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DFAT COUNTRY INFORMATION REPORT NIGERIA

3 December 2020

MAP



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ACRONYMS

ACJA	<i>Administration of Criminal Justice Act (2015)</i>
APC	All Progressives Congress
BOI	Board of Inquiry
CAC	Corporate Affairs Commission
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CJTF	Civilian Joint Task Force
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CPI	Corruption Perception Index
CPJ	Committee to Protect Journalists
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DFAT	Department of Foreign Affairs and Trade
DSS	Department of State Services
ECOWAS	Economic Community of West African States
EFCC	Economic and Financial Crimes Commission
e-ID	National Electronic Identification Card
FCT	Federal Capital Territory
FGM/C	Female genital mutilation/ cutting
GBV	Gender-based violence
GDP	Gross Domestic Product
GNI	Gross National Income
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICPC	Independent Corrupt Practices Commission
ICRC	International Committee of the Red Cross
ICT	Information and communications technology
IDPs	Internally displaced persons
IED	Improvised explosive device
IMN	Islamic Movement in Nigeria
INEC	Independent National Electoral Commission
IOM	International Organization for Migration
IPOB	Indigenous People of Biafra
IPV	Intimate partner violence
ISWAP	Islamic State of West African Province
LEM	Labour and Employment Ministry
LGBTI	Lesbian, Gay, Bisexual, Transgender and/or Intersex
MANI	Mentally Aware Nigeria Initiative
MASSOB	Movement for the Actualisation of the Sovereign State of Biafra
MEND	Movement for the Emancipation of the Niger Delta
NAF	Nigerian Armed Forces
NAPTIP	National Agency for the Prohibition of Traffic in Persons
NBC	National Broadcasting Commission
NBS	National Bureau of Statistics
NCAT	National Committee Against Torture
NCC	Nigerian Communications Commission
NDA	Niger Delta Avengers
NGO	Non-government organisation
NHC	National <i>Hajj</i> Commission
NHRC	National Human Rights Commission
NID	National Identity Database
NIMC	National Identity Management Commission
NIN	National Identification Number
NIS	Nigerian Immigration Service
NPF	Nigerian Police Force
OHCHR	Office of the United Nations High Commissioner for Human Rights

OP-CAT	Optional Protocol to CAT
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
PAP	Presidential Amnesty Programme
PDP	People's Democratic Party
PSC	Police Service Commission
SARS	Special Anti-Robbery Squad
SSMPA	<i>Same Sex Marriage (Prohibition) Act (2014)</i>
UK	United Kingdom
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
US	United States
USD	United States dollars
VAPP	<i>Violence Against Persons (Prohibition) Act (2015)</i>
WHO	World Health Organization

GLOSSARY

<i>hudud</i>	Unalterable punishment under Islamic law
<i>purdah</i>	The cultural practice of secluding women and pubescent girls from unrelated men
<i>sharia</i>	Islamic law

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Nigeria.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act* (1958), states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Nigeria. It takes into account relevant information from government and non-government reports, including (but not limited to) those produced by the US Department of State, the UK Home Office, the World Bank and the International Monetary Fund; relevant UN agencies, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the International Organization for Migration (IOM); leading human rights organisations such as Human Rights Watch (HRW), Amnesty International and Freedom House; Nigerian non-government organisations (NGOs); and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This report replaces the previous DFAT report released on Nigeria published on 9 March 2018. This report should be read in conjunction with the DFAT Thematic Report on the Economic Community of West African States (ECOWAS), published in December 2020.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The boundaries and territory of contemporary Nigeria were established under British colonial rule commencing in the mid-19th century. The British formally consolidated the separate Protectorates of Northern and Southern Nigeria into the single Colony and Protectorate of Nigeria in 1914, bringing together a population comprising more than 250 ethnic groups, a major religious divide and a significant disparity in **economic** and educational development between north and south. In line with the post-WW2 wave of decolonisation across Africa, Nigeria achieved independence on 1 October 1960 under a constitution that provided for a parliamentary government and a substantial measure of regional self-government.

2.2 Independent Nigeria faced significant challenges from the outset, with ethnic and religious rivalries magnified by economic disparities. The first of a series of coups and counter-coups occurred in 1966, and Nigeria spent much of the remainder of the 20th century under military rule. In May 1967, the southeast region declared itself independent as the Republic of Biafra, sparking a three-year civil war that ended in January 1970 with Biafra's defeat. Up to 3 million civilians died from the conflict, mostly from starvation. Several organisations continue to advocate for Biafran secession (see [Biafra Secessionists](#)).

2.3 Military rulers suppressed political activities, most notably General Sani Abacha who seized power in November 1993. After the widely condemned 1995 execution of a prominent writer and political activist, the European Union imposed sanctions and Nigeria was suspended from the Commonwealth. After Abacha's 1998 death, parliamentary and presidential elections in 1999 brought former general Olusegun Obasanjo to power, marking the formal end of military rule. Nigeria introduced a new Constitution in 1999, which outlines the federal system of government and the hybrid application of religious, customary and civil laws.

2.4 Civilian-run presidential elections in 2003 resulted in a second term for Obasanjo, and there have been no further military coups since. Subsequent elections have occurred at four-year intervals, have all been civilian-run and have included victories by opposition candidates. While far from perfect and often accompanied by political violence, international observers agree these elections have generally reflected the will of the population. Nigeria's most recent presidential election occurred in February 2019, resulting in a second term for former general Muhammadu Buhari.

2.5 Despite the return to civilian rule, Nigeria has continued to face significant challenges on a number of fronts. Ongoing ethno-religious tensions have occasionally led to deadly violence across the country, generally sparked by localised factors. Tension over the adoption of *sharia* (Islamic law) by several northern states in 2000 resulted in hundreds of deaths in clashes between Christians and Muslims and continues to be a point of friction (see [Religion](#)). Militant activities in the Niger Delta region targeting the oil industry have impacted upon the economy and national security more generally. An enduring campaign of violence in the northeast by the Boko Haram Islamist group has killed tens of thousands and displaced millions. Nigeria's oil-focused economy remains highly vulnerable to external factors, and huge numbers of Nigerians live below the poverty line (see [Economic Overview](#)). Significant human rights abuses by both state and

non-state actors continue to occur, often committed with impunity. The long-term effects of the COVID-19 pandemic remain to be seen.

DEMOGRAPHY

2.6 Nigeria is Africa's most populous nation. It has an estimated population of 206 million, growing at an annual rate of 2.6 per cent. Nigeria's population is young, with a median age of 18.6 years. Sixty-two per cent of the population is aged 24 years or below, and 41.7 per cent is aged 14 years or below.

2.7 Significant population clusters are scattered throughout the country, with the highest density areas in the south and southwest. Nigeria's largest population centre is the former capital of Lagos, located in the southwest (14.4 million), followed by the northern city of Kano (4 million), the southwest city of Ibadan (3.6 million), the capital Abuja in the central region (3.3 million), and the southern cities of Port Harcourt (3 million) and Benin City (1.7 million). Nigeria has an estimated urbanisation rate of 4.23 per cent per annum, and a current urban population of around 52 per cent.

2.8 Nigeria is composed of over 250 ethnic groups (see also [Race and Nationality](#)). The Hausa, based predominantly in the north, is the largest, comprising 30 per cent of the population, followed by the Yoruba in the southwest (15.5 per cent), the Igbo in the southeast (15.2 per cent) and the Fulani in the north (6 per cent). English is the official language, although various constitutional articles also provide for the use of other national languages in official settings, including parliamentary business.

2.9 Nigerians predominantly practise Islam and Christianity, with 51.6 per cent of the population identified as Muslim (majority Sunni) and 46.9 per cent identified as Christian. The population is broadly divided between a Muslim north and a Christian south, although there are communities of each located nationwide (see also [Religion](#)).

2.10 Nigeria has a significant population of conflict-related internally displaced persons (IDP). According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of August 2019 there were approximately two million persons displaced in the Lake Chad Basin region, primarily as a result of the Boko Haram insurgency (see [Security Situation](#)). According to the International Organization for Migration, children younger than age 18 constituted 56 per cent of that IDP population, with 23 per cent of them younger than age six.

ECONOMIC OVERVIEW

2.11 Nigeria has sub-Saharan Africa's largest economy (in close competition with South Africa), valued at an estimated USD446.5 billion in 2019. The Nigerian economy is dominated by crude oil, which accounts for about 10 per cent of the country's gross domestic product (GDP), 70 per cent of government revenue and more than 83 per cent of the country's total export earnings. Nigeria is the world's 8th largest oil exporter, and its oil reserves are estimated at about 35 billion barrels. The economy's dependence on oil means that it is highly vulnerable to fluctuations in crude oil prices and production, with low oil prices affecting growth and limiting public investment. Nigeria has also become a leading exporter of liquefied natural gas, which accounts for an additional 15.5 per cent of exports.

2.12 Services, particularly financial sectors, telecommunications and retail, represent 52 per cent of GDP and employ just over half the population. The services sector is hampered by Nigeria's underdeveloped infrastructure, particularly in relation to roads, power and water. The agriculture sector, which is centred on subsistence farming, contributes around 21.2 per cent of GDP and employs around 36 per cent of the workforce. The industrial sector makes up the remaining quarter of GDP and employs around 11 per cent of

Nigerians. The largest industries in the country are the petroleum industry, tourism, agriculture, and mining. The petroleum industry currently suffers from oil theft, which is believed to cost the country potential revenues valued as much as USD10.9 billion (AUD15.1 billion). Significant oil losses are also recorded due to oil spills.

2.13 Nigeria's social and human development indicators are below the average for countries in Sub-Saharan Africa. The UNDP ranked Nigeria 158 out of 189 countries in its 2019 Human Development Index. Around 87 million Nigerians were estimated to be living in extreme poverty (defined as living on less than USD1.90 per day) in 2018—the highest number in the world. Wealth and economic development are not evenly distributed, with a much higher incidence of poverty in the northern states relative to the southern states, and with the southwest having the lowest incidence of poverty.

2.14 While some economic indicators (such as public debt levels) appear relatively sound, Nigeria still faces significant challenges in ensuring employment opportunities for its large, young population (see section following) and in alleviating widespread poverty. DFAT assesses economic reasons represent a significant push factor for external migration.

Employment

2.15 Before COVID-19, the National Bureau of Statistics (NBS) reported Nigeria's official unemployment rate at 23.1 per cent, with underemployment at 16 per cent and youth unemployment at 30 per cent. Since the pandemic hit, unemployment has worsened: the government is reportedly anticipating 39.4 million job losses by December 2020. In the pre-COVID 19 environment, analysts largely attributed unemployment in Nigeria to the phenomena of jobless growth, increased number of school graduates with no matching job opportunities, a freeze in employment in many public and private sector institutions, and continued job losses in the manufacturing and oil sectors. According to official statistics, pre-COVID 19 unemployment was highest in the southern states of Akwa Ibom, Rivers, Bayelsa and Abia, and lowest in the southwestern states of Osun, Oyo and Ondo. In the north, unemployment was highest in Borno state and lowest in Katsina state.

Corruption

2.16 Nigeria is a State Party to the United Nations *Convention Against Corruption* (UNCAC) and the African Union *Convention on Preventing and Combating Corruption*. Article 15(5) of the Constitution commits the State to abolishing all corrupt practices and abuse of power, while other provisions specify requirements for asset disclosure and regulations governing the offering and receiving of gifts for members of the executive, parliament and legislature. The Criminal Code criminalises corruption and the abuse of office, while the *Corrupt Practices and Other Related Offences Act* (2000) criminalises active and passive bribery, as well as attempted corruption, fraud, extortion and money laundering. Penalties apply both to individuals and companies, and include fines and/or up to seven years' imprisonment. Accepting or giving gifts or facilitation payments is illegal. Other anti-corruption legislation includes the *Money Laundering (Prohibition) Act* (2011), which regulates making and accepting cash payments.

2.17 Despite the established anti-corruption legal framework, international observers report enforcement remains weak, and corruption is widespread and pervasive across all areas of society. Diversion of public funds is common, and a system of patronage and nepotism exists in public institutions. Both businesses and private citizens expect to pay bribes or facilitation payments in order to receive government services such as water and electricity. Bribery is common among customs and port authorities, and smuggled goods regularly enter seaports and cross borders. Poorly paid judges and court officials are

susceptible to bribery, and nearly half of Nigerians perceive the judicial system to be corrupt (see [Judiciary](#)). Over half of businesses pay for their own security rather than rely on the police, which is widely regarded as the most corrupt institution in the country (see [Nigerian Police Force \(NPF\)](#)). Reporting practices and safeguards and quality controls are particularly weak in the natural resources sector, and the sale of oil carries high corruption risks. In its 2019 Corruption Perceptions Index, Transparency International ranked Nigeria equal 146th out of 180 countries (180 being most corrupt).

2.18 The Independent Corrupt Practices Commission (ICPC) holds broad authority to prosecute most forms of corruption, while the Economic and Financial Crimes Commission (EFCC) is authorised to investigate and prosecute financial and economic crimes. International observers report both institutions have proven largely ineffective in curbing corruption, due to insufficient funding and capacity shortages, and a lack of political support. An ICPC raid in August 2019 resulted in the arrest of 37 federal road safety officers and five civilian employees on charges of extortion. As of September 2019, the EFCC had secured 834 convictions during the year. The EFCC also arrested and indicted a significant number of opposition political figures in 2019, leading to allegations of partisan motivations. Although ICPC and EFCC anti-corruption efforts have generally focused on low- and mid-level government officials, following the 2015 presidential election, both organisations started investigations into and brought indictments against various active and former high-level government officials. Many of these cases remain pending in court.

2.19 In April 2019, Supreme Court Chief Justice Walter Onnoghen was convicted of falsely declaring his assets for failing to reveal money held in five foreign bank accounts. He was banned from holding public office for 10 years and ordered to forfeit the money in the five accounts. President Buhari had suspended Onnoghen over the charges of failing to disclose assets in January 2019 several weeks before the presidential election. President Buhari did not receive support for Onnoghen's removal from two-thirds of the Senate or from the National Judicial Council, as required by law. The timing and process of Onnoghen's suspension led many opposition candidates, lawyers, and civil society leaders to accuse President Buhari of interfering with the independence of the judiciary.

Health

2.20 Article 17(3)(d) of the Constitution commits the State to ensuring there are adequate medical and health systems for all persons. Health care is provided by the public and private sectors, with the private sector providing around 60 per cent of health service delivery while owning only 30 per cent of health facilities. The government spent around USD3.2 billion on health in 2019, compared to over USD10 billion spent in the private health sector. This indicates there is a high reliance on out-of-pocket health payments to finance the health system in Nigeria, despite a consensus to develop a universal health care system.

2.21 Nigeria's health system faces significant challenges in meeting the needs of its population. The prevalence of infectious diseases, such as tuberculosis and HIV/AIDS, remains high. According to the World Health Organization (WHO), Nigeria's health statistics indicate significant adverse outcomes, and there is a significant disparity in health status across states, urban and rural areas, education and social status. As at 2018, male life expectancy in Nigeria was 53 years and female life expectancy 55 years. The maternal mortality ratio is high at 576 per 100,000 live births, as is the total fertility rate at 5.5 (compared to the replacement level of 2). The infant mortality rate (for children under 5 years old) is 19.9 per 1,000 live births (compared to 3.1 for Australia).

2.22 A number of major disease outbreaks have seriously challenged the Nigerian health system in recent years. Nigeria experienced a meningitis outbreak in 2016-17, which included 14,518 suspected cases reported from 25 states and 1,166 deaths. The northern states of Zamfara, Sokoto, Yobe, Katsina, Kano, Kebbi and Niger were most affected. In early 2020, 472 cases of lassa fever were reported across 26

Nigerian states (and the FCT), with 70 fatalities. As at 23 November 2020, Nigeria had a COVID-19 confirmed case count of 65,305, with 1,163 deaths.

2.23 The Joint United Nations Programme on HIV/AIDS (UNAIDS) reported that 1.9 million people were living with HIV in 2018 (latest available statistic), with the prevalence of HIV among adults aged 15-49 at 1.5 per cent. Fifty-five per cent of adults living with HIV were women. Sixty-seven per cent of people living with HIV knew their status, 53 per cent were on treatment and 42 per cent had suppressed viral loads (UNAIDS' target is for 90 per cent for all categories by 2020). International human rights observers report a high rate of stigma against people living with HIV, with the public considering HIV to be a result of immoral behaviour and a punishment for same-sex activity. Although authorities and NGOs have sought to reduce the stigma and change perceptions through public education campaigns, people with HIV/AIDS are still at risk of losing their jobs or being denied healthcare services.

Mental Health

2.24 Mental health has historically been neglected on Nigeria's health and development policy agenda. The WHO estimates one in four Nigerians suffer from mental illness, but fewer than 10 per cent of mentally ill Nigerians have access to the care they need. According to the WHO, the absence of treatment is fuelled by poor funding, stigma and poor knowledge of the disease. There is a strong societal belief that mental illness is caused by evil spirits or supernatural forces. Many Nigerians suffering from mental illness seek treatment from traditional or faith-based healers rather than mental health professionals.

2.25 Despite long-running attempts to repeal and replace it, the colonial-era Regional Lunacy Law (1958) remains in place. Critics of the law argue it is outdated and inconsistent with current realities, it perceives all mental health issues as 'madness', and its provisions violate the fundamental human rights of persons with mental health and psychosocial disabilities. Mental health advocates have sought to replace the law with a Nigerian Mental Health Bill that would protect the rights of persons with mental disorders, ensure equal access to treatment and care, discourage stigma and discrimination, and set standards for psychiatric practice in Nigeria. The Bill was initially introduced to the National Assembly in 2003, withdrawn in 2009 and re-introduced in 2013. The Bill remains at the consultation stage.

2.26 The national policy on mental health services delivery was initially formulated in 1991 and last updated in 2013. There are eight federal neuropsychiatric hospitals in Nigeria (totalling around 4,000 beds), as well as three state-run hospitals in Port Harcourt, Ondo and Anambra. The WHO last estimated (in 2006) that, for every 100,000 persons, Nigeria had around 0.4 mental health beds, 4 psychiatric nurses, 0.09 psychiatrists and 0.02 psychologists and social workers. These ratios are unlikely to have significantly improved, with many Nigerian-trained health professionals migrating to western countries, particularly the UK and Canada.

