



U.S. DEPARTMENT of STATE

Nigeria

10/3-05

Country Reports on Human Rights Practices - 2004

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature drawing their authority from the 1999 Constitution. In April 2003, President Olusegun Obasanjo of the People's Democratic Party (PDP) was reelected to a 4-year term after being declared winner in elections that were marred by what international and domestic observers termed to be serious irregularities and fraud, including political violence. The elections also resulted in the ruling PDP claiming 70 percent of the seats in the national legislature and 75 percent of the state governorships. Throughout the year, opposition parties continued to challenge the election in court. On December 20, an election tribunal voided part of the 2003 election results, including the entire result of Ogun State, President Obasanjo's home state, and found that there was significant rigging, but by a 3-1 vote, declined to overturn the election. The opposition immediately announced that it would appeal the verdict to the Supreme Court in 2005. Although the judicial branch remained susceptible to executive and legislative branch pressures, the performance of the federal courts exhibited growing independence. State and local judiciary were significantly influenced by political leaders and suffered from corruption and inefficiency more than the federal court system.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) reports directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year, and the Government continued its reliance on the army in some cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Members of the security forces committed numerous human rights abuses.

The Central Bank reported that country's market-based economy grew 10.2 percent in real terms in 2003. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 137 million was rural and engaged in small-scale agriculture, which accounted for only 35.8 percent of gross domestic product. Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other practices favored the wealthy and politically influential, including a banking system that impeded small and medium investor access to credit and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. There were numerous work stoppages at different levels of government due to salary nonpayment. The International Labor Organization (ILO) estimated that 96 million citizens lived below the poverty line and were vulnerable to malnutrition and disease.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. Nationwide local government elections held during the year were not generally judged free and fair and therefore abridged citizens' right to change their government. Security forces committed extrajudicial killings and used excessive force. There were several politically motivated killings by unknown persons during the year. Security forces regularly beat protesters, criminal suspects, detainees, and convicted prisoners. There were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning; however, there were no reports of amputation or stoning sentences carried out during the year. Prison conditions were harsh and life threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arrest and detain persons arbitrarily, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities occasionally infringed on citizens' privacy rights.

The Government at times restricted freedom of speech and press. The Government continued placing

limits on freedom of assembly, citing security concerns. Some state governments placed limits on some religious rights, and some government programs discriminated between religious groups. The Government occasionally restricted freedom of movement for security reasons in areas of unrest and used lethal force at checkpoints. Domestic violence and discrimination against women remained widespread. Female genital mutilation (FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Intercommunal violence remained a problem. Some militant members of ethnic groups throughout the country, particularly in the oil-producing Niger Delta region, continued to commit serious abuses, including unlawful killings. Ethnic and regional discrimination remained widespread, and localized religious discrimination and violence persisted. Restrictions on worker rights continued. Some persons, including children, were subjected to forced labor. Child labor continued to be a problem. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence continued throughout the country, particularly in parts of the South.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were politically motivated killings by the Government or its agents. National police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protestors during the year, when crowds were perceived by police as possibly becoming violent. Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta Region. Multinational oil companies and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a portion of the violent crime committed during the year.

The Federal anticrime taskforce, also known as "Operation Fire for Fire," was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel committed extrajudicial killings in the apprehension and detention of suspected criminals. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of persons in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see Section 1.d.).

During the year, police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. On December 28, the Inspector-General of Police, Tafa Balogun, announced that police killed 1,694 "suspected armed robbers" during the year.

For example, in a coordinated operation on September 11 and 12, police in Bauchi and Zamfara States killed 11 suspected armed robbers and arrested 5 others. In a press conference, the Bauchi police command announced that 36 armed robbers had been killed over a 2-month period.

On October 18, Kaduna residents tried to exhume 10 to 19 bodies from a common grave in a local cemetery. Police had allegedly buried the bodies that morning. Residents of the area believed the bodies were of activists who had been arrested during the previous week's fuel strike. While convening a panel to investigate the deaths, the Kaduna State governor claimed that they were armed robbers killed in a exchange of gunfire. The panel had not produced its findings by year's end.

No further action was taken during the year in the 2003 cases of killings of suspected criminals by police in Ado Ekiti, Enugu State, Kubwa, or Bauchi State.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment (see Section 1.c.). For example, on February 4 in Edo State, Prince Vincent Omo-Oribabor, a 65-year-old PDP chieftain, died less than 24 hours after police arrested him. The body was immediately embalmed before it was released to the family, making an autopsy impossible.

In August, in Jigawa State, an accused rapist was beaten and killed by four policemen while being transported to a police station for questioning. No action was taken against the four policemen.

Harsh and life-threatening prison conditions and denial of proper medical treatment also contributed to the deaths of numerous inmates. There was no action in the 2003 death of Haruna Mohammed while in police custody during the year.

Security forces committed other unlawful killings during the year. In several cases, police accidentally killed persons while attempting to disperse crowds. For example, on October 15, the second day of the Muslim holy month of Ramadan, police killed two persons and wounded three or four others in Gusau, the capital of Zamfara State in northwest Nigeria. A crowd had approached the state government's building to demand annual Ramadan gifts from the Zamfara State Governor. Police at the gates stopped the crowd from advancing, a scuffle ensued, and police opened fire. No action was taken against the police officers by year's end.

There was no action taken in the 2003 cases of the police shootings of a debtor's pregnant wife and a commercial motorcycle rider.

Violence and lethal force at police and military roadblocks and checkpoints continued during the year. For example, on June 3 in Ekiti State, police killed two and injured four in a commercial bus when the driver could not pay a \$0.15 (20 naira) bribe.

In June use of in Kwara State, a police inspector shot a member of the National Union of Road Transport Workers who attempted to intercede for a commercial driver arguing with police over a bribe.

There was no further action taken in the 2003 cases of bribe-related killings in Ebonyi, Jigawa, and Delta States.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence (see Sections 5 and 6.b.). There were reported occurrences of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta.

In response to public pressure or formal requests from state governments, the Federal Government continued to deploy the army in troubled areas during the year. During the ethno-religious crisis in parts of Plateau State, the military was deployed to quell the violence (see Section 2.c.). Similarly, in parts of Benue State, especially in the Kwande Local Government Area (LGA), the military was deployed to assist the police in maintaining peace. There were reports of excessive force in these two operations.

