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Freedom in the World 2019 - Nigeria

Partly Free

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Overview:

Nigeria has made significant improvements in the competitiveness and quality of national elections in recent years, though political corruption remains endemic, particularly in the petroleum industry that dominates the economy. Security challenges, including the ongoing insurgency by the Boko Haram militant group, as well as communal and sectarian violence in the restive Middle Belt region, threaten the human rights of millions of Nigerians. The response by the military and law enforcement agencies to the widespread insecurity often involves extrajudicial killings, torture, and other abuses. Civil liberties are also undermined by religious and ethnic bias, and discrimination against women and LGBT (lesbian, gay, bisexual, and transgender) people. The vibrant media landscape is impeded by criminal defamation laws, as well as the frequent harassment and arrests of journalists who cover politically sensitive topics.

Key Developments:

Key Developments in 2018:

- Internal divisions roiled the governing All Progressives Congress (APC) in 2018, leading to a wave of defections beginning in July, including three governors, more than 50 National Assembly members (including the speaker of the House), and other high-ranking officials. By the end of the year, the defections had significantly narrowed the APC's majorities in the National Assembly.
- Throughout the year, Nigeria's security forces confronted a protracted insurgency by the Boko Haram militant group in the northeast, as well as a worsening communal conflict in the Middle Belt region, which, according to the International Crisis Group, led to 1,949 deaths in 2018.
- In February, the National Assembly passed the Electoral Act Amendment Bill 2018, which would enhance the transparency of elections, but President Buhari sent it back to the legislature three times before vetoing it in December on the grounds that its passage would not allow the Independent National Electoral Commission (INEC) enough time to prepare for the February 2019 national elections.
- In October, soldiers responded to rock-throwing protesters from the Islamic Movement of Nigeria (IMN) in Abuja by opening fire and killing as many as 45 people. President Buhari declined to condemn the shootings and the military defended the actions of the soldiers.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 25 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected by popular vote for no more than two four-year terms. Local and international observer organizations assessed the 2015 presidential election as competitive and generally well conducted, with improvements in voter identification and reductions in election-related violence compared with 2011. However, hundreds of thousands of Nigerians were still prevented from voting, either because they were internally displaced by the Boko Haram insurgency or because they failed to receive their permanent voter cards in time. Muhammadu Buhari, the candidate of the APC, defeated incumbent president Goodluck Jonathan of the People's Democratic Party (PDP), 54 percent to 45 percent. Jonathan quickly conceded defeat, helping to ensure a peaceful and orderly transfer of power.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the bicameral National Assembly, consisting of the 109-seat Senate and the 360-seat House of Representatives, are elected for four-year terms. The 2015 elections, held concurrently with the presidential vote, were similarly considered credible by local and international observer organizations. In the House of Representatives, the APC took 212 seats, while the PDP won 140, and smaller parties captured the remaining 8. In the Senate, the APC won 60 seats, while the PDP secured 49.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The 2015 parliamentary and presidential elections were postponed by about six weeks, due mainly to security concerns, but the INEC was widely lauded for its professionalism and impartiality. In September 2018, a joint preelection assessment mission from the National Democratic Institute (NDI) and the International Republican Institute (IRI) praised the INEC for improvements in election administration, including increased efficiency of the biometric voter verification system. However, the mission noted a number of potential obstacles that could impinge on the integrity of the 2019 national elections, including delays in releasing funds for the INEC to carry out electoral preparations.

In May, President Buhari signed a constitutional amendment into law which lowered the minimum age for candidates to run for the National Assembly and the presidency. In February, the National Assembly passed the Electoral Act Amendment Bill 2018, which observers believe would enhance the transparency of the INEC and the electoral process as a whole. However, President Buhari refused to sign the bill, sending it back to the National Assembly three times before vetoing it in December on the grounds that its passage could create legal confusion leading up to February 2019 national elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

Nigerians generally have the right to organize in different political parties, though this is occasionally hindered in practice. At the end of 2018, the number of political parties registered by the INEC reached 91, as the body registered 23 new parties. The constitutional amendment signed by Buhari in May allowed independent candidates to compete in federal and state elections for the first time.

However, lack of internal party democracy and high candidate nomination fees to participate in primaries make it difficult for many prospective candidates to compete for nominations in the major political parties.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Nigeria's multiparty system provides an opportunity for opposition parties to gain power through elections, as demonstrated by the APC's sweeping victory in 2015, which marked the first democratic transfer of power between rival parties in the country's history. The vote appeared to reflect the ethnic and religious divisions in the country, with Buhari, a northern Muslim, winning primarily in the northern states, and Jonathan, a Christian from the southern Niger Delta region, gaining an overwhelming majority in the south. However, Buhari's ability to gain support from many non-northern and non-Muslim voters was a significant factor in his success.