2.27 A number of NGOs work to provide mental health services nationwide. Mentally Aware Nigeria Initiative (MANI) is Nigeria's largest NGO focused on raising mental health awareness and connecting service users to mental health professionals. Since its creation in 2015, MANI has established a national suicide hotline, counselling services (both in-person and via social media) and legal support for people arrested or prosecuted for attempting suicide, which is a criminal offence in Nigeria. The International Committee of the Red Cross (ICRC) and Nigerian Red Cross are active in northeast Nigeria, particularly around Maiduguri in Borno state. They visit homes and shelters to raise awareness about mental health issues and conduct three-month counselling sessions for victims of violence and displacement. Other NGOs are also active in the northeast to provide mental healthcare support for victims of the Boko Haram insurgency.

2.28 Nigerians suffering from mental health issues can be vulnerable to abuse. A 2018-19 Human Rights Watch investigation reported many people, including children, with actual or perceived mental health

conditions were placed in facilities without their consent, usually by relatives. In some cases, police arrested people with actual or perceived mental health conditions and sent them to government-run rehabilitation centres. Once there, many were reportedly shackled to heavy objects or to other detainees, in some cases for months or years. HRW reports people were often confined in overcrowded and unhygienic conditions. Many were physically and emotionally abused and forced to take treatments. Following the investigation, the Nigerian Government closed two Islamic rehabilitation centres in Kaduna and Kano states.

2.29 DFAT assesses Nigeria has a limited capacity to provide formal mental health services to its citizens. Community and family structures and religious institutions may, in some cases, help cover this gap. In other cases, social and religious attitudes can significantly exacerbate mental health challenges. DFAT considers individual circumstances need to be examined closely when assessing claims related to mental health.

Substance Abuse and Treatment

2.30 A 2018 survey by the NBS and the Center for Research and Information on Substance Abuse found nearly 15 per cent of the adult population reported a 'considerable level' of use of psychoactive drug substances (compared to the 2016 global average of 5.6 per cent among adults). The survey, which excluded the use of tobacco and alcohol, found the highest levels of drug use were recorded among people aged between 25-39, with cannabis being the most widely used drug. The survey found there were major gaps in Nigeria's healthcare system in terms of meeting the needs for treatment and care for people with drug use disorders. Only a few government-owned clinics were adequately equipped for treating drug use, while private clinics were generally too expensive for ordinary citizens.

Education

2.31 Article 18 of the Constitution commits the Government to: ensuring there are equal and adequate educational opportunities at all levels; promoting science and technology; to eradicating illiteracy and, where practicable, providing free, compulsory and universal primary education, free secondary education, free university education and free adult literacy programs. Nigeria has adult literacy rates (15 years and over) of 71.3 per cent for males and 52.7 per cent for females, and youth literacy rates (15-24 years) of 81.5 per cent for males and 68.2 per cent for females.

2.32 Education is administered by the federal, state and local governments. The Federal Ministry of Education is responsible for overall policy formation and ensuring quality control, but is primarily involved with tertiary education. School education is largely the responsibility of state (secondary) and local (elementary) governments. The education system encompasses basic education (nine years of compulsory schooling, consisting of six years of primary and three years of junior secondary education), post-basic education (three years of senior secondary education), and tertiary education. Instruction at junior primary levels may be in local languages, most commonly Hausa, Ibo or Yoruba, but English is commonly the language of instruction for the last three years of primary school and beyond. As well as public schools, there is a large number of private secondary schools, which are generally in urban areas and expensive.

2.33 International observers report Nigeria's strong population growth places considerable pressure on its basic education system. Despite the building of thousands of new public schools in recent years, the basic education system remains underfunded, facilities are often poor, teachers inadequately trained, and participation rates low by international standards. Although basic education is free and compulsory, UNICEF reports around 10.5 million children aged 5-14 years are not in school, and only 61 per cent of 6-11 year olds regularly attend primary school.

2.34 Basic education attendance rates in the north of Nigeria are lower, with a net attendance rate of 53 per cent. The education deprivation in northern Nigeria is driven by various factors, including economic barriers, the impact of conflict, and sociocultural norms and practices that discourage attendance in formal education, especially for girls. According to UNICEF, states in the northeast and northwest have female primary net attendance rates of just over 47 per cent, meaning more than half the girls are not in school.

2.35 In northeastern and northwestern states, 29 per cent and 35 per cent of Muslim children, respectively, receive Koranic education at '*Almajiri*' schools, which focuses on religious instruction and does not include basic skills such as literacy and numeracy. The government considers children attending such schools to be officially out-of-school. Activists have reportedly lobbied the government to reform or end the *almajiri* system, arguing it fails to provide children with a basic education. Since government social welfare programs are scarce, many parents of children with behavioural, mental health, or substance abuse problems reportedly turn to *almajiris* that claim to offer treatment. Instead of receiving treatment or an education, however, the children are forced to work manual jobs or beg for alms that are then given to their teacher. *Almajiris* often do not provide these children with sufficient shelter or food, and many of the children effectively became homeless. In September 2019, police raided an *almajiri* in Kaduna and rescued nearly 400 men and boys, many of whom were kept in chains. Some had open wounds from being beaten.

2.36 Nigeria's tertiary system consists of universities and non-universities (polytechnics, monotechnics and colleges of education). All public universities are mandated to use a centralised government admissions test in their admissions decisions, though many conduct additional screening and examinations. There are currently 43 federal, 48 state and 79 private universities accredited to grant degrees. Many of these are relatively new: in response to demographic pressures, the number of recognised universities grew ten-fold between 1980 and 2017. Demand for university places still significantly outweighs supply, with the number of applicants generally exceeding the number of available university places by a ratio of two to one. This makes the higher education sector particularly vulnerable to Corruption, especially at the admissions stage. University graduates are required to take part in a National Youth Service Scheme for one year. This national service is civilian in nature.

2.37 Due to funding constraints, most of Nigeria's public universities are in deteriorating condition. While efforts at increasing capacity by building new universities have generally been positive for access in absolute terms, they have also created issues related to instructional quality. Nigeria's institutions and lecture halls are severely overcrowded, student to teacher ratios have skyrocketed, and faculty shortages are chronic. Laboratory facilities, libraries, dormitories, and other university facilities are often described as in being in a state of decay. Strikes over demands for funding increases and better employment conditions are an almost daily occurrence.

POLITICAL SYSTEM

2.38 Nigeria is a federal presidential republic composed of 36 states and a Federal Capital Territory (FCT). The 36 states are grouped into six geopolitical zones: North West, North East, North Central, South West, South East and South South. Parts 1 and 2 of the Constitution set out the division of powers between federal, state and the 774 local government areas.

2.39 The President, directly elected for a four-year term, is Head of State, Head of Government and Commander-in-Chief of the Armed Forces. The President appoints a Federal Executive Council, which is constitutionally required to include at least one member from each of the 36 states. In recent times, there has been an informal understanding of alternating presidential candidates between the north and south. The current President is Muhammadu Buhari of the All Progressives Congress (APC), a northerner who was

re-elected to a second term in February 2019 after initially winning office in 2015 (Buhari previously served as military head of state from 1983 to 1985 following a military coup, see [Recent History](#)).

2.40 Federal legislative power is vested in the National Assembly, which has two chambers: the House of Representatives and the Senate. The House of Representatives has 360 members, elected for four-year terms in single-member constituencies. The Senate has 109 members, comprising three members per state for each of the 36 states, and one member selected in the single-seat constituency of the FCT. Both chambers are elected for four-year terms.

2.41 Two political parties dominate Nigerian politics: the APC and the People's Democratic Party (PDP). As of July 2020, the APC held 204 House of Representatives seats to the PDP's 118, with other parties holding 15. There were 23 outstanding seats (awaiting supplementary elections or vacant due to court orders). In the Senate, the APC held 65 seats and the PDP 43, with one seat held by a minor party. Politicians often defect between the two parties: a wave of APC legislators defected to the PDP during the 2015–19 legislative session, ultimately depriving that party of its majority.

2.42 Under the Constitution, the 36 states are co-equal but subservient to the Federal Government. Each state has a unicameral legislature and an elected Governor. State house assemblies have between 24 and 40 seats depending on the state's population. Both assemblies and governors serve four-year terms.

2.43 The Independent National Electoral Commission (INEC) is the independent electoral body responsible for overseeing elections by regulating the process and preventing electoral misconduct. In 2019, INEC conducted the presidential election and National Assembly elections (which occurred concurrently in February 2019), State House Assembly elections, and local elections in all 36 states plus the FCT, as well as gubernatorial elections in 30 states. Seventy-three candidates contested the February 2019 presidential election, while 91 parties competed in the National Assembly election, the largest number of parties and candidates since the 1999 transition to democracy.

2.44 The presidential race was dominated by two candidates: Buhari and Atiku Abubakar of the PDP. Buhari won 19 of 36 states (representing 56 per cent of the vote), while Atiku won 17 states and the FCT (representing 41 per cent of the vote). Buhari dominated in the north and west, and Atiku in the south and east. Voter turnout was 35.6 per cent, down from 44 per cent at the 2015 presidential election.

2.45 Most independent observers agreed the outcome of the February 2019 presidential election was credible, despite logistical challenges, localised violence (see [Security Situation](#)) and some irregularities. Attempts by the National Assembly to pass an electoral reform bill (which would have strengthened equal airtime obligations for broadcasters, made the voter register and election results more accessible to voters, and extended federal electoral regulations to local races) in time for the election were unsuccessful. The election was marred by a one-week delay in voting, announced on the morning of the election. International election observers also reported cases of vote buying and intimidation of election officials and voters. In October 2019, the Supreme Court upheld the INEC tribunal decision to reject Atiku's challenge to the election result.

2.46 The huge number of candidates and parties contesting the February 2019 presidential and National Assembly elections led to complaints from voters about the length of the ballot paper and the difficulty in locating their preferred choice, particularly as many parties had similar logos or acronyms. INEC responded in February 2020 by deregistering 74 minor political parties. In announcing the decision, INEC argued the deregistered parties did not have the capacity to have a national influence and therefore fell short of the electoral act. DFAT understands some of the affected parties have challenged INEC's decision in court.

2.47 Voters returned to the polls in early March 2019 to elect governors and assemblies in 29 states, with supplementary elections held to resolve five disputed gubernatorial and 40 local legislative races later that month. Further state elections occurred later in 2019.

HUMAN RIGHTS FRAMEWORK

2.48 Nigeria is a State Party to most of the major international human rights instruments, including: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and its two Optional Protocols on the involvement of children in armed conflict (OP-CRC-AC) and on the sale of children, child prostitution and child pornography (OP-CRC-SC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol (OP-CAT), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), and the Convention on the Rights of Persons with Disabilities (CRPD). Nigeria is not a signatory to the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty (ICCPR- OP2).

2.49 Various constitutional articles guarantee basic human rights, including the right to life, freedom of religion, freedom of expression and freedom of movement, and prohibit discrimination on the grounds of race, religion, gender, ethnicity or political affiliation.

2.50 Nigeria underwent its third cycle of the Universal Periodic Review (UPR) at the Human Rights Council in November 2018. Of the 290 recommendations made, the Government supported 240 and noted 50. Its national report noted Nigeria was finalising its second National Action Plan for the Promotion and Protection of Human Rights from 2017 to 2022, and finalising its National Action Plan on Human Rights and Business.

National Human Rights Institution

2.51 The *National Human Rights Commission Act* (1995) established the National Human Rights Commission (NHRC) to investigate and monitor human rights violations, to make recommendations to government in relation to any such violations, and to seek remedies for victims. An amendment to the Act in 2010 granted the NHRC operational and financial independence, and enhanced its investigative and enforcement powers. The High Court enforces NHRC decisions. Refusal to comply with NHRC enquiries, summons, directives, recommendations or awards is a punishable offence.

2.52 The Government increased the NHRC's budget following its UPR second cycle in 2013 – it is currently around USD8 million. The NHRC has offices in all 36 states, opening 13 new state offices in 2018. According to its most recent annual report (2016), the NHRC received 1,099,919 complaints, of which 489,219 were concluded. This represented a significant increase in complaints over the 433,865 received in 2015, which the NHRC attributed to its increased field presence throughout the country, increased human rights awareness, and responses to a public enquiry into an oil spill that occurred in southern Nigeria in 2016. Excluding environmental complaints related to the oil spill, the most common complaints related to land rights, religious freedoms and discrimination, denial of access to children and children's development rights.

2.53 The Global Alliance for National Human Rights Institutions last accredited Nigeria's NHRC in November 2016 as being fully compliant with the UN Paris Principles for protecting and promoting human rights.

SECURITY SITUATION

2.54 While varying according to location, the security situation across Nigeria is unstable and highly fluid. Nigeria is confronted by multiple security challenges, including high rates of crime (including illicit gang activities), long-running insurgencies and secessionist movements in various parts of the country, escalating communal conflicts (sparked by land use disputes but increasingly drawing upon multiple ethno-religious motivations) and rural banditry. In response to the range of security challenges confronting Nigeria, President Buhari announced a new National Security Strategy in December 2019.

Crime and Politically-Motivated Violence

2.55 Nigeria's crime rate is high for both violent and petty crime. Crime increases at night and includes assault, armed robbery, home invasions and carjacking. Assaults and robberies are common on public transport and in taxis, while petty crimes such as pickpocketing are common in crowds. Nigeria has a well-established reputation as a centre for internet-based scams, often run by organised criminal gangs.

2.56 Militant groups have regularly conducted terrorist attacks against a range of targets, including government and security institutions, oil facilities and infrastructure, the headquarters of international organisations and financial institutions, and transportation facilities such as bus bays. While these have occurred nationwide, they have been most common recently in the northeastern states in relation to the Boko Haram insurgency. In June 2019, for example, Boko Haram militants detonated explosives at a market in Konduga, southeast of Maiduguri, in Borno State, reportedly killing 30 people and injuring 40.

2.57 Kidnappings and abductions have become an acute concern across the country, with 685 kidnappings recorded in the first quarter of 2019 alone. While kidnapping has been a tactic of Boko Haram during its insurgency (see following section), it has increasingly been used by factions in intercommunal conflicts elsewhere in the country and by criminals demanding ransom. Maritime kidnappings in the Niger Delta and the southeast are common, as militants have turned to piracy and related crimes to support themselves. In July 2019, for example, pirates boarded a cargo vessel off the coast of Bayelsa, taking 10 Turkish sailors away by speedboat and holding them for ransom. Prominent and wealthy figures (or their family members) are often targeted for abduction: in May 2019, armed assailants kidnapped the nephew of President Buhari, holding him for more than two months before police conducted a successful rescue operation.

2.58 Long-standing tribal, religious, political and community disputes often lead to serious violence and unrest. According to the Council on Foreign Relations, Nigeria registered 7,972 deaths related to political, economic or social grievances in 2019. The majority of these (2,758) occurred in northeastern Borno state, followed by Zamfara state (1,274) and Kaduna state (487), also in the north. Over half of these deaths were related to the Boko Haram insurgency, although deaths have occurred in all parts of the country. According to human rights observers, security forces have often responded to civil unrest with disproportionate force, causing fatalities (see [Extrajudicial Killings](#)).

Boko Haram Insurgency

2.59 Boko Haram, which translates roughly to 'western education is sinful' in the Hausa language, is a radical Islamist movement that has fought since 2009 to overthrow the government and create an Islamic state in northern Nigeria. The organisation split into two factions in 2016, one pledging allegiance to the so-called Islamic State organisation (Da'esh) and calling itself the Islamic State West Africa Province (ISWAP); the other known as Jama'atu Ahlis Sunna Lidda'await Wal-Jihad (JAS). Most Nigerians still refer to both groups collectively as Boko Haram. This report does likewise.

2.60 Boko Haram promotes a strict version of Islam that forbids Muslims from taking part in any political or social activity associated with Western society, including voting in elections, wearing shirts or trousers,

drinking alcohol or receiving a secular education. While initially headquartered in the northeastern city of Maiduguri and still largely centred in Borno state, the Boko Haram insurgency has spread across northern and central Nigeria and into neighbouring countries. The group has also carried out attacks against the police and UN headquarters in Abuja. The Boko Haram insurgency has resulted in thousands of deaths and injuries, widespread destruction, the internal displacement of approximately 2.7 million persons and the external displacement of almost 250,000 Nigerians to neighbouring countries.

The Boko Haram insurgency has targeted a range of groups, including those associated with the government (including police, military and politicians); individuals seen as supporting 'western' concepts such as secular education or elections; foreign aid workers; and clerics from other Muslim traditions and Christian preachers. Christians are opportunistically targeted by Boko Haram. However, Muslims are also victims of attacks, in greater numbers than Christians, principally because they constitute a greater proportion of the population in the affected northern states.

2.61 Its insurgent activities have included conventional warfare against state security forces; targeted killings of perceived opponents; bombings of churches, bus ranks, bars and military barracks; and mass attacks on villages and towns, resulting in looting, killing and mass abductions, including of children. In 2014, Boko Haram abducted 276 mostly Christian schoolgirls from Chibok, Borno state, reportedly forcing them to convert to Islam and become 'wives' for Boko Haram fighters. Around 100 of the Chibok girls remain unaccounted for. In February 2018, insurgents abducted a further 110 schoolgirls from Dapchi, Yobe state, releasing 104 of the girls two weeks later after negotiations with the government. Five of the remaining girls reportedly died in captivity and one girl continues to be held hostage, allegedly for refusing to deny her Christian faith.

2.62 Boko Haram has also paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant improvised explosive devices (IEDs), serve as spies, and carry out person-borne IED bombings, often under the influence of drugs. For example, in the June 2019 attack in Konduga, Borno state, Boko Haram insurgents remotely detonated explosives strapped to two girls and a boy, killing 30 people.

2.63 Attempts by security authorities to curtail the Boko Haram insurgency in an enduring fashion have not proved fully successful to date. The government initially declared a state of emergency in May 2013 in the three northeastern states in which Boko Haram was strongest – Borno, Yobe and Adamawa – while in the same year, the Office of the Prosecutor in the International Criminal Court declared the fighting in northeastern Nigeria to be a non-international armed conflict. By March 2015, a regional coalition made up of troops from Nigeria, Cameroon, Chad and Niger had succeeded in winning back all of the towns under Boko Haram's control, leading President Buhari to declare in 2015 that Boko Haram had been 'technically defeated'. The insurgency has successfully regrouped in recent years, however, and continues to represent a significant security threat in the northeastern states. International observers report there was a resurgence of Boko Haram activity in 2019, with Boko Haram responsible for 1,136 deaths in Nigeria in 2019, compared to 872 in 2018.