In 2003, the Government began "Operation Restore Hope," a joint task force comprising approximately 5,000 army, naval, air force, and mobile police personnel under the command of Army General Zamani, in response to violence in the Niger Delta region (see Section 5). In June and September, the Government established additional task forces to respond specifically to increased violence in Rivers State. During the year, task force personnel and militant youths had numerous skirmishes and encounters. Amnesty International estimated 500 casualties in Rivers State and surrounding areas. Human rights organizations have accused the military and police of harassment, extortion, and excessive use of force in the region.

There were several killings by unknown persons that may have been politically motivated. For example, on February 6, unknown assailants killed Chief Aminasoari K. Dikibo, the former national vice-chairman of the ruling PDP. No arrests were made by year's end.

On March 7, Chief Philip Olorunnipa, the chairman of the Kogi State electoral commission, was killed in his home in Adumo Kabba. Four days earlier, Luke Shigaba, the former Bassa LGA chairman was also killed. No arrests were made in either case by year's end.

On October 12, Jerry Agbeigbe, a prominent labor activist and former president of the National Association of Pilots and Engineering, was shot and killed. At year's end, three suspects were in custody, but had not been tried.

There were no developments in the 2003 killings of Uche Ogbonnaya and Marshall Harry.

Of the suspects charged in 2002 with the murder of Justice Minister and Attorney General Bola Ige, five, including Senator Iyiola Omisore, were released in April. Seven others, including prime suspect Ademola Adebayo and six other aides of the slain Minister, were released in October due to insufficient evidence.

There were no known developments in the reported 2002 cases of politically motivated killings by unknown assailants.

Politically-related violence occurred throughout the country during nationwide LGA elections, especially when PDP candidates were announced as winners in contested local government elections, in some cases after another candidate had been declared the winner. For example, in January in Kontagora, Niger State, at least seven persons were killed during a riot following the release of local government election results.

In March, in Donga, Taraba State, 30 civilians and 1 soldier were killed when protests over the local government election results turned violent. The military was called in to restore order, but fired live ammunition into the crowd. The crowd then beat one soldier to death. Also, in March in Burutu and Asaba, Delta State, up to five persons were killed during a riot after the announcement of local election results in which all PDP candidates were declared the winners.

There were no developments in the following 2003 cases of electoral violence: The February killings of seven persons in Benue State, and the May killings of eight persons in Delta State.

Killings carried out by organized gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes killed suspected criminals rather than turn them over to police. Although some killings continued, the influence of the Bakassi Boys and other vigilante groups in the Southeast diminished during the year.

Other organized vigilante groups continued to commit numerous killings of suspected criminals. For example, on May 14, a vigilante group in Yobe State killed a shop owner, claiming he had confessed to armed robbery. The same group killed two others, allegedly for being "godfathers" to gangs of armed robbers. The Yobe State governor publicly praised the leader of the group, Sarkin Baka, for his actions.

On May 17, three suspected armed robbers were beaten and burned to death by a vigilante group in Ebonyi State. A group leader claimed the three had launched an unsuccessful attack on some residents.

No action was taken against members of vigilante groups who killed or injured persons during the year or in previous years, although police reportedly harassed members of such groups.

Reports of street mobs apprehending and killing suspected criminals diminished during the year, and there were no developments in cases from previous years.

Lethal interethnic, intraethnic, and interreligious violence occurred at increased levels from previous years (see Sections 2.c. and 5). Sporadic communal violence continued between Tivs, Jukuns, and other tribes in Adamawa, Kogi, Edo, Delta, Nassarawa, and Plateau states during the year, killing hundreds of persons.

Tensions between members of ethnic groups in the oil-producing areas and employees and contractors of oil companies remained high. On April 23, two foreign oil services contract workers, a local contract worker, and two local security personnel were killed in an apparent botched kidnapping attempt by unknown actors. One foreign contract worker was critically injured. No persons were arrested by year's end.

During the year, fighting between and among rival student affinity groups, commonly known as cults, in higher institutions led to the killing of persons and destruction of property. In August, 33 students died due to cult rivalries' violence; 15 from Ebonyi State University and 18 from Enugu State University of Science and Technology. Smaller scale clashes in a number of schools around the country led to significant destruction of property. Isolated clashes included cases of personal injury and rape. Cultism activities expanded during the year to include clashes between all-female cult groups.

There was no resolution in the 2003 or 2002 cases involving deaths in cult clashes.

b. Disappearance

There were reports of politically motivated disappearances during the year. For example, the Government still had not responded to a court order to release a Kaduna central mosque imam whom the Government has detained since May 2003. The imam was assumed still to be in custody, although there were no updates during the year.

During the year, there were few reports of hostage situations in the country. In July, workers of Forasol Drilling West Africa in Bayelsa State commandeered an oil rig to protest the company's employment policies. The workers held nine expatriate employees for a day, until the state governor negotiated their safe release. In December in Bayelsa State, members of the Iduwini National Movement for Peace and Development commandeered a seabulk vessel contracted to Shell Nigeria. The men released most of the crew, but held one Croatian crew member for ransom and other concessions. Within a few days, Bayelsa State officials negotiated the release of the crew member, who was freed unharmed.

In previous years, some kidnappings, particularly in the Delta, appeared to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region.

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

The Constitution prohibits such practices, and the law provides for punishment of such abuses; however, during the year, police, military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police physically mistreated civilians regularly in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture. In some cases, persons died from torture in custody (see Section 1.a.).

Different formulations for criminal law of Islamic Shari'a were in place in 12 northern states (see Section 2.c.). Shari'a courts delivered "hudud" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery, but no death sentence has been carried out. Because no applicable case has been appealed to the federal level, federal appellate courts have yet to decide whether such punishments violate the Constitution (see Section 1.e.). Stoning and amputation sentences have been overturned on procedural or evidentiary grounds, but have not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and has not been challenged in the courts as a violation of the Constitution. In some cases, convicted persons are allowed to choose to pay a fine or go to jail in place of receiving strokes of the cane. These sentences were usually carried out immediately, while all sentences involving mutilation or death allow 30 days for appeal.

In September in Bauchi State, Daso Adamu, a nursing mother, was sentenced to death by stoning after admitting to having sex with her first husband after her second husband absconded. The man was freed for lack of evidence. In October, she was released on bail on the grounds that she was breastfeeding. In December, a Shari'a appeals court vacated the conviction and sentence, ruling that her pregnancy was insufficient evidence to convict her.