Internal divisions roiled the APC in 2018, leading to a wave of defections beginning in July, including three governors, more than 50 National Assembly members (including the speaker of the House), and other high-ranking officials. Some of the defectors created a new faction, the Reformed All Progressives Congress (R-APC), while others joined the PDP. By the end of the year, the defections had significantly narrowed the APC's majorities in the National Assembly.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Despite the improved elections and peaceful rotation of power, citizens' political choices remain impaired or undermined to some degree by vote buying and intimidation, the influence of powerful domestic and international economic interests, and the local domination of either the Nigerian military or illegal armed groups in certain regions of the country.

Powerful "godfathers," or wealthy political sponsors, often dispense patronage and use their considerable influence to cultivate support for the candidates they back, and in return, winning candidates use their political offices to further enrich their godfathers.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The legal framework generally provides for equal participation in political life by the country's various cultural, religious, and ethnic groups. However, politicians and parties still often rely on voters' ethnic loyalties, and the interests of a given group may be poorly addressed in areas where it forms a minority or when affiliated parties are not in power.

Women enjoy formal political equality, but restrictive societal norms limit their participation in practice. Women maintained 8 of 109 Senate seats in the 2015 elections, and their share of the 360 seats in the House of Representatives fell from 24 to 18. The criminalization of same-sex

sexual activity and a ban on gay advocacy organizations deter LGBT people from openly running for office or working to advance their political interests.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Elected officials generally make and implement policy in Nigeria, but their ability to do so is impaired by factors including corruption, partisan conflict, poor control over areas of the country where militant groups are active, and the president's undisclosed health problems. In August 2018, following the wave of defections from the APC to the PDP, security personnel from the State Security Service (SSS) temporarily blocked legislators from entering the National Assembly, in a move viewed by some critics as an act of intimidation against opposition lawmakers. Vice President Yemi Osinbajo, serving as acting president during the incident, condemned the actions of the SSS and fired its director general, Lawal Musa Daura.

Partisan gridlock and legislative dysfunction caused delays in passing the federal budget for the third straight year in 2018. The National Assembly passed the 2018 budget bill in May, and Buhari signed it in June, six months after it should have taken effect.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains pervasive, particularly in the oil and security sectors. The Buhari administration continued its efforts to reduce graft and improve transparency during 2018. A whistle-blower policy introduced in 2016, which rewards Nigerians who provide information on government corruption, had led to the recovery of 540 billion naira (US\$1.5 billion) in stolen funds as of May, according to the minister of information and culture. The National Assembly passed the long-awaited Petroleum Industry Governance Bill—the first of several measures designed to increase transparency and reduce corruption in Nigeria's oil and gas industries—in March, but the president refused to sign it, citing the large budgetary allocations for a new oversight body, the Petroleum Regulatory Commission, which would be established under the bill.

The Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC) opened new investigations into several high-level current and former officials in 2018, and corruption convictions secured by the EFCC increased from 189 in 2017 to 312 in 2018. Notably, the former governors of Plateau State and Taraba State were sentenced to 14 years in prison after corruption convictions in May and June, respectively. However, the opposition PDP has accused the federal government of political bias in its anticorruption efforts. While institutional safeguards against corruption at the federal level have increased, the culture of corruption at the state and local level persists.

C3. Does the government operate with openness and transparency? 2 / 4

The 2011 Freedom of Information (FOI) Act guarantees the right to access public records, but nongovernmental organizations (NGOs) have criticized government agencies for routinely refusing to release information sought through the law. In March 2018, the Akure Division of the Appeal Court ruled that the FOI Act is applicable to state governments as well as the federal government.

CIVIL LIBERTIES: 25 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16

D1. Are there free and independent media? 2 / 4

Freedoms of speech, expression, and the press are constitutionally guaranteed. However, these rights are limited by laws on sedition, criminal defamation, and publication of false news. Sharia (Islamic law) statutes in 12 northern states impose severe penalties for alleged press offenses. Government officials also restrict press freedom by publicly criticizing, harassing, and arresting journalists, especially when they cover corruption scandals, human rights violations, separatist and communal violence, or other politically sensitive topics. In August 2018, Samuel Ogundipe, a journalist for the online newspaper *Premium Times*, was arrested and charged with stealing a police document after publishing an article that provided details on the investigation of the security personnel who denied lawmakers access to the National Assembly in July. Ogundipe spent three days in police custody, where investigators allegedly pressured him to reveal the source of his information, which he refused to provide. Ogundipe's trial, which began in November, was ongoing at year's end. Journalists and media entities have also been attacked and intimidated by nonstate actors, including Boko Haram.