2.64 Examples of recent Boko Haram insurgent activities include (but are not limited to):

- in January 2019, Boko Haram fighters killed at least 60 people in the town of Rann, Borno State;
- in July 2019, suspected Boko Haram fighters killed at least 65 people attending a funeral in Borno state; while in the same month a Da'esh-aligned faction of Boko Haram kidnapped six aid workers near Damasak in Borno state, subsequently executing five of them.
- On 28 September 2020, militants from ISWAP overran a Nigerian military base in the northeastern town of Gubio, killing soldiers and seizing materiel.

2.65 On 28 November 2020, in an attack centred on the village of Koshobe in Borno state, at least 43 farmers were killed in what the UN described as ‘the most violent direct attack against innocent civilians this year’. Some reports claim up to 110 people were killed, including around 30 beheaded. A number of people, including around ten women, remain missing, presumably abducted. The attack occurred relatively close to the state capital of Maiduguri, and is strongly believed to have been carried out by ISWAP.

2.66 Boko Haram’s resurgence comes despite the deployment of thousands of troops to the northeastern states, and the reported government allocation of almost USD80 million (AUD110.8 million) per quarter to combat the insurgency. International observers have expressed concern over a lack of discipline in military operations, noting that reports of low morale among soldiers caused by insufficient military equipment and medical care (and fuelled by high rates of corruption within the military) may be degrading the effectiveness of efforts to defeat the insurgency. Human rights groups have also raised repeated concerns government security forces have committed significant human rights abuses in the context of counter-insurgency efforts against Boko Haram, including extrajudicial killings, torture, arbitrary arrests and other abuses (see relevant sections).

2.67 DFAT assesses Boko Haram poses a serious ongoing threat to security in the northeast of Nigeria, with limited prospects of being neutralised in the short term.

Communal Violence in the Middle Belt region

2.68 A rolling conflict between farmers and migratory herdsmen in the Middle Belt region (Plateau, Adamawa, Nasarawa and Taraba states) has escalated considerably since January 2018, claiming more civilian lives than the Boko Haram insurgency, displacing hundreds of thousands and sharpening ethnic, regional and religious polarisation. Fundamentally a land-use dispute, the conflict has taken on religious and ethnic dimensions (see also [Religion](#)). International Crisis Group has described the conflict as Nigeria’s gravest security challenge.

2.69 Since its 2018 escalation, the conflict has involved an ongoing series of clashes between predominantly Fulani herdsmen, and mostly Muslim farmers followed by reprisal attacks against villages. Hundreds have been killed or injured in the clashes, and there have been numerous cases of conflict-related abductions. Clashes and reprisal attacks continued throughout 2019, most notably with the killing of over 130 people in Kajuru, Kaduna State, in clashes between Fulani and Adara communities.

2.70 The government has deployed additional police and army units to curb the violence, including two military operations—Exercise Cat Race in February 2018 and Operation Whirl Stroke, which is ongoing. These efforts, in search of enduring solutions to the conflict, have involved community consultation and have not been purely military in nature. However, international human rights groups have reported uncoordinated and inadequate responses by state and federal authorities may have deepened mistrust and perception of authorities’ bias and complicity in the violence.

2.71 DFAT assesses communal violence in the Middle Belt region is an enduring security threat to both combatants and civilian inhabitants of the region, which remains at risk of further escalation.

Banditry in the Northwestern States

2.72 Increasing banditry in the northwestern states of Kaduna, Katsina and Zamfara has caused hundreds of deaths and injuries in recent years, and led to the displacement of more than 160,000 people. In response to the killing of around 70 people in Sokoto state in May 2020, President Buhari announced a security operation, codenamed Operation Accord, to combat banditry in North West and North Central states. It is too early to say whether this operation has proven successful.

Militia Group Activities in the Niger Delta

2.73 Residents in the Niger Delta region have long complained they have not benefited economically or developmentally from the resources in their oil-rich area, while suffering from environmental damage caused by the oil industry. Although the government established the Niger Delta Development Commission in 2000 to coordinate infrastructure development and the delivery of resources to the region, those complaints have persisted and there has been recurring violence between militia groups competing for land and oil resources and security forces sent to restore order.

2.74 The peak period for violence was from 2006 to 2009, when militia groups (most notably the Movement for the Emancipation of the Niger Delta (MEND)) regularly attacked petroleum operations and engaged in sabotage, theft, property damage and kidnapping. The government initiated the Presidential Amnesty Programme (PAP) in 2009, which granted unconditional amnesty and financial compensation to militants who surrendered their arms. However, violence erupted again in 2016 after the newly elected Buhari Government scaled down the PAP, delaying payments to militants.

2.75 Authorities have subsequently taken a security-focused approach to the issue, with the military conducting an annual (since 2016) law and order exercise in the region named Operation Crocodile Smile. DFAT understands there have not been any substantial attacks on the oil industry by militia groups in the Niger Delta region since January 2017. However, a number of militia groups continue to operate in the region, including MEND and a newer group called the Niger Delta Avengers. DFAT does not have any specific information in relation to these groups.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Nigeria is a State Party to ICERD (see [Human Rights Framework](#)), and Article 15.2 of the Constitution includes both place of origin and ethnicity as grounds for which discrimination is prohibited. Article 15(d) promotes the formation of associations that cut across ethnic, linguistic, religious and other sectional barriers. Article 14(3) requires the government to have a ‘federal character’, meaning cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geo-political regions. Although the law prohibits ethnic discrimination by the government, most ethnic groups claim marginalisation in terms of government revenue allocation, political representation or both.

3.2 As noted in [Demography](#), Nigeria is a highly diverse nation made up of hundreds of different ethnicities speaking almost 400 different languages. Three major groups – the Hausa, [Igbo](#), and Yoruba – collectively constitute approximately half the population. While Nigerians of all ethnic backgrounds reside across the country, particularly in major cities, many ethnic groups are concentrated geographically (see Map).

3.3 Article 41(1) of the Constitution guarantees the right of citizens to move freely throughout Nigeria and to reside in any part of the country. However, state and local governments reportedly frequently discriminate against ethnic groups not indigenous to their areas, including through occasionally compelling individuals to return to a region from which their ethnic group originated but where they may no longer have ties. Such compulsion may take the form of threats, discrimination in employment, or destruction of their homes. Those who choose to stay can sometimes experience further discrimination, including denial of scholarships and exclusion from employment in the civil service, police and military. For example, in Plateau state the non-indigenous Hausa and Fulani report facing significant discrimination from the local government in land ownership, jobs, access to education, scholarships and government representation. International observers also report members of all ethnic groups practice ethnic discrimination in the form of favouring their own group, particularly in private-sector hiring patterns and the segregation of urban neighbourhoods.

3.4 There is a long history of tension between some ethnic groups, which occasionally results in cases of localised violence. The government’s efforts to address tensions among ethnic groups typically involves heavily concentrated security actions, incorporating police, military and other security services, often in the form of a joint task force.

3.5 In the north-central ‘Middle-Belt’ of the country, land disputes, competition over dwindling resources and settler-indigene tensions have contributed to clashes between herdsmen and farmers. Many international organisations assess, however, that ethnocultural and religious affiliations are incidental rather than integral in these cases.

3.6 DFAT assesses members of ethnic groups who are not indigenous or who are in the minority in the geographic area in which they reside face a moderate risk of official and societal discrimination based on

ethnicity. This discrimination may include the denial of access to employment or housing, but is unlikely in most cases to include targeted violence on the grounds of ethnicity alone.

Igbo

3.7 The Igbo people are the third largest ethnic group in Nigeria, constituting 15 per cent of the population. They originate from southeastern Nigeria and live in large numbers in the states of Abia, Anambra, Ebonyi, Enugu and Imo. The Igbo speak a number of Igbo dialects. They are predominantly Christian.

3.8 There are no legal provisions targeting the Igbo population in Nigeria and the Igbo, like all Nigerians, are able to move freely within Nigeria. Many Igbo have migrated to other areas of Nigeria, including northern states. Like other non-indigenous communities, Igbo residing in these areas have occasionally faced discrimination from locals: in June 2017, for example, activists in the northern city of Kaduna called for the eviction of Igbo residing in the state. DFAT is not aware of any other significant cases in which Igbo have been specifically targeted for violence or exclusion due to their ethnicity.

3.9 As noted in Recent History, in 1967 predominantly Igbo separatists attempted to declare an independent state in eastern Nigeria, known as the Republic of Biafra. This was the catalyst for the Nigerian Civil War (otherwise known as the Biafran War) of 1967-70, which resulted in the separatists' defeat. Senior Igbo figures have claimed successive Nigerian governments, including the Buhari administration, have subsequently excluded Igbo from senior political, military and civil service positions. A number of political organisations continue to advocate for an independent Biafran state and have occasionally clashed with security authorities (see Biafra Secessionists).

3.10 DFAT assesses Igbo are not specifically targeted for discrimination on the basis of their ethnicity throughout Nigeria. Like other non-indigenous communities, Igbo residing outside of their traditional homeland may face localised discrimination.

RELIGION

3.11 Article 10 of the Constitution prohibits either the federal or state governments from adopting any religion as a State Religion, while Article 23 includes religious tolerance as a defined national ethic. Articles 15(2) and 42(1) prohibit discrimination on the grounds of religion, while Article 38(1) guarantees freedom of religion, including the freedom to change religion or belief, and the freedom (either alone or in community, and in public or private) to manifest and propagate their religion or belief through worship, teaching, practice and observance. Article 15(3)(c) and (d) stipulate it is the duty of the State to encourage interfaith marriages and promote associations that cut across religious (or other sectional) barriers in order to promote national integration, while Article 222 prohibits political parties who limit their membership based on religion or who have names with religious connotations.

3.12 While there are no official indicators of religious affiliation in Nigeria, most analysts say the population is roughly evenly divided between Muslims and Christians, while approximately 2 per cent belong to other or no religious groups. Many individuals syncretise indigenous animism with Islam or Christianity. The traditional divide between the 'Muslim North' and 'Christian South' remains, although there are Christian communities in the north of the country and Muslim communities in the south. A mix of Muslims and Christians of various ethnicities comprise the Middle Belt, and major cities remain a fluid mix of different ethnicities and religions. Ethnicity is not necessarily a determinant of religious identity: many ethnic groups include both Muslims and Christians.

3.13 The vast majority of Nigerian Muslims are Sunni, with estimates of the percentage of the Shi'a population ranging from less than 5 per cent to as high as 17 per cent. The Shi'a presence is heavily concentrated in the northwestern states of Kaduna, Katsina, Sokoto, Zamfara, and Kano. Ahmadi Muslims maintain a small presence in several cities, including Lagos and Abuja. Approximately three-quarters of Nigerian Christians are Protestant, with Anglican, Baptist and Presbyterian churches reportedly maintaining the largest populations. A range of other denominations are also highly active, including evangelicals, Pentecostals, Anabaptists, Methodists, Seventh-Day Adventists, New Apostolics, Mormons and Jehovah's Witnesses. Around a quarter of Nigerian Christians are Roman Catholics. Evangelical Christian denominations are growing rapidly in the North Central and South East, South, and South West regions.

3.14 Both federal and state governments have the authority to regulate mandatory religious instruction in public schools. Article 38(2) of the Constitution prohibits schools from requiring students to receive religious instruction or to participate in or attend any religious ceremony or observance pertaining to any religion other than their own. State officials and many religious leaders have stated students have the right to request a teacher of their own religious beliefs to provide an alternative to any instruction offered in a religion other than their own. Article 38(3) of the Constitution says no religious community will be prevented from providing religious instruction to students of that community in any place that community wholly maintains.

3.15 The states of Bauchi, Borno, Katsina, and Yobe maintain state-level Christian and Muslim religious affairs ministries or bureaus with varying mandates and authorities, while many other state governors appoint interfaith special advisers on religious affairs. Kano and Zamfara states have state-sanctioned Hisbah Boards that regulate Islamic religious affairs and preaching, license imams and attempt to resolve religious disputes between Muslims in those states. Several states also have laws requiring licenses for preachers, places of worship, and religious schools for registered religious groups. Katsina state, for example, has a board with the authority to regulate Islamic schools, preachers, and mosques, including issuing permits, suspending operations, and imprisoning or fining violators. The Katsina law stipulates a punishment of one to five years in prison and/or a fine of up to 500,000 naira (AUD1830) for operating without a license.

3.16 An attempt by the Kaduna state legislature to pass a law to regulate religious preaching was stymied in June 2019 by the state's highest court, which nullified the law on the grounds it was inconsistent with constitutional guarantees for freedom of expression, association and religion. The law would have required all preachers to be licensed by a state-level body composed of religious leaders, government officials and security agencies. Muslim and Christian religious leaders had criticised the proposed law for infringing on freedom of speech.

3.17 As noted in Recent History, from 1999, *sharia* Penal Codes and Criminal Procedure Codes were reintroduced in 12 northern states with predominantly Muslim populations (having been abolished under British colonial rule). These are Zamfara, Kano, Sokoto, Katsina, Bauchi, Borno, Jigawa, Kebbi, Yobe, Kaduna, Niger and Gombe states. In some cases, the reintroduction of *sharia* had the effect of amplifying existing tensions between Muslim and Christian communities (and between Sunni and Shi'a). In some cases, this led to localised protests that resulted in fatalities. DFAT is not aware of any recent examples of major protests or communal violence in northern Nigeria in relation to the existence or practices of *sharia* courts.

3.18 The government has occasionally cracked down on the activities of religious groups that have questioned its authority. The most notable recent example is the government's clash with the Shi'ite Islamic Movement in Nigeria (IMN), which escalated in August 2019 after authorities proscribed the group as a terrorist organisation. Although other religious leaders (including the then-Catholic Archbishop of Abuja) criticised the ban as a threat to religious freedom for all believers, the government emphasised its proscription of the IMN was not intended to prevent peaceful and law-abiding Shi'ites from practicing their

religion. DFAT is not aware of any incidents in which authorities have prevented Shi'a unaffiliated with the IMN from undergoing religious practices, or otherwise discriminated against them. DFAT assesses the ban on the IMN was related to the group's political activities rather than their religious identity.

3.19 International observers report some state and local governments have 'endorsed' *de facto* official religions in their territories, thereby placing limits on the religious activities of other groups. Members of both Christian and Muslim groups have reported cases in which some state and local government laws have discriminated against them, including by limiting their rights to freedom of expression and assembly and in obtaining government employment. Christian activists have claimed children from religious minority communities face discrimination in several *sharia* states, including being denied access to specific educational courses, the non-release of final results, being compelled to study a religion different from their own and being denied school/university admission or scholarships. DFAT assesses such reports are credible, but in most cases are likely to be the result of state and local governments operating policies of 'positive discrimination' in favour of the 'indigene' and/or majority population rather than active discrimination on religious-based grounds.

3.20 Despite claiming an Islamist motivation, Boko Haram has regularly committed attacks against both Christian and Muslim religious communities and institutions during its insurgency in the northeast. Person-borne IED attacks have targeted both churches and mosques: according to the Council on Foreign Relations, Boko Haram has destroyed 59 churches and 22 mosques since 2010. In July 2019, the group ambushed and killed 65 persons returning from a funeral in a predominantly Muslim community, while in December 2019 an ISWAP-affiliated faction released a video of them executing 10 Christians and one Muslim to avenge the death of Da'esh leader al-Baghdadi.

3.21 As noted in [Security Situation](#), ongoing conflict between herdsmen (predominantly Muslim Fulani) and farmers (Muslim and Christian) in the Middle Belt has resulted in numerous deaths, injuries and displacements. Multiple Christian NGOs have stated religious identity is a primary driver of the conflict, arguing violence has predominantly targeted Christian communities, religious leaders and churches. In 2019, there were numerous reports by media and religious groups of cases in which attackers of allegedly Fulani ethnicity attacked, killed or kidnapped for ransom priests and other Christian clergy and their families. In August 2019, 200 Catholic priests marched through the streets of Enugu, Enugu state, to protest insecurity and what they characterised as Fulani attacks on Christians. Authorities have stated the cases were criminal acts and not religiously motivated. There have also been cases of attacks or kidnappings involving Muslim religious figures, and cases in which Muslims have been killed or displaced, albeit in lower numbers than Christians.

3.22 While not discounting religious identity as a contributing factor, a number of international and domestic analysts have argued the conflict is multi-dimensional. In addition to religion, analysts cite ethnicity, politics, lack of accountability and access to justice, increasing competition over dwindling land resources, population growth, soil degradation and internal displacement from crime and other forms of violence as drivers contributing to the violence. Several experts have noted armed conflicts in the Sahel and Lake Chad Basin (particularly the Boko Haram insurgency) have altered grazing routes and brought herder groups in contact with new communities, sometimes leading to conflict because they are unaware of pre-existing agreements between the local herding and farming groups. The UN has also noted demographic and ecological pressures have resulted in internal transhumance (movement of livestock) in the Middle Belt in recent years.

3.23 In December 2019, the US Department of State added Nigeria to a Special Watch List for governments that have engaged in or tolerated severe violations of religious freedom. DFAT understands this action was taken due to the perceived failure of state authorities to protect religious communities from insurgency-related violence.

Atheists/Apostates

3.24 Although the Constitution guarantees religious freedom, both of Nigeria's parallel court systems (customary and *sharia*) have laws against public insults to, or renunciation of, religion. Under the customary system, applicable nationwide, insulting religion is prohibited under Section 204 of the Criminal Code, which penalises intentional public insults to religion with up to two years' imprisonment. *Sharia* penal codes, applicable to Muslims in 12 northern states, include apostasy (the abandonment or renunciation of Islam by a Muslim) in the list of *hudud* crimes (those considered to be against the rights of God), punishable by death or banishment.

3.25 There have been a number of recent cases in which local authorities in Kano state have taken legal action against perceived insults to religion:

- In 2015-16, a *sharia* court in Kano sentenced nine men (including a Sufi cleric) and one woman to death by hanging for insulting the Prophet Muhammad, after they reportedly said the Senegalese leader of their religious order 'was greater than the Prophet'. The death sentences were ultimately overturned on appeal.
- In May 2020, Mubarak Bala, the president of the Humanist Association of Nigeria was arrested from his home in Kaduna state and taken to Kano where he was charged with breaching religious offence and cybercrime laws after he posted comments on Facebook perceived as being critical of Islam and religion. Bala's current whereabouts and status are unknown. Bala, the son of a widely regarded Islamic scholar, had previously been forcibly committed to a psychiatric facility by his family after renouncing Islam.
- In August 2020, a court in Kano state sentenced a popular singer to death for circulating a song via WhatsApp that purportedly praised a Sufi imam to the extent that it elevated him above the Prophet Muhammad.