In October in Bauchi State, Hajara Ibrahim was sentenced to death by stoning for adultery after becoming pregnant outside of wedlock. According to the Shari'a court that convicted her, she confessed to having sex with a man who had promised to marry her. The man was released for lack of evidence. The defendant appealed the sentence, stating that she should have been charged with the lesser crime of fornication, rather than adultery. In November, a Shari'a appeals court overturned the conviction and sentence, ruling that she had never consummated an arranged marriage, and therefore should never have been charged with adultery.

During the year, there were several other cases with sentences of stoning or amputation pending appeal or sentence implementation. No stoning or amputation sentences were carried out during the year.

Security forces tortured persons, although there were fewer reports of torture than in previous years. For example, three police officers, one infected with HIV/AIDS and another with syphilis, were accused of abducting, raping and torturing two female students of the Enugu State University of Science and Technology on September 27. In October, the three policemen were arrested and charged in this case, and dismissed from the police force.

On June 3, in Kwara State, a police officer shot at a bus outside Ilorin, wounding a university student. The policeman was dismissed from the force.

There were no updates in the 2003 cases of the suspected rapist beaten by police in Ogun State, the three Ekiti State legislators beaten by mobile policemen, or the case of the two policemen arrested in Lagos for allegedly raping prostitutes they had arrested.

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

There were numerous ethnic clashes during the year (see Sections 2.c. and 5), in which the number of persons who were beaten or injured severely was higher than in previous years. The military was generally able to respond quickly because military units were already deployed in some areas when violence broke out. Police generally lacked the resources to control communal violence.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Prolonged pretrial detention contributed to the overcrowding (see Section 1.d.).

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives

brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who died in the country's prisons was difficult to obtain because of poor record keeping by prison officials.

No further information was available on the 2003 case of the Lagos inmates placed in intensive care after a tuberculosis outbreak.

In practice, women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned, juvenile offenders were routinely incarcerated along with adult criminals. The Prison Service officially required separation of detainees and convicted prisoners; however, in practice the method of confinement depended solely on the capacity of the facility. As a result, detainees often were housed with convicted prisoners.

The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

The NPF is tasked with law enforcement. Each state unit was commanded by an Assistant Inspector General. The Constitution prohibits local and state police forces. The NPF continued its aggressive anticrime campaign dubbed "Operation Fire for Fire," which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide (see Section 1.a.). Corruption was rampant, usually taking the form of bribes at highway checkpoints, and in 2003, more than 250 police were arrested during the year and another 300 dismissed from service for corruption. In addition, in 2003, more than 30 officers around the country were arrested in connection with armed robbery. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.

Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law, police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these procedures in practice. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so suspects were held in investigative detention for prolonged periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded an additional payment.

Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning.

There were several politically motivated arrests during the year. For example, on May 27, 20 members of the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) were arrested in Ebonyi State and taken to Abuja, where they were held without charges until October, when they were charged with conspiracy to commit treason and released on bail. In September, 53 MASSOB members were arrested in Lagos, but charges were not filed; most were released on bail by year's end.

In August, three Owu tribal elders in Ogun State were arrested and held for 2 days after speaking out against President Obasanjo's annulment of the election of the new Owu leader.

Security forces detained journalists during the year (see Section 2.a.).

During the year, police arrested demonstrators and labor leaders during strikes (see Sections 2.b. and 6.b.).

Members of the Oodua People's Congress (OPC), a militant Yoruba group operating in the Southwest that claims its objective is to protect the collective rights of the Yoruba within the federation, continued to be arrested and detained without trial. Some members were charged as armed robbers and tried accordingly. However, relations with police continued to improve, and OPC operated freely during the year.

There were no updates in the reported 2002 cases of arbitrary arrest and detention.

Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). Mid-year data from the Prisons Service indicated that 23,742 prisoners, approximately 60 percent of total prisoners, were detainees awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The National Human Rights Commission (NHRC) reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for significant periods of time without trial.

In September, an Ikorodu High Court responded to the 2002 suit filed by 350 inmates challenging the constitutionality of their detention without trial and ordered the release of 280 Kirikiri Prison inmates who were awaiting trial. The Lagos State Ministry of Justice appealed the ruling. On October 30 and 31, 120 inmates were released for counseling and rehabilitation to NGOs and religious organizations. The rest remained in detention at year's end.

The persons charged in the 1996 attempted murder of Alex Ibru had not been tried by year's end (see Section 2.d.). Hamza Al Mustapha, one of the defendants, was charged in October with plotting to overthrow President Obasanjo's Government from his jail cell, although Al Mustapha supposedly was held incommunicado.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level exhibited greater independence. 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. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.

The Ministry of Justice implemented strict requirements for level of education and length of service for judges at the Federal and State levels. However, there were no requirements or monitoring body for judges at the local level, and corruption and miscarriages of justice were common.

The recommendations of the 1993 Esho Panel, set up to investigate corruption in the judiciary, called for the "withdrawal" of 47 judicial officials. No judges have been removed for irregularities cited in the Panel's report.

The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There are Shari'a (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

The nature of a case usually determined which court had jurisdiction. In principle, customary and Shari'a courts had jurisdiction only if both plaintiff and defendant agreed; however, in practice, fear of legal costs, delays, distance to alternative venues, community pressure, and individual preference caused many litigants to choose the customary and Shari'a courts over other venues. In some states, cases involving only Muslims must be heard by a Shari'a court.

Other states with Shari'a law permitted Muslims to choose common law courts for criminal cases; however, societal pressure forced most Muslims to use the Shari'a court system.

According to the Constitution, persons charged with offenses have the right to an expeditious trial. Criminal

justice procedures call for trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.). Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and, in many cases, used bribes to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting.

Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there was a widespread perception that judges were easily bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other means 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, again primarily due to inadequate compensation.

In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced, although all accused persons have the right to appeal. In 2003 The Government instituted a panel of legal scholars to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by various northern states; however, the panel did not produce its report during the year, and states continued to apply their individual codes.

There were no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some Kadis (Muslim judges) subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed. For example, in September and October in Bauchi State, two women were sentenced to death by stoning for having sex out of wedlock, but the two men involved were acquitted for lack of evidence (see Section 1.c.), although a higher court overturned the women's convictions.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, authorities at times continued to infringe on these rights.

Police raided homes without warrants during the year.

Police and security forces continued the practice of holding relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. Human rights groups called for police to end the practice.

Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights. While there were many private newspapers and magazines that published freely, there were also numerous attacks carried out by security forces during the year. Some journalists practiced self-censorship.

