistent enforcement. During the year the Ministry of Labor and Productivity issued no citations nor collected any fines against employers of child labor. Child labor was widespread, and the Ministry of Labor and the NAPTIP estimated that more than 15 million children participated in child labor.

The worst forms of child labor identified in the country included commercial agriculture and hazardous farm work; street hawking; exploitive cottage industries; hazardous mechanical workshops; exploitive and hazardous domestic work; commercial fishing; exploitive and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

Many children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. The government estimated that as many as 9.5 million children were engaged in street begging in the northern part of the country. Children also worked in the agricultural sector and in mines. Boys worked as bondage laborers on farms, in restaurants, for small businesses, in granite mines, and as street peddlers and beggars. Girls worked involuntarily as domestic servants, street peddlers, and commercial sex workers.

In addition to children who were citizens, there were reports of thousands of trafficked Beninese children forced to

work in granite mines in Abeokuta, Ogun State. An international NGO worked with state government officials to eliminate the number of child workers under age 14 and acted as an ombudsman to advocate for 14- to 16-year-old workers. In Abakaliki, Ebonyi State, and near Lafia, in Nassawara State, children could be seen hammering down large pieces of rocks, stacking them into piles, and carrying them on their heads, but there were no official statistics on their state or country of origin. In Zamfara State children were employed in industrial facilities used to process gold ore, exposing them to hazardous conditions. International observers reported improvement in conditions later in the year.

In an effort to withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers in Kaduna, Ibadan, Enugu, and Lagos; four other centers were being developed. New centers in Calabar, Bauchi, and Warri were completed. NGO-run or state-run vocational training centers were also in operation.

The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to November the ministry reported 12,040 labor inspections by 441 officers. Although the inspectorate employed nearly 500 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Victims or their guardians rarely made complaints due to intimidation and fear of losing their jobs. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. A visit to the Nassawara State labor officer found staffing and resources well below the level needed for the task, and little capacity to address labor law issues in the large informal sector. The NAPTIP has some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is responsible for enforcing labor laws. The ministry reported that no training programs were held in 2010 due to budget constraints. The federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. Twenty-four states, plus the FCT, have passed the act. The remaining states are in the north, where sharia is in effect. UNICEF continued to advocate passage and enforcement in all other states.

Private and government initiatives to eliminate child labor continued but remained mostly ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor (ILO/IPEC) Sustainable Tree Crop Program in the cocoa and other agricultural subsectors. A component of the ILO/IPEC project sensitized farmers to issues relating to hazardous child labor and child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year. In October the government launched an ILO/IPEC project to reduce child labor and trafficking in stone quarries in Ogun State.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

A new national monthly minimum wage of 18,000 naira (\$111) was established by an amendment to the law in March. However, implementation of the act was slow, particularly by state governments, despite worker protests and warning strikes. Employers with fewer than 50 employees are exempt from provisions of the law, and the large majority of workers are not covered by the law.

The Labor Act mandates a 40-hour workweek, two to four weeks of annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The Labor Act does not define premium pay or overtime. The law prohibits excessive compulsory overtime for civilian government employees.

The law establishes general health and safety provisions, some of which are aimed specifically at young or female workers. The 2010 Employees Compensation Act raised the amounts paid to workers who suffered job-related injuries. The act also extended coverage to women involved in work not previously covered. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Factories Act provides for the protection of factory employees in hazardous situations, including the right of employees to remove themselves from such situations. The law did not provide other, nonfactory workers with similar protections. The labor laws apply to legal foreign workers, but not all companies respected these laws in practice. The Ministry of Labor is responsible for enforcing these standards.

Enforcement did not occur in the informal sector. No citations or fines were issued for child labor during the year.

The Ministry of Labor did not properly monitor and enforce health and safety conditions due to insufficient inspectors. The inspectorate division of the Ministry of Labor inspects factories for compliance with health and safety standards. However, this division was underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations. In addition the compensation law was not enforced strictly.

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