3.26 In addition to legal sanction, perceived offences against religion in Kano state have often resulted in 'mob justice', which generally occurs with impunity. In the 2015-16 case referenced above, a mob burned down the *sharia* court, destroying all court records. No prosecutions involving those who participated in the violence were made. Likewise, in the case in Kano state in 2020, protesters burned down the family home of the popular singer while demanding his arrest.

3.27 In-country sources report Nigerians residing in southern states who publicly profess not to follow any religion or who are perceived as being against religion are unlikely to face the risk of legal action by state authorities. However, they are likely to face family ostracism or dismissal from employment at the same level as those in the north.

3.28 DFAT assesses individuals who publicly profess atheism or make statements perceived to be against religion face a high risk of societal discrimination, which may include family ostracism or dismissal from employment. Such individuals in Kano state face a high risk of violence and/or legal sanction.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.29 Article 39(1) of the Constitution guarantees freedom of expression, including the freedom to hold opinions and receive and impart ideas and information without interference. Article 40 guarantees the right to assemble freely and to associate with other persons, and to form or belong to any political party, trade union or any other association. These constitutional freedoms are supported in law.

3.30 Since transitioning from military rule in 1999, Nigeria has held six regular democratic elections. Despite being marred by political violence (see [Security Situation](#)) and electoral irregularities (see [Political System](#)), international observers have characterised the last three elections (2011, 2015 and 2019) as broadly credible. The 2015 presidential election marked the first democratic transfer of power from the ruling party to the opposition in Nigeria's history.

3.31 A May 2018 constitutional amendment lowered the age of eligibility to run for political office from 40 to 35 years, and allowed independent candidates to compete in federal and state elections for the first time. However, the failure to pass an electoral reform law ahead of the February 2019 elections meant all competing candidates were required to have political party sponsorship. Analysts have reported this requirement has resulted in political parties auctioning candidacy nomination forms to the highest bidder, thus limiting the ability to participate politically as a candidate to those with financial means.

3.32 International observers report Nigerians generally have the right to participate in the political process, including through joining political parties and voting in elections. However, citizens' political choices remain impaired or undermined by vote buying and intimidation, the influence of powerful domestic and international economic interests, and the domination of either the military or illegal armed groups in certain regions of the country. Restrictive societal norms limit the ability of women to participate fully in the political process (see [Women](#)).

3.33 While generally respecting the rights of freedom of expression and assembly, federal and state authorities have occasionally banned and targeted gatherings that they have concluded might lead to unrest (due to the gatherings' political, ethnic, or religious nature). Human rights groups have criticised federal and state governments for prohibiting or dispersing protests that are critical of authorities or associated with controversial groups. Security services have occasionally used excessive force when dispersing protesters, which has resulted in fatalities (see [Extrajudicial Killings](#)).

3.34 In August 2019, Omoyele Sowore, a former presidential candidate, political activist, and founder of Sahara Reporters, was arrested after calling for nationwide protests with the tagline #RevolutionNow. Sowore was released on bail on 5 December 2019, nearly a month after he had met the bail requirements, but was re-detained by state security authorities the following day. Sowore was subsequently released from custody on 24 December 2019 after the Attorney General ordered his conditional release.

3.35 While #RevolutionNow protests took place in Lagos, Osun, Ondo and Cross Rivers states in the second half of 2019, international observers report none were attended by more than a few hundred participants, who in many cases were outnumbered by security forces. When protests in Lagos and Osun became violent, police used tear gas to disperse protesters, and also arrested protesters in Lagos, Osun, and Cross River. To DFAT's knowledge, there have not been any subsequent #RevolutionNow protests.

Islamic Movement in Nigeria (IMN)

3.36 The Islamic Movement in Nigeria (IMN) is a Shi'a Muslim political organisation that advocates the creation of an Iranian-style Islamic state in Nigeria. Founded in Kaduna state in northern Nigeria in the wake of the 1979 Iranian Revolution, the IMN remains heavily influenced by it: at their gatherings, IMN supporters reportedly pledge allegiance first to the late Iranian leader Ayatollah Khomeini, and then to their local leader, Sheikh Ibrahim el-Zakzaky. The IMN does not recognise the authority of the Nigerian government, and considers Sheikh Zakzaky as the only legitimate source of authority in the country.

3.37 Estimates of the IMN's size vary considerably, but constitute a significant portion of Nigeria's total Shia Muslim population. The group regularly draws huge crowds to its public gatherings, with some crowds in the tens of thousands. The IMN has well-organised branches and administrative structures in most

states, including in the south. It operates its own schools and hospitals in some northern states, in many cases filling a void left by the state. The IMN's membership includes many well-educated professionals, some of whom reportedly hold posts in the army, police and intelligence agencies.

3.38 Growing tensions between the IMN and government authorities peaked in December 2015, when clashes between IMN and the Army at a religious ceremony in Zaria, Kaduna state, resulted in the deaths of 348 IMN members and one soldier. International observers report IMN members killed in the incident were buried in a mass grave, while approximately 100 IMN members arrested after the clash remain in detention. However, in July 2018 a Kaduna state court dismissed charges of aiding and abetting culpable homicide against more than 80 IMN members. Although a Judicial Commission of Inquiry established by Kaduna state in January 2016 found the Army had committed serious human rights violations against IMN members, it was not followed by any moves to hold perpetrators responsible (see [Extrajudicial Killings](#)).

3.39 Security authorities arrested Sheikh Zakzaky and his wife after the December 2015 incident and retained them in custody despite a 2016 federal court ruling that their continued detention without charge was illegal and unconstitutional. In April 2018, the Kaduna state government charged Sheikh Zakzaky with multiple felonies stemming from the death of the soldier at Zaria. The charges, which remain unresolved, include unlawful gathering, criminal conspiracy and culpable homicide, which can carry the death penalty.

3.40 IMF members have regularly protested the continued detention of Sheikh Zakzaky and his wife, fuelled by allegations their health has deteriorated in custody. Many of these protests have resulted in violent clashes between IMN members and the security forces. Human rights groups have alleged the excessive use of force by security forces has resulted in numerous fatalities, while in some cases fatalities have resulted after authorities have physically abused IMN members detained in custody after protests (see [Deaths in Custody](#)).

3.41 In July 2019, the Federal High Court ruled IMN's activities amounted to 'acts of terrorism and illegality' and ordered the government to proscribe the group. The government complied two days later, officially banning the group and prohibiting its meetings and other activities. In its announcement, the government emphasised its proscription of the IMN was not intended to ban the larger numbers of peaceful and law-abiding Shi'ites in the country from practising their religion. In August 2019, the Nigerian Police issued a circular directing police officers to 'ensure that identified leaders of the group and their structures are dismantled, and their activities contained'.

3.42 The national ban on IMN followed an earlier ban on the group imposed by the Kaduna state government, and came after a series of IMN protests against Sheikh Zakzaky's ongoing detention in the preceding months. In the most violent protest, IMN members broke through police barricades at the National Assembly in Abuja, after which the police force responded by dispersing the crowd with tear gas. Media reports suggested the incident resulted in the deaths of 15 IMN members, one police officer and a security guard. Authorities reportedly arrested more than 50 IMN members.

3.43 In August 2019, authorities granted Sheikh Zakzaky and his wife medical furlough to travel to India to seek medical treatment. Sheikh Zakzaky reportedly refused treatment at an Indian hospital after his preferred medical team was changed and armed guards were deployed to his hospital room, and he requested to return to Nigeria. Upon return, the couple were returned to custody. Despite the national ban, the IMN sponsored *Ashura* religious processions in Bauchi, Kaduna, Gombe, Katsina and Sokoto states in September 2019. Media sources reported clashes between march participants and security forces resulted in the deaths of up to 12 IMN members.

3.44 DFAT assesses that, as members of a proscribed organisation, IMN members face a risk of arrest that is likely to be higher for those in leadership roles. Ordinary IMN members who participate in protests and demonstrations face a moderate risk of being subjected to violence from state security forces.

Biafra Secessionists

3.45 As noted in [Recent History](#), Nigeria fought a civil war from 1967 to 1970 against a secessionist movement in the southeast that titled itself the Republic of Biafra. The war came after coups and counter-coups around the central government, followed by a pogrom in which an estimated 30,000 Igbo were killed in the north, causing over a million people to flee into the east. While the exact number is unknown, most estimate the number of civilian deaths caused by the conflict to be 2-3 million, mostly due to famine.

3.46 Targeted re-engineering of the country occurred in the immediate aftermath of the Biafra conflict, aimed at preventing any further attempts at secession and encouraging national unity and peaceful coexistence among Nigeria's more than 250 ethnic identities. These moves included greater federalisation, including through the creation of additional states, and the introduction of constitutional diversity requirements to prevent both monopolisation of leadership, and economic and political exclusion. Informal ethnic quotas and arrangements continue to seek to maintain ethnic and religious harmony.

3.47 Despite these moves to encourage greater national unity, there has never been a national reckoning or dialogue in relation to the issues that led to the Biafra conflict, which is not officially commemorated. According to observers, many in the southeast report feeling ongoing resentment at the lack of action to resolve issues emanating from the conflict and from their perceived ongoing marginalisation in national life. Such feelings have reportedly grown stronger in the years since President Buhari came to power, with many of his major political and military appointments tending to favour individuals from the north. As a result, in recent years there has been a noticeable resurgence of calls from the southeast for greater self-determination in the form of an independent Biafran state.

3.48 While there are a number of Biafran secessionist movements, the two most prominent are the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) and the Indigenous People of Biafra (IPOB). Both MASSOB and IPOB draw their support predominantly from the Igbo speaking southeast states of Abia, Anambra, Ebonyi, Enugu and Imo. The differences between the two groups (and other Biafran secessionist movements) is unclear, and DFAT does not have any information on the membership procedures or organisational structure for either movement.

3.49 While the two groups (and other Biafran secessionist movements) have called for independence to occur through peaceful means, such as via referendum, central authorities have strongly rejected such calls, stating the country's unity is 'not negotiable'. In October 2015, security forces arrested IPOB's UK-based leader Nnamdi Kanu on his return to Nigeria, charging him with treason and sedition. Kanu's arrest sparked nationwide protests among his followers, leading to serious clashes with security forces. Amnesty International reported in November 2016 that, on a number of occasions across the southeast, the military had fired live ammunition with little or no warning to disperse crowds, causing multiple fatalities; while security forces also shot at least 60 people dead in the space of two days in connection with events to mark Biafra Remembrance Day in Onitsha, Anambra state.

3.50 After Kanu's release from detention in April 2017 failed to end the demonstrations, security forces launched a military operation, Operation Python Dance, to quell the agitation in the southeast. According to international observers, a September 2017 security operation against IPOB supporters at Kanu's home resulted in up to 150 deaths. Authorities subsequently designated IPOB a terrorist organisation. While the clampdown by security forces appeared to largely curtail IPOB's public activities, November 2020 saw a new outbreak of open conflict in the southeast of the country. Rivers state Governor Nyesom Wike has reportedly 'declared war' on the group following an attack on security forces which killed six soldiers and four police officers. In her September 2019 post-visit report, the UN Special Rapporteur on extrajudicial, summary or arbitrary execution noted she had received a large number of allegations of killings of IPOB members by military forces in 2017, 2018 and 2019, and authorities had not investigated any of these

killings. The Special Rapporteur also noted a number of arrested IPOB members had allegedly been held *incommunicado* before being detained without charges; and there had not been any convictions of IPOB members since 2015 due to the discontinuance or dismissal of charges.

3.51 DFAT understands that, although authorities have threatened to proscribe MASSOB on several occasions, they have not actually done so and MASSOB has continued to conduct public activities. There have also been recent reports of deaths, injuries and mass arrests of MASSOB members in the context of clashes with security forces during pro-Biafra demonstrations. In May 2019, two MASSOB members were reportedly killed and 15 wounded following clashes with police at a MASSOB anniversary event in Onitsha, Anambra state, while in the same period a MASSOB member was reportedly arrested and tortured at a police station in Mgbidi, Imo state. In September 2018, 125 MASSOB members were reportedly arrested, with some sustaining injuries, during a rally in Anambra state.

3.52 DFAT assesses that, as members of a proscribed organisation, IPOB members face a risk of arrest that is likely to be higher for those in leadership positions. Ordinary members of IPOB, MASSOB and other Biafran secessionist organisations who participate in political demonstrations or rallies face a moderate risk of being subjected to violence by state security forces.

GROUPS OF INTEREST

Human Rights Defenders

3.53 Numerous domestic and international human rights organisations operate throughout Nigeria, although DFAT understands such organisations operate more commonly in the south than the north. In 2015 (latest available figure), over 78,000 NGOs were registered with the Corporate Affairs Commission (CAC), of which 335 were classified as human rights organisations. While it is not compulsory for NGOs to register with CAC to operate, only registered NGOs are permitted to receive donor funding and tax exemptions.

3.54 International observers report domestic and international human rights organisations are generally able to function independently and without interference in establishing, funding and operating their respective groups, and in investigating and publishing their findings on human rights cases. While government officials sometimes cooperated and responded to the views of human rights groups, these groups have complained officials generally dismiss allegations of human rights violations quickly without investigation. Human rights organisations working on women's issues, particularly in Muslim communities, report sometimes encountering mistrust from the community. Few human rights organisations work directly on lesbian, gay, bisexual, transgender and/or intersex (LGBTI) issues in Nigeria, or are prepared to speak openly about them (see [Sexual Orientation and Gender Identity](#)).

3.55 Human rights observers report wealthy individuals, police and other security forces and government agencies have used the criminal justice system to target human rights defenders and journalists who have worked to expose corruption. In one such case in January 2018, police arrested IG Wala, the national coordinator for a human rights organisation that had published Facebook posts highlighting graft in public bodies, including within the National *Hajj* Commission (NHC). According to the human rights organisation, police acted on a petition by a member of the NHC to deter Wala from continuing his efforts to expose corruption. Wala was convicted in April 2019 of falsely accusing a public official of corruption and sentenced to seven years' imprisonment, subsequently reduced to two years on appeal. He was released from prison in April 2020 as part of a general amnesty.

3.56 Human rights organisations attempting to operate in areas controlled by Boko Haram have reported facing intimidation and physical harm for speaking out against the group (or being perceived to have done so). Human rights groups have also reported experiencing harassment on occasion from the security services in the form of threats and intimidation (although generally not physical harm). Such harassment has generally coincided with attempts to report on issues seen as impinging on national security, particularly military operations against Boko Haram and Niger Delta militias and communal violence in the Middle Belt (see [Security Situation](#)).

3.57 In September 2019, the army ordered two humanitarian NGOs to suspend operations in Borno and Yobe states after members of the organisations were found with large sums of cash and other questionable items at checkpoints. The army alleged the two organisations were aiding and abetting a terrorist organisation (Boko Haram). The two organisations strongly rejected the charges and cooperated with military officials, resulting in the lifting of suspensions the following month. A military board of inquiry continues to investigate the allegations. In a separate incident, a military spokesman responded to the release of a December 2018 Amnesty International report on the alleged failure of the military to protect residents from attacks in the Middle Belt by threatening to shut down the group's Nigeria office (although no action was ultimately taken).

3.58 In 2017 and 2018, Nigeria's Parliament debated, but did not pass, a bill proposing stricter regulations on NGO funding, activities and foreign affiliation in the name of national security, and greater control over NGO assets. However, following the September 2019 incident (above), the House of Representatives Speaker said Parliament would re-visit the bill in response to NGO activities accused of providing direct or inadvertent support to Boko Haram in northeastern Nigeria. The current status of the bill is unclear.

3.59 DFAT assesses human rights defenders who attempt to work on issues perceived to be sensitive, particularly corruption, or impinging on national security, face a moderate risk of official discrimination that may include arrest, legal harassment, threats or intimidation. Those working in areas controlled by Boko Haram face a high risk of physical harm and/or intimidation if they are perceived to be against the organisation.

Media

3.60 Article 22 of the Constitution guarantees the freedom of the press, television, radio and other agencies of the mass media to uphold the responsibility and accountability of the government to the people. However, these rights are limited by laws on sedition, criminal defamation and publication of 'false news', while *sharia* provisions in 12 northern states impose major penalties for alleged press offences. The *Official Secrets Act* and various provisions under the Criminal Code restrict access to official information. Libel and slander are civil offences and require defendants to prove truthfulness or value judgement in news reports or editorials or pay penalties. Defamation is a criminal offence carrying a penalty of up to two years' imprisonment and possible fines.

3.61 The Nigerian National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the Nigerian broadcast code. The law prohibits local television stations from transmitting programming from other countries except for special religious programs, sports programs or events of national interest. Cable and satellite transmission is less restricted, but these networks are still required to dedicate 20 per cent of their programming time to local content.

3.62 Nigeria's media landscape is one of the liveliest in Africa. There are hundreds of radio stations and terrestrial television networks, as well as cable and satellite television products. All 36 states run at least one radio network and a TV station. Radio reaches the largest number of Nigerians, while television is

mainly accessed in urban areas. International broadcasters are popular. State television claims to reach tens of millions of viewers, while the main privately-owned networks are market leaders in some cities. There are more than 100 national and local press titles, some of them state-owned. They include well-respected dailies, tabloids and publications that champion ethnic interests. The reliability of media outlets is variable, and most media sources reportedly have a political agenda in support of one of the major parties.

3.63 International observers report the ability of journalists to practise freely has become increasingly limited, particularly for those attempting to cover corruption scandals, human rights violations, separatist and communal violence, or other politically sensitive topics. According to media advocates, government officials restrict press freedom by publicly criticising, harassing, and arresting journalists, while officials often respond to negative reporting by alleging libel against the journalist responsible. Journalists are also often denied access to information by police and other security officials and sometimes by the public itself.

3.64 In February 2020, journalists at a privately-owned newspaper reported receiving threats and intimidation after publishing a series of reports based on leaked documents that alleged relations between the national security adviser, the army's chief of staff and the chief of staff for the presidency were strained. One journalist claimed to have received anonymous phone calls warning him to stop reporting and to have had his home visited by men he suspected to be state security agents. The newspaper's website was also targeted by multiple cyberattacks.

3.65 There have been numerous recent cases in which government officials or security forces have physically assaulted journalists covering sensitive issues. In June 2020, for example, officials of the Special Anti-Robbery Squad (SARS, see [Extrajudicial Killings and Torture](#)) arrested, detained and allegedly tortured a radio broadcast journalist after he attempted to film policemen beating a teenager in Port Harcourt. In September 2019, Akwa state officials allegedly assaulted a female journalist for filming them violently dispersing street traders. In June 2020, an Imo state legislator allegedly ordered the beating of a journalist who he accused of misquoting him. Two journalists have been killed in the course of their work since July 2019, with both shot dead while covering IMN protests (see [Islamic Movement in Nigeria \(IMN\)](#)). To date, no one has been arrested for either killing. Moreover, army personnel in some cases have reportedly threatened civilians who provided, or were perceived to have provided, information to journalists in relation to misconduct by the military. As a result, journalists often reportedly practise self-censorship when covering sensitive issues.