The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant private domestic press that was frequently critical of the Government. Following the privatization of the Daily Times, only one national, government-owned daily newspaper was published, the New Nigerian. In addition to English, the New Nigerian published a Hausa edition. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies. By year's end, there were more than 10 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa,

Yoruba, Igbo, and other languages; and 51 state radio stations, which broadcast in English and local languages. The National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media licensed at least three private radio stations in 2003. There were nearly a dozen private radio stations operating during the year.

The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were five private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the Government did not restrict access to, or reception of, international cable or satellite television.

International broadcasting, principally Voice of America and British Broadcasting Corporation, as well as Deutsche Welle and others, broadcast in English and Hausa and were an important source of news in the country. Unlike in the previous year, there were no reports that the Government denied international broadcasting organizations accreditation renewals.

Effective April 1, the NBC banned live broadcast of foreign news and programs. The Commission stated the ban was established because it would be unprofessional for a station to broadcast live any content over which it had no editorial control.

During the year, there were multiple cases of threats against and attacks on the press. Security forces beat journalists on several occasions during the year. For example, on May 4, the police in Enugu beat journalists covering the appeals court judgment on election petitions. On June 10, heavily armed police beat eight journalists who were at the Nigerian Union of Journalists Press Center in Osogbo to cover a lecture organized by a local NGO working in the areas of democracy and governance. The police alleged that the organizers of the lecture constituted a security risk in the state.

Security forces also detained journalists during the year. For example, on July 4, police in Kano arrested and detained Kola Olalere, the Kano State correspondent of Nigerian Tribune (which is owned by Kano State), for allegedly publishing false information on a looming crisis in Kano. On August 11, police in Jigawa State detained two photojournalists for over 7 hours for allegedly releasing photographs that ridiculed the state government. On September 4, the SSS entered the office of the Lagos independent weekly news magazine, Insider, and impounded the weekly edition, seized computers, checkbooks, and other valuables and arrested and detained three members of the staff. The SSS explained that they took these actions because the publishers of the magazine had consistently attacked and humiliated the office of President Obasanjo. The detained journalists were released shortly after the incidents.

There were incidents in which security forces interfered with journalists. For example, on April 17, the police in Ondo State seized the tape recorder of Niyi Bello, The Guardian correspondent, and the video camera of a NTA crew while they were covering an incident of police brutality.

On April 22 in Ibadan, police attached to the Ekiti State governor seized and smashed the camera of a photojournalist on the allegation that he was trying to take photographs of the governor's official jeep.

On October 15, security agents stopped the broadcast of Port Harcourt Rhythm Radio's interview with Asari-Dokubo, a militia leader in the country's Niger Delta region, and threatened the staff with arrest and closure of the station if they aired the interview.

There were no further known developments in the reported 2002 cases.

In 2003, the Government announced that journalists covering the National Assembly were required to have all material cleared before publication. Journalists protested, and the requirement was dropped.

There were no developments in the November 2003 case of the three editors charged with sedition and criminal defamation in relation to a magazine article alleging the involvement of government officials in questionable oil deals.

Editors reported that government security officers sometimes visited or called to demand information about a story or source. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

Unlike in the previous year, there were no reports that foreign journalists who sought to enter the country to cover political developments experienced delays in obtaining a visa, were issued only single entry visas, or were forced to pay bribes to expedite visa processing, due to their status as journalists. However, on

November 27, Time magazine reporter Stephan Farris arrived at Lagos airport on a flight from Kenya with a valid visa. The SSS detained Farris overnight, then returned him to immigration officials, who placed him on a return flight to Kenya, excluding him from the country. The SSS gave no reason for deporting Farris.

The Government did not restrict access to the Internet.

State governments continued to restrict academic freedom by controlling curriculum at all levels including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the South, continued to hamper educational progress (see Section 1.a.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government respected this right for pro-government rallies, while opposition gatherings continued to be restricted. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

The Government continued nominally to require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement.

The law prohibited gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Ondo State ban on open-air religious events remained in effect during the year, and the Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places was enforced on a case-by-case basis. A security forces' committee ban on all political, cultural, and religious meetings in Plateau State was implemented on an ad hoc basis. The Government denied opposition permits to rally to opposition groups.

On May 15, police in Lagos fired tear gas and shot into the air to disperse a rally organized by human rights groups. Many persons sustained injuries. Several human rights leaders, including Nobel Laureate Professor Wole Soyinka, were arrested, detained, and later released.

No action was taken against security forces who killed or injured persons while forcibly dispersing protests in 2003 or 2002.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice. The Constitution allows the free formation of political parties. There were 30 parties registered with Independent National Electoral Commission (INEC) during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion and while the Federal Government generally respected religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as a de facto state religion in several northern states, citing criminal law aspects of Shari'a law and the continued use of state resources to fund the construction of mosques, the teaching of Kadis, and pilgrimages to Mecca ("hajj"). However, several states, including northern states, also used government revenues to fund Christian pilgrimages to Jerusalem. In general, states, whether dominated by Christians or Muslims, favored the faith practiced by the majority of residents. Estimates indicated approximately half of the country's population practiced Islam, more than 40 percent practiced Christianity, and the remainder practiced traditional indigenous religions or no religion.

The Constitution provides that states may elect to use Islamic (Shari'a) laws and courts. There were 12 northern states that have adopted at least parts of Shari'a law—Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe. Adherence to Shari'a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required in any state to submit to Shari'a jurisdiction, although in some states they have the option, which may work to a defendant's advantage when the penalty under Shari'a is less severe.

Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the year. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number, most notably those in Abuja, had their places of worship shut down when zoning laws

were enforced.

Several northern state governments continued to ban public proselytizing to avoid ethno-religious violence; however, some proselytizing groups remained active despite these formal bans, which generally were enforced on a case-by-case basis.

The Constitution does not require students to receive instruction in a religion other than their own; however, the Ministry of Education requires public school students throughout the country to undergo either Islamic or Christian religious instruction. State authorities claimed that students were permitted not to attend classes taught in a religion other than their own and that students may request a teacher of their own religion to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools, and of "Muslim Religious Knowledge" in some southern schools.

No further action was taken in the 2003 incident in which members of the Moslem Students of Nigeria organization were charged with public disturbance after they invaded primary and secondary schools in Oyo State.

Although distribution of religious publications was generally unrestricted, the Government sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.