Internet service providers sometimes block websites, particularly those that advocate for Biafran independence, at the request of the Nigerian Communications Commission (NCC).

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Religious freedom is constitutionally and legally protected and is generally respected by the federal government in practice. Nevertheless, in some instances state and local governments have placed limits on religious activities and endorsed a dominant faith. In 2016, authorities in Kaduna State banned the IMN, the country's largest Shiite organization, after protesters blocked an army convoy in 2015 and soldiers killed hundreds of IMN members in response. IMN's leader, Ibrahim el-Zakzaky, who preaches nonviolence, was arrested in the aftermath of the incident and detained for over two years before being charged in May 2018 with culpable homicide and unlawful assembly. He awaited trial at year's end.

Nonstate actors have also attempted to limit religious freedom. Boko Haram has deliberately attacked Christians and moderate Muslims, and their respective houses of worship. Communal clashes between Muslims and Christians have broken out for decades in and around the states of Kaduna and Plateau, often killing hundreds of people and displacing thousands at a time.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The federal government generally respects academic freedom. However, some state governments mandate religious instruction in elementary and secondary curriculums, and student admission and faculty hiring policies are subject to political interference. Boko Haram's assault on secular education has included the closure or destruction of primary, secondary, and tertiary institutions. In February 2018, Boko Haram abducted approximately 110 girls from a boarding school in Dapchi, Yobe State. Negotiations between the government and the militant group led to the release of 104 of the girls two weeks later. Five died in captivity, and one remained in the hands of Boko Haram at the end of the year. UNICEF estimated in April that Boko Haram had abducted over 1,000 children since 2013, and the insurgency had left some three million children in northern Nigeria without access to a school.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Nigerians are generally free to engage in discussions on politics and other topics, though expression of critical views on political leaders or sensitive subjects like the military, religion, and ethnicity occasionally leads to arrests or violent reprisals. Although both houses of the National Assembly passed the Digital Rights and Freedom Bill by March 2018, the bill had not yet been submitted to President Buhari for his assent by the end of the year. The bill would expand freedom of expression online by regulating government surveillance of online activities and making internet shutdowns illegal, among other provisions.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12**E1. Is there freedom of assembly? 2 / 4**

The right to peaceful assembly is constitutionally guaranteed. However, federal and state governments frequently ban public events perceived as threats to national security, including those that could incite political, ethnic, or religious tension. Rights groups have criticized federal and state governments for prohibiting or dispersing protests that are critical of authorities or associated with controversial groups like the IMN and the separatist group Indigenous People of Biafra (IPOB). In October 2018, soldiers responded to rock-throwing protesters from the IMN in Abuja, who were protesting the continued detention and charges against Ibrahim el-Zakzaky, by opening fire and killing as many as 45 people. In response to criticism of the shootings, the army's official Twitter account posted a video of US president Donald Trump arguing—in the context of US border security—that stones thrown at the military should be considered firearms. President Buhari declined to condemn the shootings and the military continued to defend the actions of its security forces through the end of the year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Nigeria has a broad and vibrant civil society sector. Members of some organizations face intimidation and physical harm for speaking out against Boko Haram, or encounter obstacles when investigating alleged human rights abuses committed by the military against Boko Haram suspects. Groups operating in the restive Niger Delta region face similar impediments. In December 2018, the army responded to an Amnesty International report, on the alleged failure of the military to protect residents vulnerable to attacks in central Nigeria, by threatening to shut down the group's Nigeria office.

In early 2018, the National Assembly declined to pass a bill that would have imposed intrusive state regulations on NGOs' funding and operations, including requiring government approval to carry out projects.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Under the constitution, workers have the right to form and join trade unions, engage in collective bargaining, and conduct strikes. Nevertheless, the government forbids strike action in a number of essential services, including public transportation and security.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence is constitutionally and legally enshrined. The judiciary has achieved some degree of independence and professionalism in practice, but political interference, corruption, and a lack of funding, equipment, and training remain important problems. In October 2018, the National Judicial Council, headed by the chief justice, dismissed two prominent judges accused of corruption by the EFCC. The council also announced in October that it was investigating 26 additional judges for misconduct.