3.66 Authorities have been particularly sensitive to attempts by journalists to cover the Boko Haram insurgency. In January 2019, security forces raided the *Daily Trust* newspaper's office in Maidiguri and its offices in Abuja and Lagos, accusing the paper of publishing classified information involving operations against Boko Haram. The newspaper's northeast regional editor and a reporter were detained during the raid, but were released after two days without charge. The military subsequently stated the journalists had been arrested 'in order for them to realise the importance of national security', but that the military did not intend to silence the press.

3.67 The National Assembly is currently considering a Bill to establish a National Commission for the Prohibition of Hate Speech. If introduced, the Bill would impose stricter penalties, including life imprisonment, for the publication of material deemed to incite ethnic hatred, and any written or visual acts seen as threatening, insulting or offensive. Media advocacy groups have criticised the draft bill as containing imprecise provisions with harsh penalties, which could have the effect of stifling press freedom.

3.68 DFAT assesses journalists attempting to report on the sensitive topics outlined in 3.64 face a moderate risk of official discrimination that may include arrest, legal harassment, threats and intimidation. Those covering political protests or demonstrations face a high risk of violence from state security forces if

they are perceived to be portraying authorities in a poor light. Such journalists are likely to seek to minimise these risks through practising self-censorship.

Online Media

3.69 The Nigerian Communications Commission (NCC) is responsible for regulating Nigeria's information and communications technology (ICT) sector. According to the NCC, there were over 141 million active internet users as of May 2020, with 18 million new active users recorded in the previous year. Virtually all active internet users (99.82 per cent) access the internet by mobile phone. There are few government restrictions on access to the internet, but challenges with infrastructure and affordability limit the ability of many Nigerians to go online.

3.70 Around 24 million Nigerians were active on social media as of January 2019, comprising 12 per cent of the population. WhatsApp is the most popular social media platform, used by 85 per cent of social media users, followed by Facebook at 78 per cent. Nigeria has a diverse blogosphere, which has become a source of news for many users, and provides a platform for political and social debate. Popular social media platforms also include Twitter, Instagram, Medium, Blogger, WordPress and many others. Internet service providers sometimes block websites at the NCC's request, particularly websites advocating Biafran independence (see [Biafra Secessionists](#)).

3.71 Civil society organisations have expressed concern regarding the broad powers afforded to authorities by the *Cybercrimes Act* (2015), which has been used by authorities (including some local and state governments) to arrest opponents and critics, including journalists. In June 2020, for example, authorities arrested and charged the founder of a privately owned news website with violating the *Cybercrimes Act* in relation to his reporting on the alleged collapse of a COVID-19 isolation centre in Kogi state. According to the founder, while in detention he was also questioned at length about a report on his website that alleged a court had ordered the arrest of the Deputy Governor of Bayelsa state. If found guilty, the founder faces up to three years' imprisonment and a fine of up to 7 million naira (AUD25,220).

3.72 There has been increasing legislative interest and calls for further regulating social media due to concerns it plays a role in accelerating rural and electoral violence. The National Assembly is currently considering a Bill on the Protection from Internet Falsehood and Manipulation and other Related Offences, which would give authorities greater powers to shut down the internet or block specific social media platforms at its discretion. The bill also contains provisions prohibiting statements online deemed likely to be prejudicial to national security and which may diminish public confidence in the government, punishable by fines and imprisonment for up to three years. The National Assembly is also considering a draft bill on Digital Rights and Freedom, aimed at guaranteeing the application of human rights in the digital environment and promoting the freedoms of expression, assembly and association online. In March 2019, President Buhari rejected an earlier version of the bill after it had been passed by the National Assembly, saying it covered too many technical subjects and failed to address any of them extensively.

3.73 In the lead-up to the 2019 general elections, international advocacy groups expressed concern about the level of disinformation and propaganda disseminated online by the political parties and their supporters. These included a video, viewed more than half a million times, that claimed that President Buhari had died and been replaced by a Sudanese clone, forcing Buhari to issue a denial; a video posted on Twitter by the Buhari campaign of what was purportedly an example of the government's public works (but was actually a road in Nigeria); and a digitally altered image published by the Abubakar campaign that showed US President Trump holding a photograph of Abubakar.

Women

3.74 Nigeria is a State Party to the CEDAW and its Optional Protocol (see [Human Rights Framework](#)). Article 15(2) of the Constitution prohibits discrimination on the grounds of sex, Article 42(1) guarantees the equality of citizens regardless of sex, and Article 17(3)(c) commits the State to directing policies to ensure equal pay for equal work without discrimination on the grounds of sex. Several states have laws mandating equal opportunity for women.

3.75 Despite these constitutional protections, human rights observers report sex-based discrimination and violence remains a significant risk for women and girls in Nigeria. The World Economic Forum 2020 Global Gender Gap report ranked Nigeria 128 out of 153 countries (and 27 out of 34 in Sub-Saharan Africa) in terms of women's economic participation and opportunity, educational attainment, political empowerment, and health and survival.

3.76 Women play active and vital roles in the informal economy, particularly in agriculture, processing of foodstuffs and selling of goods at markets. However, they are under-represented in the formal sector, and international observers report many women experience considerable economic discrimination due to traditional and religious practices. The law does not mandate equal remuneration for work of equal value, nor does it mandate non-discrimination based on sex in hiring. NGOs have expressed concern about discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equity. According to credible reports, many businesses maintain an informal 'get pregnant, get fired' policy. Police regulations provide for special recruitment requirements and conditions of service applying to women, particularly the criteria and provisions relating to pregnancy and marital status. Women employed in the business sector did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

3.77 While no laws limit the participation of women in the political process, religious and cultural barriers restrict their leadership opportunities, particularly in the north. Women made up only 12 per cent of candidates in the 2019 general elections, and less than 4 per cent of those elected were women (down from a high of 8 per cent of National Assembly members elected in 2007). None of Nigeria's 36 state governors is a woman. Only seven women were included in President Buhari's post-election ministerial list of 43 nominees. State houses of assembly and local government councils have similarly low levels of female participation. In 2019, the Inter-Parliamentary Union ranked Nigeria 180 out of 193 countries on percentage of women in national parliaments.

3.78 Nigeria remains a patriarchal society in many respects. For example, the testimony of women reportedly carries less weight than that of men in many criminal courts, and women can arrange but not post bail at most police detention facilities. While no laws prohibit women from owning land, customary land tenure systems may make it difficult for women to do so, with women gaining access to land only via marriage or family. Many customary practices also do not recognise a woman's right to inherit her husband's property, and many widows reportedly become destitute when their in-laws take virtually all of their late husband's property. So-called 'widowhood practices' occur in different manifestations nationwide. Confinement, which occurs predominantly in the northeast, involves widows being subject to social restrictions for as long as a year, during which time they shave their heads and dress in black. In other areas, communities reportedly regard a widow as a part of her husband's property to be 'inherited' by his family. Human rights observers report that *purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continues in parts of the north.

3.79 DFAT assesses that, notwithstanding constitutional and legislative protections, women in Nigeria face a moderate risk of societal discrimination due to a number of significant disadvantages. These include

the threat of gender-based violence and other sexually-based harassment, including from state authorities (see following section) and long-standing traditional values and gender roles that limit their full participation in the workplace and community.

Gender-based Violence (GBV)

3.80 It is difficult to accurately determine rates of gender-based violence (GBV) in Nigeria due to a lack of reliable data and under-reporting. To DFAT's knowledge, there have not been any credible national surveys relating to GBV since 2013. International observers report, however, that GBV in the form of domestic and intimate partner violence is widespread across all geographic locations, socioeconomic levels, and religious and ethnic groups, and that many consider it socially acceptable. Human rights observers report police often view domestic violence as a private matter, and will either refuse to intervene in domestic disputes or blame the victim for provoking the abuse. In rural areas, courts and police are reluctant to intervene to protect women who formally accuse their husbands of abuse if the level of alleged abuse did not exceed local customary norms. Families of women subjected to domestic violence will often refuse them support and pressure them to stay with abusive husbands.

3.81 In-country sources report rates of domestic violence have spiked during the COVID-19 pandemic. In June 2020, Nigeria's 36 state governors unanimously declared a state of emergency after a series of high-profile cases of GBV sparked nationwide protests by activists, both online and at rallies. As part of their declaration, the governors called on all states to immediately launch sex offender registries and to push for tougher federal punishment for abuse and violence against women.

3.82 There is no comprehensive law for combatting GBV that applies across the country. While the *Violence Against Persons Prohibition Act* (2015; VAPP Act) addresses multiple forms of GBV, including sexual violence, physical violence, psychological violence, harmful traditional practices and socioeconomic violence, its provisions apply automatically only within the FCT. Other states must pass it separately for its provisions to take effect, and DFAT understands only 13 states have done so to date. While some, mostly southern, states have enacted laws prohibiting some forms of GBV or have sought to safeguard certain rights, a majority of states do not have such legislation. State criminal codes continue to govern most rape and sexual assault cases across the country, and typically allow for lesser sentences than those mandated in the VAPP Act.

3.83 The VAPP Act cites spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C; see section following), other harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) as offences. It provides for a public register of convicted sex offenders, and mandates penalties for conviction of rape and/or sexual assault ranging from 12 years' to life imprisonment for offenders older than 14 and a maximum of 14 years' imprisonment for all others. It also provides for up to three years' imprisonment, a maximum fine of 200,000 naira (AUD737), or both for conviction of spousal battery.

3.84 The VAPP Act offers some protections to victims and survivors of GBV in the jurisdictions in which it applies. For example, it provides for the appointment of protection officers at the local government level to coordinate with courts and provide for victims to receive medical, psychosocial, legal, rehabilitative and reintegration assistance. The VAPP Act also authorises court to issue protection orders upon application by a victim, and includes provisions to protect the identity of rape victims and a provision empowering courts to award appropriate compensation to victims of rape. Under the VAPP Act, victims and survivors of GBV are entitled to comprehensive medical, psychological, social and legal assistance by accredited service providers and government agencies, with their identities protected during court cases.

3.85 Resources available to victims and survivors of GBV are limited. A number of state governments provide a small number of shelters across the country. In-country sources report these shelters are poorly equipped and do not provide adequate protection for victims. Several NGOs provide support to women in violent relationships, including through the provision of shelters which are predominantly located in southern Nigeria. Since 2017, the Domestic Violence Assistance Line Initiative has offered support and resources to victims and survivors through a 24-hour helpline managed by a small number of volunteers.

3.86 Sexual harassment remains a common problem, particularly in schools and universities where the practice of demanding sexual favours in exchange for employment or university grades is reportedly common. In August 2019, media outlets reported a dean at a federal university was arrested after allegedly demanding sex from female students in exchange for passing grades. The Senate passed an anti-sexual harassment bill in July 2020 that outlaws any form of sexual or romantic relationships in tertiary institutions between students and lecturers.

3.87 International observers report Boko Haram have subjected many women and girls to GBV, including through abduction, forced marriages, sexual slavery, and rape. Those women and girls who have escaped, or who security services or vigilante groups have rescued, have reportedly faced ostracism by their communities and have had difficulty obtaining appropriate medical and psychosocial treatment and care, including for their children born of rape.

3.88 Human rights observers have reported cases in which members of state authorities (including soldiers, police officers and others) have committed sexual exploitation and abuse of women and girls in state-run IDP camps, informal camps, and local communities in and around Maiduguri, the Borno state capital, and across the northeast. Although perpetrators generally act with impunity, there have been some cases in which authorities have taken action. For example, in May 2019 an Air Force officer was convicted and sentenced for the sexual exploitation of a 14-year-old girl in one of the IDP camps.

Female Genital Mutilation/Cutting (FGM/C)

3.89 According to the World Health Organization (WHO), female genital mutilation/cutting (FGM/C) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. The practice is mostly carried out by traditional circumcisers, who often play other central roles in communities, such as attending childbirths. In many settings, health care providers perform FGM/C due to the belief the procedure is safer when medicalised.

3.90 Although illegal and in decline, FGM/C continues to be practised in Nigeria. According to a National Bureau of Statistics/UNICEF report published in February 2018, over 18 per cent of women aged 15-49 years had undergone some form of FGM/C, compared to almost 25 per cent in 2013 and 27 per cent in 2011. The report also found 82 per cent of those who had undergone FGM/C had done so before the age of five. Although FGM/C is more common in the southern, predominantly Christian regions, it is practised within both Christian and Muslim communities. The highest FGM/C prevalence rates are in the southeast and southwest (33 and 41 per cent respectively) and the lowest prevalence rate is in the northeast (1 per cent). FGM/C prevalence varies considerably between ethnic groups: whereas prevalence among Yoruba and Igbo women is 45 per cent and 29 per cent respectively, it is 14 per cent for both Hausa and Fulani women and 9 per cent across all other ethnic groups. The practice is virtually unknown among Igala and Tiv women, who mostly live in the south and central belt of the country.

3.91 The VAPP Act prohibits FGM/C, making it a federal offence. It penalises a person convicted of performing female circumcision or genital mutilation with a maximum of four years in prison, a fine of 200,000 naira (AUD635), or both. It punishes anyone convicted of aiding or abetting such a person with a maximum of two years' imprisonment, a fine of 100,000 naira (AUD369), or both. As noted in the previous

section, however, the VAPP Act automatically applies within the FCT, but must be passed separately in each state. DFAT understands only 13 states have implemented the VAPP Act to date.

3.92 Cultural and societal norms support the continuation of FGM/C in Nigeria. Cultural attitudes behind the practice of FGM/C include notions of cleanliness or hygiene; prevention of promiscuity; enhancing fertility; marriage prospects and fidelity; fulfilled womanhood; and/or the idea that it protects babies during childbirth. Girls may be ostracised, shunned or assaulted by their family or community if they have not undergone FGM/C.

3.93 Several international and local NGOs work to reduce the practice of FGM/C in Nigeria, including the WHO, UNICEF and the African Union. The capacity of the government to provide effective protection is limited in some parts of the country, in particular in Borno, Adamawa, Yobe, Plateau, Benue, Nasarawa, Taraba and Zamfara states. As family members are often the perpetrators, reporting rates for FGM/C are low. There are no reports that FGM/C has occurred without the consent of parents. International observers report there have not been any prosecutions in relation to FGM/C to date.

Sexual Orientation and Gender Identity

3.94 Although the Constitution offers general guarantees to the rights to life, privacy, association, assembly, dignity and freedom of expression, Article 15(2) does not include sexual orientation or gender identity as one of the grounds for which discrimination is prohibited. There are no laws explicitly protecting sexual minorities from targeted violence or discrimination.

3.95 A number of federal and state laws criminalise same-sex sexual acts. Section 214 of the 1990 Criminal Code criminalises ‘carnal knowledge against the order of nature’ for men and women, carrying a maximum penalty of 14 years’ imprisonment; while Section 217 penalises ‘gross indecency’ for men with up to three years’ imprisonment. The federal *Same Sex Marriage (Prohibition) Act (2014)* (the SSMPA) imposes sentences of up to 14 years for individuals who enter into a same-sex marriage or civil union, and penalises ‘administering, witnessing, abetting or aiding the solemnisation of a same sex marriage or civil union’ with up to 10 years’ imprisonment. Article 5(2) of the SSMPA penalises public displays of same-sex attraction with up to 10 years’ imprisonment.

3.96 In the 12 northern states that have adopted *sharia*, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning. DFAT is not aware of any cases in which such penalties have been imposed, although there have been some cases in recent years in which *sharia* courts have reportedly sentenced individuals convicted of same-sex activities to lashings.

3.97 According to the US Department of State, the SSMPA effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, transgender and/or intersex (LGBTI) rights, or being perceived to do so. In addition to the provisions mentioned above, Article 5(3) of the SSMPA provides for up to 10 years’ imprisonment for anyone who ‘registers, operates or participates in gay clubs, societies or organisations, or supports their activities’. LGBTI persons have reported increased harassment and threats against them in the years following the SSMPA’s passing. Human rights organisations have reported the SSMPA has become a tool used by police and members of the public to legitimise human rights violations against LGBTI persons, such as torture, sexual violence, arbitrary detention, extortion and violations of due process rights. LGBTI advocates have also claimed in some cases local authorities have used the SSMPA to deny members of the LGBTI community access to amenities and education.

3.98 There have been a number of widely reported cases in recent years in which LGBTI individuals have been arrested on the basis of their perceived sexual orientation or gender identity. These include (but are not limited to):

- In January 2020, religious police in Kano state announced the arrest of 15 university graduates who were reportedly 'planning a gay sex party'. A religious police spokesperson said those arrested had been transferred to a correctional centre to undergo reorientation programs.
- In November 2019, police in Edo arrested two women rumoured to be in a relationship and publicly declared a 'war on lesbians'.
- In August 2018, police in Lagos arrested 57 individuals at a hotel party, subsequently charging them with public displays of same-sex amorous affection under Section 5(2) of the SSMPA. In December 2019, 47 of the men began trial, making them the first people to go on trial under the Act.

Media and LGBTI advocates have also reported cases in which police have arrested LGBTI individuals but released them without formal charges after paying a bond, thought in some cases to be a bribe.

3.99 In-country sources report all socioeconomic groups in Nigeria hold negative views of homosexuality, which many consider to be alien to traditional African culture. According to a 2017 survey on lesbian, gay and bisexual rights in Nigeria, 90 per cent of respondents supported the introduction of the SSMPA, 90 per cent agreed Nigeria would be a better country without homosexuals, and 83 per cent indicated they would not be willing to accept a homosexual family member. Further, 56 per cent of respondents supported the view that homosexuals should be denied access to public services such as health care, housing and education.

3.100 LGBTI advocacy groups report that individuals accused of homosexuality face a risk of losing their jobs, being compelled to leave their village or neighbourhood, or being subjected to violence which has in some cases been lethal. LGBTI individuals have reported feeling unsafe accessing health care due to the fear of discrimination from nurses and doctors should their sexual orientation or gender identity become known, including being reported to police. In order to avoid societal isolation and discrimination, members of the LGBTI community report feeling compelled to take steps to hide their sexuality. Both gay men and lesbians face considerable societal and family pressure to enter into heterosexual marriages. DFAT considers credible reports of gay men being ostracised and forced out of their family homes once their sexual orientation had become known.