Although the expanded Shari'a laws technically do not apply to non-Muslims, the non-Muslim minority has been affected by certain social provisions of Shari'a, such as the separation of the sexes in public schools and health and transportation services. Non-Muslims were not required to wear the hijab during the year. Many social provisions associated with Shari'a have roots in the country's pre-Islamic societies and were in practice before the states adopted Shari'a. Most states have not criminalized alcohol consumption by non-Muslims; however, in May, Kano State announced that non-Muslims would be fined approximately \$380 (50,000 naira) or sentenced to up to a year in prison for drinking or selling alcohol other than in certain restaurants and on military bases.

A number of states with expanded Shari'a law have long sanctioned private vigilante Shari'a enforcement groups (known as Hisbah); in some cases these groups had authority to make arrests. The Governor of Jigawa State mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. The Hisbah groups were not very active during the year.

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

Religious differences often mirror regional and ethnic differences. For example, persons in the North and in parts of the Middle Belt were overwhelmingly Muslim and from the large Hausa and Fulani ethnic groups that tended to dominate these areas. Many southern ethnic groups are predominantly Christian. In many areas of the Middle Belt, Muslim Fulani tend to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition and confrontations often coincided with religious differences between the competing groups.

It is not unusual for two different ethnic groups with a long history of conflict to have adopted different religions with the effect of exacerbating existing tensions. For example, retaliatory political violence in Plateau State escalated during the year. The violence reached its peak in May when a mainly Christian Tarok militia from a nearby town in Plateau State massacred more than 500 mainly Muslim Hausa/Fulani residents in Yelwa village. The massacre occurred after a February incident in Yelwa in which more than 40 Christian Taroks were burned to death in a church.

A week later in Kano State, Muslims staged a peaceful rally protesting the violence against Muslims in Plateau State. The rally took on a religious dimension when unemployed youth began vandalizing businesses belonging to Christians and erupted into mob violence in which more than 300 Muslims and Christians were killed.

In mid-May, after the violence subsided, the Government declared a state of emergency in Plateau State; however, the state of emergency did not negatively affect religious freedom.

In June, at least 50 persons were killed in Numan, Adamawa State during fighting that began over the rebuilding of the central mosque near a Christian Bachama leader's palace, causing riots between ethnic Bachama Christians and ethnic Hausa Muslims. In response to the June violence, the Governor of Adamawa dethroned the Bachama leader and ordered the relocation of the mosque.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.

In May, police in the Federal Capital Territory limited the number of Muslims entering Abuja to attend Friday Juma'at prayers at the National mosque to minimize attendance at a rally in favor of 2003 opposition presidential candidate.

Curfews were in place in parts of Plateau State after violence there in May (see Section 2.c.). Parts of Yobe and Borno States experienced restrictions in movement at times of clashes with the so-called "Nigerian Taliban."

Law enforcement agencies used roadblocks and checkpoints to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Section 1.a.).

There was no law that required women to obtain permission from a male relative to obtain a passport.

Unlike in previous years, there were no reports that activists and Abacha regime opponents were questioned upon entry or exit to the country at Murtala Mohammed International Airport in Lagos. Unlike in the previous year, Mohammed Abacha, former military ruler General Sani Abacha's son, was no longer confined to the city of Kano, but required permission to travel outside Nigeria, pending arrest and trial for the 1996 attempted murders of Abraham Adesanya, leader of the Yoruba group Afenifere, and Alex Ibru, publisher of the Guardian newspaper. Ismaila Gwarzo, national security advisor to former President Abacha, remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government did not use forced exile.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence (see Section 5). According to Amnesty International, tens of thousands of persons were displaced in the Niger Delta region during the year due to continued ethnic and communal conflict. In May and June, reprisals to root out criminal groups displaced many persons, primarily from Ijaw villages. In June through September, gang fighting in Port Harcourt resulted in thousands of displaced persons. In August, as the result of an improved although still tenuous security situation in Delta State, persons displaced by violence in 2003 began returning to some parts of Warri. However, the majority of persons displaced in 2003 had not returned by year's end.

The Lagos office of the U.N. High Commissioner for Refugees (UNHCR) estimated that 12,000 refugees, mostly ethnic Fulani herders, remained in Cameroon. In December, 315 of the refugees returned to the country. At year's end, UNHCR and the governments of Nigeria and Cameroon were preparing for the return of the remaining refugees who wanted to return. The UNHCR stated that it was safe for Ogoni refugees to return, but only a few families were repatriated during the year.

The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established such a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCR), 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 reviewed refugee and resettlement applications. The Committee met in January and July. The Committee granted 238 asylum seekers refugee status; cases were rejected, with 990 cases pending at year's end.

There were an estimated 9,000 recognized refugees living in the country. During the year, 1,017 refugees were repatriated to Liberia and Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. Refugee camps were generally overcrowded, and refugees' requests for police and judicial assistance generally received less attention. The National Commission for Refugees managed the camps and had 10 staff members based in the camps.

To maintain stability in Liberia, the Government provided asylum for Charles Taylor, former President of Liberia, during the year. Although the U.N. Special Court for Sierra Leone requested Taylor's extradition, President Obasanjo maintained that Taylor would be handed over only to a democratically elected Liberian government.

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

The Constitution provides citizens with the right to change their government peacefully through periodic free and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during nationwide Local Government Area elections held from January to April and the April 2003 state and national elections.

Voter registration for the 2003 national elections was carried out in 2002, and there were charges that millions of eligible voters were unable to register due to an apparent shortage of registration materials. In addition, there were allegations of improper hoarding of registration materials by politicians. A final voters list, required by law for the elections, was not published.

The 2003 legislative elections were marred by widespread fraud. The turnout was significantly (under 50 percent) for the 2003 presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the April 2003 National Assembly elections, and 19 parties had presidential candidates in the election. The European Union observer mission categorized the presidential elections as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, had negative statements about the fairness of elections and cited problems throughout the country. Problems included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings (see Section 1.a.). There were numerous attempts to kill members of political parties during the year. There also were several cases of politically motivated arrests (see Section 1.d.). Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more than others. Some election tribunal cases related to the flawed 2003 elections were still ongoing at year's end. More than 90 percent of the cases that had been decided by year's end were simply dismissed on technicalities.

The opposition All Nigeria People's Party challenged the election of Governor Boni Haruna from the ruling PDP in Adamawa State. On March 25, an electoral tribunal upheld the challenge and cancelled the election results in 14 of the 21 local government councils are ordered a fresh round of voting. In July, an appeals court in Jos overturned the tribunal's verdict, announcing that the initial evidence was "absolutely inadequate." No further appeal was possible according to electoral law.