F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail. Former national security adviser Sambo Dasuki, who was arrested in 2015 on corruption charges, remained imprisoned at the end of 2018 despite the rulings of four different courts that he be released on bail, including a July court order mandating his release. Dasuki's trial was ongoing at year's end.

In February, 205 suspected Boko Haram members, many of whom had been detained for years without charge, were convicted in mass trials for their involvement with the group. Human Rights Watch (HRW) criticized the trials for being "fraught with irregularities, including lack of interpreters, inadequate legal defense, lack of prosecutable evidence or witnesses, and nonparticipation of victims."

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The military has been repeatedly criticized by local and international human rights groups for extrajudicial killings, torture, and other abuses, including during counterinsurgency efforts in the northeast and operations against separatist movements in the southeast.

Sectarian and communal clashes between herders and farmers in the Middle Belt region claimed the lives of 1,949 people in 2018, according to the International Crisis Group. Domestic and international rights groups, including Amnesty International, fault the government, particularly the military, for inadequate intervention to halt the bloodshed. The offensive against Boko Haram weakened the group in 2018, but it maintained its ability to wage asymmetric warfare, including the use of women and children in suicide attacks against civilian targets in the northeast. According to the Council on Foreign Relations (CFR), more than 800 people were killed in incidents involving Boko Haram in 2018, compared to more than 1,800 in 2017. In November, a breakaway faction of Boko Haram loyal to the Islamic State (IS) killed at least 44 soldiers in Metele, near the border with Niger.

Violent crime is a serious problem in certain areas of Nigeria, as is the trafficking of drugs and small arms. Abductions are common in the Niger Delta and the southeastern states of Abia, Imo, and Anambra. In 2018, banditry in Zamfara State led to hundreds of deaths, with conditions worsening to the point where Governor Abdulaziz Yari called on President Buhari to declare a state of emergency in December. Various vigilante groups are active in Nigeria, and a bill that would officially recognize the security role of a national organization, the Vigilante Group of Nigeria, was passed by the National Assembly in 2017, but President Buhari had not yet signed it at the end of 2018.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Despite constitutional safeguards against ethnic discrimination, many ethnic minorities experience bias by state governments and other societal groups in areas including employment, education, and housing.

Women are subject to widespread societal discrimination regarding matters such as education and employment. Many poor families choose to send sons to school while daughters become street vendors or domestic workers. Women also face significant legal disadvantages in states governed by Sharia statutes.

The government and society continue to discriminate against LGBT people. Same-sex sexual activity can be punished with prison terms under the penal code, and with death under Sharia statutes in some states. The 2014 Same Sex Marriage (Prohibition) Act outlaws LGBT advocacy organizations and activities as well as any public display of same-sex relationships. Dozens of people were arrested in connection with these laws during 2018, including 57 attendees of a birthday party in Lagos in August.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Freedoms of internal movement and foreign travel are legally guaranteed. However, security officials frequently impose dusk-to-dawn curfews and other movement restrictions in areas affected by communal violence or the Islamist insurgency. More than two million people remained displaced by the conflict in northeastern Nigeria at the end of 2018.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Nigeria's poorly regulated property-rights system hinders citizens and private businesses from engaging in the efficient and legal purchase or sale of land and other types of property. Bribery is a common practice when starting a business and registering property. However, the climate for private enterprise in recent years has benefited from advancements in credit accessibility, ease of starting a business, ease of paying taxes, and property registration.

Women belonging to certain ethnic groups are often denied equal rights to inherit property due to customary laws and practices.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Despite the existence of strict laws against rape, domestic violence, female genital mutilation, and child marriage, these offenses remain widespread, with low rates of reporting and prosecution. Women and girls in camps for displaced persons have reported sexual abuse by members of the military and other authorities. Boko Haram's attacks on women's rights have been particularly egregious, with victims often subjected to forced marriage and rape, among other acts.

Abortion is illegal unless the life of the mother is in danger. As a result, many women seek out dangerous illegal abortions. The Nigerian Institute of Medical Research estimates that 34,000 women per year die from unsafe abortions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? **1 / 4**

Nigerian organized crime groups are heavily involved in human trafficking. Boko Haram has subjected children to forced labor and sex slavery. Both Boko Haram and a civilian vigilante group that opposes the militants have forcibly recruited child soldiers, according to the US State Department. Meanwhile, several of Nigeria's states have not implemented the 2003 Child Rights Act, which protects children from sexual exploitation and other abuses. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) continues to rescue trafficking victims and prosecute some suspected traffickers, but its funding is reportedly inadequate, and there have been few prosecutions against labor traffickers.

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