3.101 Despite the operating restrictions imposed by the SSMPA, several NGOs have provided LGBTI groups and individuals legal advice, training in advocacy, media training and health services, focusing primarily on HIV and AIDS work. One human rights NGO launched a mobile application in 2017 called 'Quickcare' to help LGBTI people access health services and other LGBTI-friendly facilities across Nigeria. Authorities have largely not impeded the work of these groups. In 2018, however, a group called Lesbian Equality and Empowerment Initiatives lost their appeal challenging the refusal of the Corporate Affairs Commission to register them under the *Companies and Allied Matters Act*, with the judge ruling their name was in breach of the SSMPA.

3.102 DFAT assesses LGBTI individuals face a high risk of legally sanctioned official discrimination and targeting under federal and state law, and a high risk of societal discrimination and violence. These risks increase in the northern states in which *sharia* applies.

Children

3.103 Nigeria is a State Party to CRC (see [Human Rights Framework](#)). Article 17(3)(f) of the Constitution commits the State to protecting children and young persons against all forms of exploitation and against moral and material neglect.

Child Labour

3.104 Nigeria has signed and ratified the International Labour Organization's Convention 138 on the Minimum Age for Employment and Convention 182 on the Worst Forms of Child Labour. By law, age 12 is the general minimum age for employment. Persons younger than age 14 may be employed only on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence. These regulations do not apply to domestic service, however, and the law provides exceptions for light work in agriculture and horticulture if the employer is a family member. The law does not allow any person younger than age 16 to work underground, in machine work, or on a public holiday, and no 'young person' (defined by the *Labour Act* as a person younger than age 18) may be employed in any job that is injurious to health, dangerous or immoral. The law states children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths older than age 12 is allowed in skilled trades or as domestic servants.

3.105 Despite these laws and regulations, international observers report child labour is common across Nigeria in a wide range of sectors and children remain inadequately protected due to weak or non-existent enforcement of the law. Many children work as beggars, street peddlers, and domestic servants in urban areas, while children also work in the agricultural sector and in mines. According to international observers, the worst forms of child labour identified in the country include: commercial agriculture and hazardous farm work (cocoa, cassava); street hawking; exploitative cottage industries such as iron and other metal works; hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labour and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

3.106 The Labour and Employment Ministry (LEM) is responsible for taking forward the government's action plan on child labour policy, which is focused on intervention, advocacy, sensitisation, legislation, withdrawal of children from potentially harmful labour situations, and the rehabilitation and education of children following withdrawal. In an effort to withdraw children from the worst forms of child labour, the LEM reportedly operates a number of vocational training centres in collaboration with NGOs around the country. According to international observers, the LEM predominantly conducts inspections in the formal business sector, where the incidence of child labour is less significant. The National Agency for the Prohibition of Traffic in Persons also has some responsibility for enforcing child labour laws, although it primarily rehabilitates trafficking and child labour victims.

Sexual Exploitation of Children

3.107 A number of laws seek to protect children against sexual abuse and exploitation. The *Child Rights Act* (2003) prohibits child commercial sexual exploitation and sexual intercourse with a child, providing penalties for conviction from seven years' to life imprisonment, respectively, for any adults involved. Two-thirds of states have reportedly adopted the Act. The *Trafficking in Persons Law Enforcement and Administration Act*, as amended in 2015, criminalises child sex trafficking and prescribes a minimum penalty of seven years' imprisonment and a fine of one million naira (AUD3,609). The VAPP Act (see [Women](#)) criminalises incest and provides prison sentences for conviction of up to 10 years. The *Cybercrimes Act* (2015) criminalises the production, procurement, distribution and possession of child pornography with prison terms if convicted of 10 years, a fine of 20 million naira (AUD72,174), or both.

3.108 Despite these laws, international observers report sexual abuse and exploitation of children remains a significant problem. A March 2019 UNICEF report found one in four girls (and one in 10 boys) had been subjected to sexual violence before their 18th birthdays. Girls in IDP camps are particularly vulnerable, and there have been continued credible reports that camp officials and members of security

forces have used fraudulent or forced marriages to exploit girls into sex trafficking. As noted in [Security Situation](#), Boko Haram has forced abducted school-aged girls to become 'wives' for its fighters.

3.109 International observers report that so-called baby factories operate across the country, often disguised as orphanages, religious or rehabilitation centres, hospitals or maternity homes. These institutions reportedly offer for sale the newborns of pregnant women – mostly unmarried girls – often held against their will and raped. Persons running the factories then sell the children for various purposes, including adoption, child labour, child trafficking or sacrificial rituals, with boys fetching higher prices. Media reports indicated some communities kill infants who are born as twins, or with birth defects or albinism. DFAT is unable to provide any further details as to the prevalence or geographic location of such institutions.

Child Soldiers

3.110 As noted in [Security Situation](#), Boko Haram has frequently used children in various conflict-related roles during its insurgency. Although the Civilian Joint Task Force (CJTF; see [Extrajudicial Killings](#)) previously used child soldiers, international sources report there have been no verified cases of recruitment and use of child soldiers by the CJTF since the signing of a UN-sponsored action plan in September 2017. DFAT is unaware of any reports of the Nigerian military using child soldiers.

Child Marriage

3.111 Nigeria has ratified CEDAW (see [Human Rights Framework](#)), which obligates states to ensure free and full consent to marriage. Legislation is inconsistent in relation to the minimum marriage age: while the *Marriage Act* (1990) sets the minimum legal age of marriage to 21 years for girls and boys (while allowing them to marry earlier with written consent from a parent or guardian), the *Child Rights Act* (2003) sets the minimum legal age for marriage for both sexes at 18 years. There is also a lack of harmonisation between the *Child Rights Act* and the *Sexual Offences Bill* (2015), which sets the minimum age of sexual consent at 11 years. Most northern states have not adopted the *Child Rights Act* and instead apply *sharia* law provisions that set the minimum age as low as 12 years.

3.112 Advocacy groups report Nigeria has the third highest absolute number of child brides in the world and the eleventh highest prevalence rate of child marriage globally. According to UNICEF, 18 per cent of girls in Nigeria are married by the age of 15, and 44 per cent by the age of 18. The prevalence of child marriage varies widely among regions, with figures ranging from 76 per cent in the northwest to 10 per cent in the southeast. It is reportedly particularly common among the Hausa ethnic group.

3.113 According to advocacy groups, the high prevalence of child marriage in Nigeria is driven by lack of education, poverty and cultural norms that encourage gender inequality. Families reportedly sometimes force young girls into marriage as early as puberty, regardless of age, to prevent 'indecent' associated with premarital sex or for other cultural and religious reasons. Some parents in the north have also reportedly complained the quality of education was so poor that schooling could not be considered a viable alternative to marriage for their daughters.

3.114 The Ministry of Women Affairs and Social Development launched a National Strategy to End Child Marriage in 2016, which aims to end child marriage by 2030. Authorities have engaged religious leaders, emirs and sultans on the issue, emphasising the health hazards of early marriage, while certain states have worked with NGOs to establish school subsidies or fee waivers to encourage girls to stay in school. However, the government has not taken legal steps to end the sale of young girls into marriage.

Persons Accused of Witchcraft

3.115 There is a strong societal belief in Nigeria across all socioeconomic and religious groups in the existence of witchcraft. Every ethnic group reportedly has a name for females and males who are believed to openly or secretly collaborate with supernatural forces to invoke harm among others, and their 'manipulations' are often blamed for a variety of afflictions such as disease, infertility, poverty and business failure. Nigerian popular movies regularly feature supernatural themes, with religiously-themed movies presenting witchcraft and its practitioners as a literal evil and threat to the lives of ordinary people. Many religious organisations, particularly Pentecostal churches in the Niger Delta, offer professional exorcism services to deliver people from witchcraft and possession.

3.116 The popular belief in, and fear of, witchcraft is given some credence by the ongoing practice of ritualism. International observers report there have been a number of cases in which ritualists, who believe certain body parts confer mystical powers, have kidnapped and killed persons to harvest these parts for rituals and ceremonies. In January 2019, for example, police in Bayelsa state reported finding the bodies of two women with vital organs missing, with the organs presumably harvested for ritualistic use. Persons with albinism are reportedly particularly vulnerable to being targeted by ritualists. It is impossible to provide any further specific details in relation to the prevalence or geographic distribution of ritualism.

3.117 Legislation in relation to witchcraft is mixed. Section 210 of the Criminal Code, originally introduced under British colonial rule, prohibits the practice of witchcraft, providing for a punishment of up to two years' imprisonment; while Section 213 prohibits the possession of fetishes and charms to assist the perpetuation of criminal activities. However, the Criminal Code and the *Child Rights Act* (2003) also criminalise making false accusations of witchcraft. Akwa Ibom state has a 2008 law that includes specific provisions concerning the abuse of alleged child witches, penalising witch-branding with up to ten years' imprisonment.

3.118 While reports of convictions under Sections 210 and 213 are uncommon, the media regularly features stories of people being brutalised or lynched after being branded as witches. The Niger Delta, and Akwa Ibom and Cross River states in particular, is reportedly the epicentre of these cases. Human rights observers report children are particularly vulnerable to accusations of witchcraft, with accusers often using witchcraft as a means to scapegoat children for acts ranging from unruly behaviour and absenteeism from school to a failed harvest, the illness of a relative or mechanical problems with the family motorbike. The families of children accused of witchcraft may abandon them, torture them or, in extreme cases, kill them.

3.119 Those accused of witchcraft have little recourse in terms of state protection in law. To date, only around three-quarters of states have domesticated the federal version of the *Child Rights Act*, while there have not been any successful prosecutions under the Akwa Ibom witch-branding law. Attempts by federal and state governments and human rights groups to reduce the prevalence of witchcraft accusations or to encourage estranged families to take back abandoned children have had limited traction to date. Human rights groups also report police are unlikely to side with those accused of witchcraft. While some children's rights-focused NGOs provide legal support and accommodation for those accused of witchcraft, these organisations are generally poorly resourced and dependent on volunteers.

3.120 DFAT assesses those accused of practising witchcraft face a high risk of societal discrimination that may include family ostracism, violence and, in extreme cases, being killed. Such persons are unlikely to be able to gain protection from state authorities.

Victims of Trafficking

3.121 Since 2000, Nigeria has been a signatory to the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children. The government enacted the *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act* (the Act) in 2003, establishing the National Agency for the Prohibition of Traffic in Persons (NAPTIP) to support trafficking victims. The Act was amended in 2015 to criminalise labour and sex trafficking, which now attract penalties of five years' imprisonment (seven years if the case involves a child) and substantial fines.

3.122 Nigeria receives significant levels of international support and capacity building aimed at improving its migration systems through the UN Global Initiative to Fight Human Trafficking, and the Nigeria Immigration Service works closely with the IOM and the UN Office on Drugs and Crime to combat trafficking. Although the government has substantially increased NAPTIP's budget in recent years, international observers report NAPTIP remains under-resourced given the scale of the problem (as outlined below). According to the US Department of State's 2019 Trafficking in Persons Report, Nigeria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.

3.123 Despite the strong legal framework and high levels of support, international observers report Nigeria is a source, transit and destination country for the trafficking of women and girls for forced labour and sexual exploitation. Although there is no reliable data on how many women and girls are trafficked from, into, and within Nigeria, Nigeria is routinely listed as one of the countries with large numbers of trafficking victims overseas. Europe is the predominant destination for trafficking, with Nigerian victims identified in more than 34 countries in 2018. According to the International Organization for Migration, an estimated 80 per cent of women and girls arriving in Europe from Nigeria were potential victims of trafficking for sexual exploitation. Many Nigerian trafficking victims in Europe come from Edo state, typically via Libya.

3.124 An August 2019 Human Rights Watch report found most women and girls were trafficked by people they knew, who had made false promises of paid employment, professional training and education. Their travel to Europe involved dangerous journeys within and across national borders and the Mediterranean Sea, often under life-threatening conditions. Women and girls reported being exploited in forced prostitution and various forms of forced labour (especially forced domestic work) by their traffickers. The report found managers of brothels forced women and girls to long hours of prostitution without rest; and made them have sex with customers when they were ill, menstruating or pregnant, or soon after childbirth or forced abortions (often conducted in unsanitary conditions and without pain medication or antibiotics).

3.125 Women and girls who had believed they were migrating for high-paying overseas employment reported being shocked to learn they would not be paid what they were promised, or anything at all, and instead had huge 'debts' to repay, which were often vague, unpredictable and growing. Traffickers reportedly used a number of tactics to prevent women from escaping or seeking assistance from law enforcement, including violence, threats against them and their families, surveillance, passport confiscation, confinement and isolation. Some reported being forced to undergo 'black magic' rituals (see [Persons Accused of Witchcraft](#)) to compel them to pay their debts and not report traffickers to authorities.

3.126 Upon return to Nigeria, many trafficked women and girls reported struggling with a range of physical and psychological ailments that have limited their ability to work effectively. Some reported their families had blamed them for the abuses they had suffered, ostracised them or complained they had returned without money. According to a July 2019 UK Home Office information note, in some cases returning women may not encounter negative social attitudes on return if they have been able to obtain 'wealth', regardless of its origins.

3.127 DFAT assesses women and children subjected to trafficking face a high risk of experiencing sexual assault or other forms of violence, being exploited and being threatened.

Members of Confraternities/ Cults

3.128 Confraternities/cults are mostly concentrated in the southern states of Nigeria, particularly Rivers, Bayelsa, Delta and Edo states. Some reportedly have an overseas presence through diaspora communities, although DFAT is not aware of any operating in Australia. Initially introduced by Nigerian scholars returning from the United States in the 1950s as a variation of student confraternities, many confraternities/cults have become more violent over time and are now essentially criminal gangs. There have been reports linking confraternities/cults with political violence, with some politicians reportedly co-opting them to support their political rallies and disrupt those of opposition groups.

3.129 In-country sources report that, in addition to operating on university campuses, several confraternities/cults also have a presence in high schools and thrive in poor urban areas. Many young men (and some women) voluntarily join confraternities/cults, motivated by the opportunity to earn money and gain power, but some reportedly join through peer pressure, under threat of reprisal or to gain protection. Inter-cult violence reportedly occasionally results in the death of cult members, and cult members have assaulted individuals who attempt to leave.

3.130 DFAT understands many confraternities/cults operate more like gangs than religious cults. Young men in particular are targeted to join confraternities for protection and through peer pressure. Many young men and women also voluntarily join, as confraternity membership offers opportunities to earn money and gain power. The process of gaining membership can include violent initiation, in some cases reportedly including beatings and/or rape. According to Amnesty International, over 60 people were killed in 2019 in Rivers state alone through cult-related violence.

3.131 Some of the more prominent confraternities/cults are the Pyrates confraternity, created at the University of Ibadan campus in 1952 and Nigeria's oldest; the Buccaneers Confraternity, the Family Confraternity and the Black Axe Movement. The latter emerged from the University of Benin in the southern state of Edo. From its origins as an idealistic confraternity, the group has reportedly grown into a sophisticated criminal organisation, with international chapters established outside Nigeria. The Black Axe Movement, like other confraternities/cults, targets students for membership, and students who refuse to join may face intimidation and violence.

3.132 The Rivers state government signed an anti-cultism bill into law in March 2018. The bill prescribes the death penalty for any cultist who kills during a cult activity and life imprisonment for any cultist apprehended. This follows similar laws implemented by the southern Edo, Ebonyi, Kwara, Enugu and Akwa Ibom state governments.

3.133 DFAT assesses members of confraternities/ cults face a high risk of legal sanction if they reside in states in which their organisations are proscribed. They also face a high risk of experiencing violence from other organisations or from their own group should they attempt to leave.

Persons With Disabilities

3.134 According to the WHO, about 15 per cent of Nigeria's population (or at least 25 million people) have some form of disability. Nigeria ratified CRPD in 2007 and its Optional Protocol in 2010 (see [Human Rights Framework](#)), and the Constitution prohibits discrimination based on the 'circumstances of one's birth'. In January 2019, President Buhari signed into law the *Discrimination Against Persons With Disabilities*

(Prohibition) Act (2018), which prohibits discrimination on the basis of disability. Violators are subject to fines, imprisonment, or both. The law also stipulates a five-year transitional period for modifying public buildings, structures and automobiles to make them accessible and usable for persons with disabilities.

3.135 Some national-level policies such as the National Health Policy of 2016 provide for health care access for persons with disabilities. Plateau and Lagos states have laws and agencies that protect the rights of persons with disabilities, while Akwa, Ibom, Ekiti, Jigawa, Kwara, Ogun, Osun, and Oyo states took steps to develop such laws. The Ministry of Women's Affairs and Social Development has responsibility for persons with disabilities. Some government agencies, such as the NHRC and the Ministry of Labor and Employment, designated an employee to work on issues related to disabilities. The government operated vocational training centres in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to help persons with physical disabilities become self-supporting. The Joint National Association of Persons with Disabilities served as the umbrella organisation for a range of disability groups.

3.136 Despite the legal framework and support services, human rights observers report many persons with disabilities continue to face a number of human rights abuses, including social stigma, discrimination, exploitation, violence, and lack of access to healthcare, housing and education. Relatives of persons with disabilities often regard them as a source of shame, and many indigent persons with disabilities beg on the streets. International observers report there is little evidence to date that the new disability law has been implemented or enforced.

3.137 DFAT assesses that, notwithstanding the constitutional and legislative protections in place, persons with disabilities continue to face considerable official and societal restrictions that limit their ability to participate fully in society.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extrajudicial Killings

4.1 Article 33(2)(a)(b)(c) of the Constitution allows for a broad use of lethal force, including for the defence of any **person** from unlawful violence or for the defence of property; in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or for the purpose of suppressing a riot, insurrection or mutiny. Various provisions of the *Code of Criminal Procedure*, the *Administration of Criminal Justice Act* (2015) and the *Police Order 237* authorise the use of force without adequately restricting the nature of the force and setting out the principles of necessity or proportionality.

4.2 There have been numerous reports by local and international human rights groups of extrajudicial killings by government security forces in the context of operations against insurgent or separatist groups, including the extrajudicial killings of detainees. Most recent reports of such killings relate to actions in the Middle Belt and against Boko Haram, particularly in northeast Nigeria. In addition to alleged killings carried out by the police and military, human rights groups have also attributed some killings in the northeast to the Civilian Joint Task Force (CJTF), a non-governmental self-defence militia that at times coordinates with the military and which receives financial and in-kind resources from the Borno state government.