On December 20, an election tribunal voided part of the 2003 presidential election results, including the entire result of Ogun State, President Obasanjo's home state, and found that there was significant rigging but, by a 3-1 vote, declined to overturn the election. The opposition immediately announced that it would appeal the verdict to the Supreme Court in 2005.

INEC's actions during the year continued to raise serious rule of law questions. INEC again refused to provide the presidential election tribunal with subpoenaed official documents such as the 2003 election National Register of Voters, which is legally required before any valid general election can be held. INEC also refused to provide candidate lists and voter tally sheets and refused a new request for some states' official 2003 election returns. In November, INEC testified before the tribunal that requirements in law for INEC's independence did not apply to the Electoral Commissioners who run INEC at the national and state levels; to most of INEC's professional staff; to much of its election-day staff at polling and collation places; and most importantly, to all of the returning officers during a presidential election except the Chairman of INEC (who is directly appointed by the President). For its few remaining positions where independence was required by the act, INEC contended that only political party membership was prohibited, and it was up to challengers (such as the candidate challenging the 2003 presidential election) to provide the membership roll of their opponent's political party to prove an INEC official had been a member on a specific day while working for INEC.

The political system remained in transition. The three branches of the Government acted somewhat independently, although the executive branch dominated the other two branches.

The Constitution contains provisions for the removal of the president, vice president, ministers, legislators, and state government officials for gross misconduct or medical reasons. The press and legislative investigators scrutinized several public officials closely.

There were multiple court cases in progress stemming from the disputed May 2003 gubernatorial elections in Anambra State, which brought Governor Chris Ngige to power. Separately, court cases continued surrounding the July 2003 abduction of the Governor and the subsequent removal of his security detail. During this abduction, mobile police allegedly forced the Governor's resignation, which he later recanted. In

September at the World Igbo Congress, Anambra State political "godfather" Chris Uba claimed that Ngige, his former protege, had not won his 2003 re-election bid, but that Uba had bribed the INEC to announce fraudulent results. No action had been taken against Uba by year's end. On November 10 and 11, roving armed bands burned several buildings in Anambra State including the governor's residence and state elections commission building. The police reportedly did not respond to these arsons. Many accused Uba of being behind the arsons as part of his ongoing quest to oust Governor Ngige. On November 12, President Obasanjo convened a security meeting to discuss the emergency and formed a Presidential Peace Committee, led by Ebonyi State Governor Sam Egwu, to help resolve the crisis. On November 29, local press reported that gunmen attempted to kill Ngige. However, the Anambra head of police and a member of Ngige's own staff subsequently contradicted these press reports. The following day, several small bombs exploded at the governor's lodge; no one was injured. Separately on November 29, an appeals court restored the Governor's full security detail. By year's end, there were no arrests as a result of the arsons in the state.

Corruption was massive, widespread, and pervasive, at all levels of the government and society (see Section 1.e.). On November 8, the Minister of Finance, Ngozi Ikonjo-Iweala, launched the Ministry's Anti-Corruption Unit to serve as the official forum to report wrongdoing by Ministry of Finance officials.

The 2003 prosecution of the former Labor Minister and other senior government officials on corruption charges had not been completed by year's end.

Men continued to dominate the political arena, and NGOs continued to protest the limited representation of women in the political process. Although there were more than 500 ministerial and National Assembly positions, there were only 3 female ministers, 3 female senators, and 12 female representatives.

The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a Fulani from the northeast, and the Senate President is an Igbo from the southeast. The Government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President Obasanjo's ambassadorial appointments and insisted on three appointments from each state. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the Government (see Section 5).

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government's past human rights' record was abundant in various media. Human rights activists continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his first administration.

The case in which the Center for Law Enforcement Education (CLEEN) sued the Government over the 2002 seizure of its human rights report had not been heard by year's end.

The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved training prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGOs and worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country's 6 political regions. Since its inception, the NHRC has been underfunded. The NHRC was a member of the International Coordinating Committee of National Human Rights Institutions (ICC).

The Benue Commission, established in 2002 to investigate the 2001 killing of approximately 200 civilians, rape, extortion, and looting in Benue State by soldiers, submitted its report to the Government in 2003, but the report held no one accountable and made no recommendations for corrective action.

Civil rights groups released the report of the Human Rights Violations Investigation Commission, commonly known as the Oputa panel. The Government held that the Supreme Court had found the panel's mandate to be unconstitutional, so it planned no further action regarding the report's findings.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, customary and religious discrimination against women persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence, both between citizens and the security forces and between groups of citizens.

Women

Domestic violence was widespread and accepted by both men and women. Reports of spousal abuse particularly wife beating were common. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who formally accused their husbands if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agree that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

Rape was against the law. Rape and sexual harassment continued to be problems. The practice of demanding sexual favors in exchange for employment or university grades continued to be common, and rape continued to be epidemic in universities.

The NDHS estimated the FGM rate at approximately 19 percent among the nation's female population, and the incidence has declined steadily in the past 15 years. While practiced in all parts of the country, FGM was much more prevalent in the southern part of the country. Women from northern states were less likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child; however, three-quarters of the survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived "benefits" of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.

The Federal Government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat the practice at the state and LGA levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM.

Prostitution was a serious social problem, particularly in urban areas. A number of states enforced existing laws or introduced laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. Prostitution was not illegal in Lagos State; however, authorities used statutes that outlaw pandering as a justification to arrest prostitutes. Trafficking in women was a problem (see Section 5, Trafficking).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (see Section 1.f.).

Women also experienced considerable discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination through customary and religious practices. The Nigerian NGOs Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased each year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

The NDHS showed that women had significant control over the income they generate (73.4 percent make sole decisions on how such income is to be used), but that men largely controlled decisions about such problems as children's and women's own health care.

While some women made considerable individual progress both in the academic and business world, women remained underprivileged. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the East. Confined widows were under restrictions for as long as 1 year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights, and an NGO reported that many women have succeeded in protecting their rights in Shari'a courts. Polygyny continued to be practiced widely among many ethnic and religious groups.

Women were affected to varying degrees by Shari'a law in the 12 northern states. In Zamfara State, local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. In practice, the testimony of women was not given the same weight as that of men in many criminal courts (see Section 1.e.).

Children

The Government seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, "when practical," to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided. 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 girls to school, many girls were directed into activities such as domestic work, trading, and street vending. The literacy rate for men was 58 percent but only 41 percent for women. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. Preliminary NDHS data from households showed that net attendance for boys was 63.7, for girls 56.5.