4.3 The September 2019 post-visit report by the UN Special Rapporteur on extrajudicial, summary or arbitrary execution highlighted a number of specific incidents of established extrajudicial killings involving government security forces. These included the March 2014 killing by the military of at least 640 recaptured detainees from the Giwa Army Barracks, Borno State, and the March 2018 killings of 28 men after a security screening in Bama, Borno State. The Special Rapporteur's report also noted reports of extrajudicial killings by state forces in relation to other groups, including members of the Islamic Movement in Nigeria (IMN) and IPOB (see Biafra Secessionists), the latter primarily in the context of demonstrations.

4.4 The Special Rapporteur's report noted the number of allegations of arbitrary killings and deaths in custody at the hands of military forces had decreased in the preceding two years, but there had been little progress in terms of accountability or reparations for abuses.

4.5 The government has acknowledged that the military has been accused of extrajudicial killings (as well as torture, arbitrary arrest and detention) in the course of security operations against Boko Haram, and in the context of countering other militant and separatist groups elsewhere in the country. A March 2017 military board of inquiry (BOI) set up to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the northeast (including in detention centres) found no evidence of extrajudicial executions of detainees, and did not recommend prosecutions or other accountability measures for any member of the military or other government entity. Critics of the BOI argued it lacked full independence, did not have forensic or other evidentiary expertise, and did not consult testimonies from victims of human rights violations in compiling its evidence, thus calling into question some of its conclusions.

4.6 Separately, in August 2017 the then-acting President announced a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement. Although the panel submitted its findings in February 2018, no portions of the report have been made public to date.

4.7 Human rights observers report the national police, army and other security services have sometimes used lethal and excessive force to disperse protesters and apprehend criminals and suspects. International observers report there has been some improvement in recent years, with police forces engaging in crowd-control operations now generally attempting to disperse crowds using nonlethal tactics, such as firing tear gas, before escalating their use of force.

4.8 Investigations into cases of the use of lethal and excessive force by security services have generally not resulted in prosecutions or other accountability measures. A 2016 non-binding report by the Kaduna state judicial commission found the army had used excessive and disproportionate force during 2015 altercations with the IMN in which 348 IMN members and one soldier died. Although the judicial commission's report recommended the federal government investigate and prosecute allegations of excessive and disproportionate use of force by the army, international observers report there is no indication authorities have held any members of the army accountable. There has also been no announcement of prosecutions or other accountability measures into an October 2018 clash between security forces and IMN demonstrators at a military checkpoint at the border between Nasarawa state and the FCT, during which the army reportedly used live rounds to break up the crowd. According to Amnesty International, the shootings resulted in at least 39 deaths and numerous injuries.

4.9 The UN Special Rapporteur's report noted there had been numerous reports of extrajudicial killings in relation to the activities of the Special Anti-Robbery Squad (SARS), primarily in southern Nigeria. As noted in [Torture](#), to date there have not been any prosecutions or other accountability measures against SARS officers.

Enforced or Involuntary Disappearances

4.10 Nigeria is a State Party to CPED (see [Human Rights Framework](#)). In August 2018, the NHRC committed to establishing a national database of missing persons, supported by the ICRC. The database would initially focus on missing persons in Borno, Rivers and Benue states.

4.11 Most disappearances in Nigeria relate to abductions carried out by insurgent groups, particularly Boko Haram. According to the ICRC, almost 22,000 Nigerians have been reported missing over the last decade due to the Boko Haram conflict, which is the highest number of missing persons registered with the ICRC in the world. Almost 60 per cent of these were minors when they disappeared. Boko Haram has also reportedly conducted large-scale abductions in the northeastern states of Borno and Yobe.

4.12 In its end of year report for 2019, Amnesty International said it had received credible reports that security agencies, including officials from the police and the State Security Service carried out arbitrary detentions and kept detainees incommunicado. In one such case, the publisher of Bayelsa state-based tabloid the Weekly Source, Jones Abiri, was held for more than two years in incommunicado detention by the Department of State Services (DSS) without trial, access to counsel, or family visitation. Abiri told reporters he was blindfolded, held in an underground cell for most of the two years, and did not have access to medication in detention. According to the Committee to Protect Journalists (CPJ), Abiri was accused of being a member of a Niger Delta militant group but was not formally charged. CPJ said Abiri's detention was in response to critical coverage appearing in the July 2016 edition of the Weekly Source. Following an open letter from the CPJ and significant public outcry, Abiri was arraigned and eventually

released on bail in 2018. Abiri was re-arrested early in 2019 and charged with cybercrime, sabotage, and terrorism offenses. His trial is apparently ongoing.

4.13 Amnesty International has also highlighted the case of Abubakar Idris, a blogger who was abducted from his home in Kaduna state by armed men in August 2019, and the whereabouts of around 600 members of the IMN whose whereabouts have remained unknown since December 2015, when security agencies killed at least 60 IMN members in Kaduna state.

Deaths in Custody

4.14 The government does not provide statistics or details in relation to deaths in custody. DFAT understands substandard conditions in prisons and detention centres (see [Detention and Prison](#)) contribute to a high rate of custodial deaths, with most relating to health issues (both pre-existing and as a result of conditions or treatment within prisons and detention centres). International human rights organisations report inadequate medical treatment causes many prisoners to die from treatable illnesses such as HIV/AIDS, malaria and tuberculosis.

DEATH PENALTY

4.15 Nigeria has not ratified the Second Optional Protocol to ICCPR aiming to the abolition of the death penalty (see [Human Rights Framework](#)). Article 33(1) of the Constitution provides for the use of the death penalty, but there is no constitutional provision to make the death penalty mandatory for specific crimes. Under state and federal law, the death sentence is a mandatory sentence for simple and aggravated murder, armed robbery or robbery resulting in harm to the victim, armed robbery involving the use of violence (in the FCT), high treason, treachery, conspiring to wage war against Nigeria and presiding over a trial by ordeal which results in death. Support or solicitation for terrorist acts resulting in death also carry the mandatory death penalty. The 12 northern states that follow *sharia* can also impose the death penalty for crimes including adultery, rape, incest, apostasy and homosexual sodomy. A number of southern states have, in recent years, added kidnapping to crimes that are capital offences.

4.16 The FCT is the only jurisdiction to have enacted the federal *Child Rights Act* that defines a juvenile as a child under the age of 18 and prohibits sentencing juveniles to the death penalty. Elsewhere in Nigeria, the death penalty applies to juveniles considered to have reached puberty (in the northern states under *sharia* law) and to individuals 17 years or older (in the majority of southern states under civil law). Approved methods of execution are hanging and firing squad (although Nigeria has not had an operational firing squad since the end of military rule in 1999). Death by stoning is available under *sharia*, but DFAT understands the evidentiary requirements in capital cases are stringent and death sentences are rarely imposed.

4.17 According to Amnesty International, Nigeria had over 2,000 people on death row in 2019 and courts continued to impose death sentences. Despite the large number of offences carrying the death penalty, however, actual executions are rare. A de facto moratorium on the death penalty between 2006 and 2013 ended in June 2013 with the execution of four detainees for armed robbery and murder. DFAT understands the last execution carried out in Nigeria was in 2016 in Edo state. State governors have frequently used their constitutional powers to commute death sentences to life imprisonment.

4.18 Civil society groups continue to advocate for the abolition of the death penalty, and the NHRC issues occasional press releases on the topic. A small number of state governors have publicly stated their support for the abolition of the death penalty: in March 2018, for example, the governor of Delta State

called on Nigeria to abolish the death penalty in line with global trends. Interlocutors report, however, there is widespread popular support for the death penalty as a just punishment in cases of serious crime.

4.19 Societal attitudes towards the death penalty are also reflected by the frequent occurrences of ‘communal justice’ in which mobs carry out spontaneous and unrestrained killings of individuals thought to be guilty of petty crimes (such as minor theft in a marketplace). In-country sources report law enforcement agencies rarely intervene to prevent these killings, and investigations and/or prosecutions are never carried out. The practice is widespread and could be seen as an informal, community-level death penalty regime operating independently of official laws and practices.

TORTURE

4.20 Nigeria is a State Party to CAT and its Optional Protocol (see [Human Rights Framework](#)). Article 34(1)(c) of the Constitution states no person shall be subject to torture or to inhuman or degrading treatment. The *Anti-Torture Act* (2017) defines and specifically criminalises torture. It prescribes offences and penalties for any person, including law enforcement officers, who commits torture or aids, abets, or by act or omission is an accessory to torture. It also provides a basis for victims of torture to seek civil damages. The *Administration of Criminal Justice Act* (ACJA; 2015) prohibits torture and cruel, inhuman or degrading treatment of arrestees, but does not prescribe penalties for violators. Individual states are required to adopt the ACJA in order for its provisions to apply beyond the FCT and federal agencies. As of July 2019, the states of Akwa Ibom, Anambra, Cross River, Delta, Ekiti, Enugu, Kaduna, Lagos, Ogun, Ondo, Oyo, and Rivers had adopted ACJA-compliant legislation.

4.21 Despite this strong legislative framework, local and international human rights groups have regularly accused the security services of conducting inhuman treatment and torture against criminal suspects, militants, detainees and prisoners. Such treatment may include beatings with sticks and machetes, being suspended from ropes, and denial of food and medical care. Police have also used a technique commonly referred to as ‘parading’ of arrestees, which involves walking them through public spaces and subjecting them to public ridicule and abuse, including having food and other objects hurled at them. Female detainees are reportedly at risk of rape and other forms of violence, particularly those held in military detention facilities.

4.22 Although the law prohibits the introduction into trials of evidence and confessions obtained through torture, authorities reportedly do not always respect this prohibition. Human rights activists have raised particular concerns in relation to the activities of the Nigeria Police Force’s Special Anti-Robbery Squad (SARS), alleging that SARS officers routinely use torture and other ill-treatment to extract information and punish suspects. In a June 2020 report, Amnesty International documented at least 82 cases of torture, ill-treatment and extrajudicial killings by SARS between January 2017 and May 2020. Victims were predominantly young males from low-income backgrounds and vulnerable groups, who were often unlawfully arrested in mass raids on entertainment venues and forced to pay huge bribes to secure their release. Despite repeated promises by successive governments to reform SARS, Amnesty International found no SARS officer had been held accountable for human rights violations against detainees, including torture.

4.23 A National Committee Against Torture (NCAT) operates within the Ministry of Justice. International observers report, however, that a lack of legal and operational independence and limited funding prevented NCAT from carrying out its work effectively.

4.24 DFAT assesses criminal suspects, militants, detainees and prisoners face a moderate risk of experiencing physical mistreatment while in detention that may in some cases amount to torture.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.25 Article 35(3) of the Constitution states any person who is arrested or detained must be informed in writing within 24 hours (in a language they understand) of the facts and grounds for their arrest and detention. Article 35(4) requires that an arrested or detained person be brought before a court of law within a reasonable time, defined as two months from the date of arrest or detention for a person who is in custody or not entitled to bail, or three months in the case of a person who has been released on bail. Article 35(6) states a person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person.

4.26 Under the *Federal Criminal Procedure Act* (1990), police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion the person has committed an offence. The arresting officer is required to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow the suspect to obtain counsel and post bail. Even under a state of emergency, detainees are legally required to be brought before a magistrate within 48 hours and have access to lawyers and family members.

4.27 International observers report law enforcement officials frequently do not adhere to these constitutional and legal protections when making arrests. Reports exist of police holding for interrogation anyone found in the vicinity of a crime for periods ranging from a few hours to several months and, after their release, of authorities sometimes asking the individuals to return for further questioning. Numerous detainees have reported police demanded bribes to take them to court hearings, to enable them access to legal counsel or family members, for their family members to attend a trial, or for their release from custody. In many areas with no functioning bail system, detainees have reportedly remained incarcerated indefinitely in investigative detention.

4.28 According to numerous reports, the military has arbitrarily arrested and detained thousands of persons in the context of the ongoing conflict against Boko Haram in the northeast, sometimes with the assistance of members of vigilante groups such as the CJTF. The US Department of State reports those detained are often held in unmonitored military detention facilities, many in poor and life-threatening conditions. The March 2017 military BOI set up to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the northeast (see [Extrajudicial Killings](#)) reportedly did not find any evidence of arbitrary arrests.

4.29 Human rights observers report security forces continue to arrest and detain for prolonged periods women and children removed from, or allegedly associated with, Boko Haram, including women and girls who had been forcibly married to or sexually enslaved by these groups. Authorities reportedly detain these women and children for screening and their perceived intelligence value.

4.30 Media reports claimed authorities in Kaduna state arrested nine tribal elders in February 2019, reportedly by order of the Kaduna state governor in retaliation for their criticism of his administration. Eight of the elders were released in June and the ninth in August, after being held for months without charge.

Corporal Punishment

4.31 There are no laws in Nigeria that prohibit corporal punishment in the home, alternative care settings, day care, schools or penal institutions. Article 295 of the Criminal Code (South), Article 55 of the Penal Code (North), and the *sharia* penal codes in the 12 northern states confirm the right of parents to use force to 'correct' their children. The *sharia* codes provide for the use of physical punishment including caning/lashing for certain offences relating to alcohol, drugs, sex, theft, murder and hurt, while amputation is a potential punishment for theft, kidnap of a child, embezzlement and robbery.

4.32 International observers report *sharia* appellate courts consistently overturn amputation sentences on procedural or evidentiary grounds, and DFAT is not aware of any recent cases in which such sentences have been carried out. Caning/lashing however, is reportedly commonly inflicted for a range of offences, particularly on juvenile offenders. In May 2018, for example, a *sharia* court convicted a 20-year-old man for eating a mango during restricted hours during Ramadan and publicly flogged him with 40 lashes. *Sharia* courts usually carry out caning sentences immediately following the verdict, although in some cases convicted individuals have been able to pay fines or go to prison in lieu of caning.

4.33 No recommendations were made specifically on the corporal punishment of children at Nigeria's UPR third cycle at the Human Rights Council in November 2018. However, the government did support a recommendation that Nigeria accelerate its measures to eradicate violence against children.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Security and law enforcement in Nigeria is managed at the federal level through the Nigerian Armed Forces (NAF), the Department of State Services (DSS) and the Nigerian Police Force (NPF). The government also utilises groups created for specific purposes, such as the CJTF (which supports security operations against Boko Haram).

5.2 Capacity constraints have limited the NPF's ability to control societal violence, particularly in areas under a state of emergency and in Middle Belt conflict zones between mostly Fulani herders, and Muslim and Christian farmers (See [Security Situation](#)). As a result, the government routinely relies on the military to provide community policing in areas that experience high levels of violence. In 2019, the Nigerian military reportedly conducted active security operations in almost all 36 states, effectively replacing policing operations in many areas.

5.3 As noted elsewhere, there have been numerous reports of human rights violations or other abuses of power committed by the security forces and other government officials or agents. While the government has taken some steps to investigate alleged abuses, there have been few public reports of prosecutions of officials who have committed violations and impunity remains widespread at all levels of government. DFAT assesses a complaint lodged by an ordinary citizen of a violation committed by a state official is unlikely to result in either prosecution or restitution.

Nigerian Armed Forces (NAF)

5.4 Chapter 6 Part 3 C of the Constitution (Articles 217-220) sets out the roles and responsibilities of the Nigerian Armed Forces (NAF), which report to the Ministry of Defence. The NAF consists of an Army, Navy and Air Force, and has around 181,000 personnel. Article 217(3) of the Constitution requires that the composition of the officer corps and other ranks reflect the federal character of Nigeria. Nigeria's military spending in 2019 was the equivalent of 0.5 per cent of GDP. Nigeria's voluntary military service age is 18; there is no conscription. As noted in [Recent History](#), the military ruled Nigeria for much of the period following independence in 1960 until the return to civilian rule in 1999. While it has not involved itself in politics since that time, many senior political figures (including the current President) are former generals and the NAF continues to occupy a prominent role in national life.

5.5 In addition to being responsible for Nigeria's external security, Article 217(2)(c) authorises the President (with support of the National Assembly) to use the NAF to suppress insurrection and act in aid of civil authorities to restore order. In 2019, the NAF was part of continuing joint operations against insurgencies in the Northeast, Southeast, Niger Delta, Middle Belt and Northwest. The NAF has also made a significant contribution to regional peacekeeping efforts, most notably in Liberia and Sierra Leone in the 1990s. In recent years, the NAF has been particularly focused on combating the Boko Haram insurgency in the northeast and worsening communal conflict in the Middle Belt region (see [Security Situation](#)).

5.6 The duration of the Boko Haram conflict and the NAF's failure to eliminate Boko Haram as a security threat has led to criticism, with some commentators contending the NAF is overstretched, understaffed, underequipped and underperforming. Corruption within the NAF has contributed to low morale at troop level: frontline soldiers have publicly complained about inadequate equipment and not receiving wages. As noted elsewhere, human rights observers have raised concerns on a number of occasions that the NAF has committed significant human rights abuses against civilians and suspected insurgents in the context of conducting operations against Boko Haram.

5.7 The *Armed Forces Act* (2004) dictates that disciplinary action in the NAF is determined by a soldier's commanding officer, with the decision subject to review by the chain of command. The NAF has a human rights desk to investigate complaints of human rights violations brought by civilians, and a standing general court martial in Maiduguri. The court martial in Maiduguri has convicted soldiers for rape, murder and abduction of civilians. The human rights desk in Maiduguri coordinates with the NHRC and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside major population centres remains limited. According to international observers, many credible accusations of abuses remain uninvestigated.

Nigerian Police Force (NPF)

5.8 Chapter 6 Part 3 B of the Constitution (Articles 214-216) sets out the role and functions of the NPF, which is the country's principal law enforcement agency. Article 214 prohibits constituent parts of the federation from forming their own police forces. The NPF maintains law and order in each state and engages in border security, maritime and counter-terrorism operations. An inspector general of police, appointed by and reporting directly to the president, commands the NPF.

5.9 With around 370,000 officers, the NPF is one of the largest police forces in the world, although to meet the UN recommended ratio of one police officer per 400 residents it would need to train another 155,000 officers. While the exact number of female NPF officers is unclear, it has historically been low. In-country sources report the NPF suffers from low capacity and insufficient training, while its operational efficiency is hampered by its centralised nature, which makes resource allocation and changes in operating procedure slow to implement in all states.

5.10 Police salaries are low, with recruits earning less than USD400 a year. As a result, police officers are susceptible to corrupt practices to supplement their income and many Nigerians view the NPF as an endemically corrupt organisation (see [Corruption](#)). In November 2018, President Buhari approved legislation to increase police salaries in an effort to address corruption and lift performance.