While most schools in the north traditionally separated children by gender, the law requires it in Zamfara, Sokoto, and Kebbi State schools (see Section 2.c.).

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 5, Trafficking and 6.d.). The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attributed the increase to a fear of AIDS and a resulting desire for young virgins.

FGM was commonly performed on girls in some parts of the country (see Section 5, Women).

Trafficking in Persons

The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. It was believed that some individual members of the government facilitated or condoned trafficking, although no officials were accused, prosecuted, or convicted.

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

The National Agency for Prohibition of Trafficking in Persons (NAPTIP), established in August 2003, was primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also have antitrafficking units. In addition, the President has a special assistant for human trafficking and child labor.

With the existence of NAPTIP, enforcement efforts improved during the year; however, inadequate funding for NAPTIP and other antitrafficking efforts remained a major constraint. The number of trafficking cases investigated and prosecuted during the year increased; however, the precise number of cases pursued was difficult to determine because of poor record keeping and the overlapping roles of NAPTIP and the anti-trafficking units of the NPF and NIS.

NAPTIP investigated 35 new cases during the year, and many of the cases were pending at year's end. NAPTIP made arrests in 13 cases. Four cases, involving six traffickers, went to court. In November, the High Court in Edo State delivered the first conviction under the anti-trafficking law, sentencing a woman to 3 years' imprisonment for attempting to traffic six girls to Spain.

In the September 2003 case of the repatriation of 400 Beninese children, the traffickers arrested were released during the year after a traditional ruler in the area intervened.

The NPF Antitrafficking Task Force was established and staffed 11 units in states with the worst trafficking problems. Units from these states and the Federal Capital Territory reported 34 cases, involving 111 victims and 51 suspects. Records were not precise enough to determine which cases reported by the police overlapped with those tracked by NAPTIP.

The Government collaborated with the Spanish police, the Italian National Antimafia Bureau, and the police force of the Benin Republic on investigations in several cases. In November, the Government signed a memorandum of understanding with the United Kingdom to share detection methods and equipment and provide medical and financial support to victims.

The country was a source, transit, and destination country for trafficked persons during the year. With support from the Italian government, NAPTIP established a national monitoring center, and the ILO began adapting software to be used at the center; however, during the year, records were kept manually and only on a limited scale. No government or NGO estimates on the extent of trafficking were available; however, the magnitude of the problem was believed to be significant. This belief was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The ILO estimated that 40 percent of child street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, the Netherlands, Cote d'Ivoire, and the Benin Republic. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.

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

The UN Office of Drugs and Crime (UNODC) reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were placed under juju curses. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, and Morocco.

At the institutional level, government authorities do not facilitate or condone trafficking; however, NAPTIP received reports from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the country's borders. Victims interviewed by UNODC identified the complicit and collaborative behavior of police, security force, immigration, and customs officials. NAPTIP briefed the heads of police and immigration on the issue. NAPTIP also worked with the Ministry of Aviation to address corruption among airport officials. The law provides punitive measures for officials who aid or abet trafficking; however, during the year, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted for trafficking-related charges.

The Government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found. Seventy-four victims passed through the agency during the year. NAPTIP directly provided overnight shelter to some, but most often, agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hotline for victims and anyone seeking or wanting to

provide information about trafficking. In a couple of cases, the Government helped victims repatriate to the country. NAPTIP also helped to reunite several trafficked children with their families.

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

The Government donated a building for a 10-year period as a 120-bed shelter in Lagos to be run by the International Organization for Migration (IOM) and NAPTIP. With foreign government support IOM renovated the building, which also includes offices for IOM and NAPTIP staff. On July 22, the shelter opened.

At the state level, the government of Akwa Ibom donated a shelter for trafficked children and the government of Kano State worked with UNICEF to establish a shelter for victims.

The Government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP also created a brochure to let victims know the agency exists to help them if they would like to pursue prosecution. The brochure was distributed to deportees returning to the country in hopes that it would encourage unidentified trafficking victims to come forward. The brochure prompted at least one woman returned from Italy to contact NAPTIP. Several state governments in the south continued strong efforts to protect victims. Victims were no longer criminalized or detained with criminals in cells as they were in previous years.

Efforts by the Government to prevent trafficking in persons increased during the year; however, inadequate funding remained a major constraint. The stakeholder forum established by NAPTIP in 2003 continued. NAPTIP officials met with several major traditional leaders to raise their awareness about trafficking and the 2003 anti-trafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. The Government began implementing the ILO International Program on the Elimination of Child Labor (IPEC) West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in association with commercial agriculture, especially cocoa production.

The Government has established economic and education programs that may help to prevent trafficking, such as the National Poverty Eradication Program and the Nigerian Agricultural and Rural Development Bank. Despite these and other programs, poverty, lack of access to education, and lack of economic opportunities remained pervasive problems in the country and fuel the trafficking problem.

Several state governments made significant prevention efforts during the year, including awareness campaigns among at-risk populations.

Nongovernmental and international organizations organized conferences and meetings on trafficking and established prevention and awareness programs in schools. Groups also worked through the media. A faith-based foundation in Akwa Ibom State sponsored awareness programs on television and radio. The ILO began a program in partnership with the News Agency of Nigeria (NAN) to raise awareness and build media capacity in eliminating child trafficking and labor.

Persons with Disabilities

There were no laws that require accessibility to buildings or public transportation for persons with disabilities, and the Government did not formulate any policy specifically ensuring the right of persons with disabilities to work. Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame to their own families. Children with disabilities who could not contribute to the family economy were seen as a liability, and in some cases were severely neglected. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women. The Federal Government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which made up two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle

Belt. Many groups complained of insufficient representation. Middle Belt and Christian officers dominated the military hierarchy. Some persons in the North believe that the northern Hausa were underrepresented in the military.

The Constitution prohibits ethnic discrimination by the Government; however, claims of marginalization, particularly by members of southern minority groups and Igbos, continued. In particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see Section 2.c.).

Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area (see Sections 1.a. and 1.b.).

Interethnic fighting also continued in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. In June, as the result of numerous conflict resolution efforts, parties agreed to a ceasefire. Interethnic violence decreased, but did not stop completely. The ceasefire in Warri remained largely in effect at year's end.

Interethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. Violence temporarily abated in the region in 2003. In 2004, militia groups operating in Port Harcourt and other areas around the Delta region carried out violent operations. In September, several persons were killed in Port Harcourt when militia gangs attacked some neighborhoods around the port area. Militants claimed they were protesting poverty, inadequate control of local resources, lack of infrastructure, and environmental degradation, conditions for which they blamed the Federal Government and multinational oil companies operating in the area. Some observers alleged that some of the militants were exploiting the "cause of the Niger Delta peoples" for personal gain and aggrandizement. They further alleged that many of the militants were thugs and criminals. Officials from the Presidency negotiated directly with militant leaders and reached a ceasefire agreement that was implemented by the government of Rivers State.

Competing economic aspirations among ethnic groups for control of state and local governments led to violent conflicts during the year.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were claimed by their opponents to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the other groups, which consider themselves "indigenous" ethnic groups. Tivs are the largest ethnic group in much of Benue and parts of other states.

Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states continued over boundary and land disputes. Kogi and Edo state governors declared the disputed land a "buffer zone," and the matter was referred to the National Boundary Commission in 2003. No further action was taken during the year.

Most people displaced by the violence between Fulani herdsmen and farmers in Adamawa State in 2003 had returned to their homes by year's end.

Communal violence escalated in Plateau State, reaching its peak in May (see Section 2.c.).

There were no developments in previous years' incidents of ethno-religious violence.

Other Societal Abuses and Discrimination

Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a, adults convicted of having engaged in homosexual intercourse are subject to execution by stoning, although no such sentences have been imposed.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.

According to figures provided by the Nigeria Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small number of workers engaged in commercial food processing, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

The country's labor law mandates a single-labor-federation structure for workers, which has become the NLC. Trade unions are required to be registered formally by the Government, and a minimum 50 workers per enterprise are required to form a trade union; the Government formally recognized 29 such unions under the NLC by year's end. Senior staffers are not permitted to join NLC-affiliated unions and were organized under the confederation Trade Union Congress (TUC), which was not registered with the Government. The TUC and its constituent organizations acted like a union federation and often cooperated with their NLC counterparts but had no legal status. It was also denied a seat on the National Labor Advisory Council (NLAC). These legal restrictions diluted the bargaining strength of workers. The ILO Committee of Experts on the Application of Conventions repeatedly inquired what steps were being taken to eliminate these restrictions on the freedom of association.

b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active; however, both suffered from a lack of resources.

Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. In September a court limited the right to strike to matters pertaining to wages and conditions of work, thereby prohibiting strikes over matters of national economic policy. The NLC appealed the ruling; the appeal was pending at year's end. Worker under a collective bargaining agreement could not participate in a strike unless their union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government; however, in practice the law did not appear to be enforced, and strikes, including in the public sector, were widespread.

There were several strikes during the year over a government policy to deregulate fuel prices. In October, the NLC, in association with various NGOs, organized a 4-day "stay-at-home" to protest another fuel price increase. On October 1, the State Security Service had detained the president of the NLC, Adams Oshiomhole, for questioning following the NLC's decision to mobilize the "stay-at-home" protest. Other activists in various places were detained in connection with the protest, and the staff of the AFL-CIO's Solidarity Center in Abuja were detained several hours by State SSS, then released without explanation, just after the protest was suspended. On October 11, police reportedly killed a 12-year-old boy during clashes with protesters in Kaduna; a man was reported killed in a similar incident in Port Harcourt the following day. There were allegations that some of the arrested strikers in Kaduna were killed (see Section 1.a.). The protest was suspended after 4 days when the Government set up a "stakeholders committee" led by the Senate Vice President, and including NLC members, which agreed to a fixed price for fuel.

There were no developments in the June 2003 killing of at least 18 persons during a nationwide strike.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the Labor Ministry. The IAP's decisions were binding on parties but could be appealed to the NIC; however in practice, the decisions of these bodies infrequently carried the force of law. Union representatives described the

arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State, operated during the year. Workers and employers in these zones were subject to national labor laws, which; however, provided for a 10-year amnesty on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition, the law allows the EPZ Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that it occurred (see Sections 5 and 6.d.), and enforcement of the law was not effective.

d. Prohibition of Child Labor and Minimum Age for Employment

In most sectors, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.

The country made progress toward eliminating the worst forms of child labor. Awareness was increasing throughout civil society and the Government showed its commitment to the issue. Despite these advances, forced child labor and trafficking in children continued during the year (see Section 5).

Economic hardship resulted in high numbers of children in commercial activities aimed at enhancing meager family income. Children frequently were employed as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Little data was available to analyze the incidence of child labor. The National Modular Child Labour Survey Nigeria conducted the only survey available between 2000 and 2001. The survey reported approximately 15 million children working in the country. Of these, more than 6 million were not attending school and more than 2 million were working 15 or more hours per day.

A Ministry of Employment, Labor, and Productivity unit dealt specifically with child labor problems, as well as an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers; however, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, where the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children (see Section 5).

Private and government initiatives to stem the incidence of child employment continued but were ineffective. The Government implemented the ILO/IPEC West Africa Cocoa Agriculture Project in the cocoa and other agricultural sub-sectors to combat hazardous child labor and to prevent the child trafficking for labor exploitation. Several programs by NGOs and international organizations worked to address child labor in the country.

UNICEF conducted a program to remove young girls from the street peddling trade and relocate them to informal educational settings. ILO programs worked to involve communities and schools in withdrawing children from exploitative situations such as street peddling and prostitution. The programs aimed to reintegrate the children into school or otherwise provide vocational training.

e. Acceptable Conditions of Work

The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. The minimum wage was \$56.70 (7,500 naira) per month for private sector workers and \$41.70 (5,500 naira) per month for public sector workers (with a 13 month year as the law mandates an extra month's pay for the Christmas holiday). The national minimum wage did not provide a decent standard of living for a worker and family. The Government directed each state administration to establish its own salary structure based on its ability to pay, but at least the national minimum wage. Many state governments have stated they were not in a position to pay the increase to minimum wage without massive layoffs or the elimination of ghost workers. Ghost workers (who appeared on the employment rolls but not on the job) remained a significant problem, although the Federal Capital Territory (FCT) took actions to delete several thousand ghost workers from its rolls.

The 25 percent wage increase agreed in July 2003 between the NLC and the Government was not paid.

The Government later insisted that only the public service unions could negotiate for civil servants, not the NLC.

The law mandates a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay, except for agricultural and domestic workers. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the Inspectorate Division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight of many enterprises, particularly construction sites and other nonfactory work. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

The law applies to legal foreign workers; however, not all multinational companies respected these laws in practice.