5.11 Local and international observers have reported numerous instances in which the NPF has used disproportionate force, including live ammunition, to neutralise unrest or protests (see [Extrajudicial Killings](#)). Observers have also reported numerous cases in which NPF officers have arbitrarily arrested and detained individuals, and abused criminal suspects and insurgents in custody (see [Arbitrary Arrest and Detention](#)). As noted in [Torture](#), international observers have reported the NPF's SARS has sometimes used torture to extract confessions later used to try suspects.

5.12 Public discontent over the history of reported violence by SARS without accountability culminated in a series of Nigeria-wide protests in October and November 2020, known as the '#EndSARS' movement. The protests followed the reported killing of a man by SARS officers in Delta state, a video of which went viral. On 11 October, the President dissolved SARS with immediate effect, yet protests continued. Amnesty International claimed the military and police fired on protesters in Lagos on 20 October, killing at least 12. The army denied its personnel were involved, but the Lagos Governor has launched an inquiry into the 'rules of engagement ordered by the Nigerian Army'. The protests have continued as has a Government

crack-down on the protest movement but the need for police reform has been widely acknowledged. President Buhari stated in a nationwide broadcast on 22 October that the voice of the protestors had been heard 'loud and clear'. The creation of state-based Judicial Panels of Inquiry to investigate reports of abuse by the disbanded SARS police unit appears to be the principal result of the protest movement and these are receiving significant media coverage. The panels have been given six months to report. Alongside this response apparently recognising the need for reform, some protesters claim the government is conducting a targeted campaign against people associated with the movement, by freezing bank accounts and withholding passports.

5.13 Three government agencies oversee the NPF: the Nigeria Police Council, the Police Service Commission (PSC) and the Ministry of Police Affairs. In-country sources report inadequate resources and a lack of independence have hampered the ability of these organisations (and the NHRC) to prevent and investigate instances of police abuses.

Judiciary

5.14 Nigeria's legal system is a hybrid of English common and statutory law, customary law and *sharia*. Judicial precedents, legislation and the Constitution also influence Nigeria's body of law and legal system. No single system of courts exists throughout the country. Each state has conventional courts (that follow the English-derived statutory and common law), as well as customary courts and/or *sharia* courts (see following section).

5.15 The Supreme Court, which consists of the Chief Justice and 15 justices, is the highest judicial authority in Nigeria. Subordinate courts include Courts of Appeal (of which there are 72 across six regions), Federal and State High Courts (one of each in each state), the Sharia Court of Appeal in the FCT and the Customary Court of Appeal in the FCT. There are also trial courts including magistrates and, in the 12 northern states, *sharia* courts (see following section). Decisions of the Supreme Court of Nigeria are final. The High Courts have original jurisdiction (i.e. the power to hear a case for the first time) over civil and criminal matters.

5.16 The current Chief Justice is Ibrahim Tanko Muhammad, who was appointed on a permanent basis in July 2019. He was appointed acting Chief Justice in January 2019 following the suspension of the previous Chief Justice, Walter Onnoghen, under suspicion of false declaration of assets. There are currently four female justices on the Supreme Court. An independent body, the National Judicial Council, manages the remuneration, appointments and dismissal of judicial officials.

5.17 English is the official language of all courts in Nigeria, although translation services are available. Defendants have legal rights to the presumption of innocence, to receive a fair trial without undue delay, to communicate with defence counsel and to seek legal aid. The Nigerian Legal Aid Council is a body under the Federal Ministry of Justice that provides legal consultation, advice or representation in court. It is headquartered in Abuja and has branches in all 36 states. However, the Council does not have the resources to deal with the number of suspects who need legal advice.

5.18 International observers report that, while the judiciary seeks to operate professionally and independently, it can be susceptible to pressure from the executive and legislative branches and from political leaders, particularly at the state and local levels. The courts' effectiveness may also be affected by a lack of equipment and training for staff, and by low levels of staff remuneration. As in other countries, access to legal redress through the Nigerian court system is affected by high costs, delays in processing, and backlogs of pending cases, and hence it may not be an easily accessible means of resolving disputes for many Nigerians, and may result in pre-trial periods of detention being prolonged. In some cases, authorities have held defendants in prison awaiting trial for periods well beyond the terms allowed by law.

5.19 Corruption is reported to be a problem in the lower level courts, with citizens reporting requests from judicial officials for bribes to expedite cases or obtain favourable judgements. There is a widespread public perception judges are easily bribed, and litigants cannot rely on courts to render impartial verdicts.

5.20 Sections 36(9) and (10) of the Constitution state no person who shows they have been tried or pardoned for a criminal offence shall again be tried for that offence (otherwise known as ‘double jeopardy’). The *Extradition (Amendment) Act* (2018) amends an earlier law to give effect to the rule against double jeopardy as recognised under the 1999 Constitution, provide for procedural safeguards to avoid extradition of persons in cases of mistaken identity, and effect appropriate modifications on the Act to confirm to the provisions of the Constitution.

Sharia Courts

5.21 Article 275(1) of the Constitution provides that, in addition to common law courts, states may establish courts based on *sharia* or customary (traditional) law. *Sharia* courts function in 12 northern states and the FCT, while customary courts function in most of the 36 states. The nature of a case and the consent of the parties usually determine what type of court has jurisdiction. In the case of *sharia* courts in the north, the impetus to establish them stemmed at least in part from perceptions of inefficiency, cost and corruption in the common law system. International observers report, however, that the transition to *sharia* penal and criminal procedure codes was largely perceived as hastily implemented, insufficiently codified, and constitutionally debatable in most of the states.

5.22 The Constitution is silent on the use of *sharia* courts for criminal cases. In addition to civil matters, *sharia* courts also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. *Sharia* courts may pass sentences based on the *sharia* penal code, including for *hudud* offences (serious criminal offences with punishments prescribed in the Quran) that provide for punishments such as caning, amputation, and death by stoning (see also Corporal Punishment and Death Penalty). DFAT is not aware of any recent cases in which amputation or death by stoning sentences have been carried out. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in *sharia* criminal courts, a Zamfara state law requires that a *sharia* court hear all criminal cases involving Muslims.

5.23 Defendants have the right to challenge the constitutionality of *sharia* criminal statutes through the common law appellate courts. As of September 2019, no challenges with adequate legal standing had reached the common law appellate system. The highest appellate court for *sharia*-based decisions is the Supreme Court, staffed by common-law judges who are not required to have any formal training in the *sharia* penal code. *Sharia* experts often advise them. International observers report that *sharia* courts are thus more susceptible to human error as many court personnel lack basic formal education or the appropriate training to accurately and effectively administer penal and legal procedures. Despite these shortfalls, many in the north reportedly prefer *sharia* courts to their secular counterparts, especially concerning civil matters, as they are faster, less expensive, and conducted in the Hausa language.

5.24 Non-Muslims are not required to have their cases heard by *sharia* courts, but they may choose to do so if the dispute involves a Muslim. Some non-Muslims reportedly opt to have their cases heard in *sharia* courts, which are generally considered cheaper and faster than civil courts. DFAT is unable to determine the number of non-Muslims who choose to have their cases heard by *sharia* courts, or the level of satisfaction with the outcomes. *Sharia* law outcomes may disadvantage women, domestic violence victims and individuals suspected of homosexuality in many instances, depending on the issue under consideration.

Detention and Prison

5.25 The Ministry of Internal Affairs has responsibility for prisons and detention centres, which are administered by the Nigerian Correctional Service. As of June 2020, Nigeria had a prison population total of 62,781 across 240 establishments nationwide, representing a 146.8 per cent occupancy level; 72.9 per cent of the prison population were pre-trial detainees/remand prisoners. Female prisoners made up 1.8 per cent of the prison population, and juveniles 1.7 per cent.

5.26 The NHRC is empowered to conduct prison audits but has not publicly released an audit report since 2012. The Ministry of Justice reportedly also provides some monitoring of prisons through its Legal Aid Council. There is some limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross has access to police detention, NCS and some military detention facilities. The ACJA provides that the chief judge of each state, or any magistrate designated by the chief judge, shall conduct monthly inspections of police stations and other places of detention within the magistrate's jurisdiction, other than prisons, and may inspect records of arrests, direct the arraignment of suspects, and grant bail if previously refused but appropriate. Prisoners are permitted to receive visits from family members but few visits occur, primarily due to lack of family resources and long travel distances. Prison officials reportedly often demand bribes to allow access for visitors.

5.27 International observers report conditions in prisons and detention centres are harsh and life threatening. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. Guards and prison officials reportedly extorted inmates or levied fees to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape. Prisoners without money or family support may not have sufficient food, and poor inmates often rely on handouts from others to survive. Prison officials, police and other security force personnel often reportedly deny inmates food or medical treatment as punishment or to extort money.

5.28 International observers report authorities sometimes hold female and male prisoners together, particularly in rural areas, and often hold juvenile suspects with adults. Most prisons do not have facilities to care for pregnant women or nursing mothers. Although the law prohibits the imprisonment of children, minors – many of whom were born in prison – live in prison. Prisons generally make few efforts to provide mental health services or other accommodations to prisoners with mental disabilities.

5.29 In addition to the MIA-run facilities, several unofficial military prisons also hold persons suspected of association with Boko Haram, most notably the Giwa Barracks Facility in Maiduguri, Borno state. The overall number of detainees in such facilities is unclear. Human rights observers report these detainees are generally denied due process, and are subjected to arbitrary and indefinite detention in conditions that are harsh and life threatening. Those detained include women and children removed from, or allegedly associated with, Boko Haram, including women and girls who had been forcibly married to or sexually enslaved by the insurgents. After a September 2019 Human Rights Watch (HRW) report documented the substandard conditions in which children were being held in Giwa Barracks, authorities released 25 detained children in October 2019.

INTERNAL RELOCATION

5.30 Freedom of movement is one of the fundamental rights guaranteed in Nigeria's Constitution, and Article 41(1) guarantees the right of citizens to move freely throughout Nigeria and to reside in any part of the country. While there are no legal impediments to internal relocation in Nigeria, state and local

governments reportedly frequently discriminate against ethnic groups not indigenous to their areas (see [Race/Nationality](#)).

5.31 Internal migration is very common in Nigeria. Nigerians often live and work in different parts of the country from their family origins or birthplaces. This distribution reflects a multitude of factors such as: employment opportunities in sectors such as the telecommunications, construction, wholesale and retail trade, and manufacturing across Nigeria; educational opportunities; placement of young Nigerian graduates as part of national service or internship arrangements; herdsmen or farmers seeking new grazing or agricultural opportunities; the existence of relatives or family support structures in other parts of the country; as well as internal displacement due to poverty or conflict in the northeast of the country. Internal migration includes both northerners moving to the south and southerners moving to more northerly locations such as Kaduna or Kano or to the FCT.

5.32 On occasion, non-indigenes can experience challenges moving to a new state if they do not possess familial connections or financial means in their new locations. Non-indigenes may face official discrimination when attempting to access government services, including university places or employment in the civil sector (see [Race/Nationality](#)). These restrictions do not, however, apply in the larger urban centres of Lagos and Abuja.

5.33 Nigeria has almost three million IDPs from the Boko Haram insurgency in the northeast and the Middle Belt conflict (see [Security Situation](#)). The UNHCR reports IDPs in Nigeria represent all religions and ethnicities. The majority have settled freely in host communities where they have familial connections or in state-run camps established in response to the conflicts. While some IDPs have moved to southern Nigeria in response to the insurgency, differences in language and culture, and lack of family ties, may discourage large-scale migration from the north to the south.

5.34 DFAT assesses Nigerians can and do freely relocate internally. Internal relocation can be more challenging for non-indigenes due to language, religious and cultural differences, particularly between northern and southern states, although this has not prevented such internal migration from occurring.

Economic Community of West African States (ECOWAS) Travel Certificates

5.35 ECOWAS is a regional grouping of fifteen West African nations focused on economic integration. Nigerians can freely enter any of the member states covered by the ECOWAS Treaty with a Nigerian passport or an ECOWAS Travel Certificate. Nigerians also have a right of residence in all ECOWAS nations. Further information on ECOWAS is provided in the DFAT Thematic Report on ECOWAS.

5.36 The Nigerian Immigration Service (NIS) issues ECOWAS Travel Certificates, which are valid for two years and renewable for a further two years. Applicants must provide a completed application form, three recent coloured passport photographs, evidence of age (a birth certificate or statutory declaration), a letter of introduction from an employer (for salaried workers) and a letter of confirmation of Nigerian citizenship from the applicant's local government chairman. Student and trainee applicants must provide letters of introduction from the heads of their institutions accepting immigration responsibility.

TREATMENT OF RETURNEES

5.37 Article 41(1) of the Constitution states no citizen shall be expelled from Nigeria or refused entry or exit from the country. Article 41(2)(a) and (b), however, permit the State to impose restrictions on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent them from leaving Nigeria; or provide for the removal of any person

from Nigeria to any other country to be tried outside Nigeria for any criminal offence, or undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which they have been found guilty, provided there is reciprocal agreement between Nigeria and such other country in relation to the matter.

Exit and Entry Procedures

5.38 The *Immigration Act* (2015) provides the legal and regulatory framework for the entry and exit of persons into or out of Nigeria. The Nigerian Immigration Service (NIS), an agency under the Federal Ministry of Interior, is charged with the responsibility of regulating and approving immigration, emigration, and the granting of visas and entry permits into Nigeria.

5.39 Section 17 of the Act requires every passenger who arrives or departs Nigeria from any recognised port to produce a landing or embarkation card, and to satisfy an immigration officer that he or she is the holder of a valid travel document. According to Section 39 of the Act, the Comptroller-General of Immigration may at any time revoke any entry permit under the Act, if he/she deems it to be in the public interest. Under Section 31 of the Act, the Minister of Interior also has the power to prohibit the departure of any person from Nigeria on public interest grounds, which can include insufficient funds, invalid visas or passports, no return airfare or a 'doubtful mission'. In July 2020, the Minister invoked the section while preventing 58 medical doctors from departing the country on the grounds that they did not have entry visas for the United Kingdom.

5.40 Officials from the NIS and other agencies, including police and drug enforcement agencies, meet flights returning failed asylum seekers. Once disembarked, authorities transport the returnees to a reception centre, where they are processed by NIS. The NIS can reportedly seize the passports of Nigerians who have been deported for a minimum of two years.

Conditions for Returnees

5.41 Thousands of Nigerians enter and leave the country every day. According to the National Commission for Refugees, Migrants and Internally Displaced Persons, Nigeria received a total of 11,494 returnees in 2018, of which 10,180 were from Libya. There is no evidence of any stigma attaching to such returnees.

5.42 Nigerian nationals may return voluntarily to any region of Nigeria at any time by way of the Voluntary Assisted Return and Reintegration Programme, run by the International Organization for Migration (IOM) and co-funded by the European Refugee Fund. The Programme provides assistance with obtaining travel documents, booking flights, and organising re-integration assistance in Nigeria, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Upon arrival, returnees can receive immediate assistance such as food, medical screening, overnight accommodation and money (up to 100 Euros) for basic needs and transportation. Returnees can also receive in-kind re-integration assistance and skills training.

5.43 The government allocated 100 billion naira (around AUD400 million) in its 2019 Budget to projects that included re-integration efforts for returnees. Some states also offer monthly stipends for returnees. In August 2019, the government established the Ministry of Humanitarian Affairs, Disaster Management and Social Development, which aims to better coordinate rehabilitation and re-integration efforts.

5.44 Nigerian citizens returning from overseas with a criminal record can be charged under Decree 33 of the *National Drug Law Enforcement Agency Act* (1990). Decree 33 provides for the prosecution of Nigerians

returning to Nigeria with criminal convictions from overseas, including those with drug convictions and other serious crimes (including money laundering, fraud, armed robbery and rape). The minimum sentence under Decree 33 is five years' imprisonment. In practice, DFAT understands the Nigerian Government has rarely given effect to Decree 33.

DOCUMENTATION

National Identity Cards (e-ID cards)

5.45 The National Electronic Identification Card (known as e-ID card) is Nigeria's primary identification document. Each e-ID card contains a unique, 11-digit National Identification Number (NIN), which is used to tie all records about an individual on a National Identity Database (NID). The e-ID card allows citizens to access a range of government services, including health, pension, voting registration, taxation, drivers licence, transport, mobile SIM card and insurance. The card also functions as a prepaid debit card, and is intended to eventually act as a travel document between ECOWAS countries.

5.46 The National Identity Management Commission (NIMC) administers the NIN, e-ID card and the NID under the *NIMC Act 2007*. Enrolment for the NIN is mandatory for all citizens, who are eligible for the NIN from birth, and legal residents. To obtain a NIN and e-ID card, a citizen must attend a NIMC Enrolment Centre in their state to record their photographs, fingerprints, iris scan and signatures.

5.47 According to the World Bank, the NIMC has received certification from the International Organization for Standardization for its data storage and disaster recovery facilities and procedures for the NID. The system is designed to mitigate risks from physical and cyber attacks, including a database security system, public key infrastructure encryption, a disaster recovery site with backup servers, and continuous power from diesel generators.

Passports

5.48 The NIS issues and manages passports in Nigeria, while Nigerian diplomatic and consular missions issue passports to Nigerians abroad. A standard adult electronic passport (e-passport) is valid for five years and costs 17,000 naira (AUD63) for 32 pages or 22,000 naira (AUD81) for 64 pages. The government launched an enhanced e-passport with improved security and polycarbonate technology in January 2019. The enhanced e-passport costs between 25,000 naira (AUD92) for 32 pages and five years' validity, 35,000 naira (AUD129) for 64 pages and 10 years' validity, and 70,000 naira (AUD259) for 64 pages and 10 years' validity.

5.49 Applicants must first apply for a passport online, then attend an interview at a local NIS office or overseas embassy. Current requirements for adult passport applicants include a valid national identity card or letter of identification from an individual's local government, marriage certificate (where relevant), birth certificate or age declaration, and a guarantor's form witnessed by a Commissioner of Oaths. Minors (under 18 years of age) also require a letter of consent from either parent. Passport photographs must be endorsed by a guarantor. For an enhanced e-passport, applicants must also provide a National Identification Number.

5.50 Nigerians without passports can re-enter the country on an Emergency Travel Certificate, which is issued by diplomatic or consular missions and valid for 30 days.

Certificate of State of Origin

5.51 The Certificate of State of Origin is a *prima facie* evidence of the state of origin which a person claims, and is a general means of identification. This certificate may be required for various administrative purposes, including scholarship schemes, employment/ job placements, admission into educational institutions, or political appointments. According to the website of the Nigeria National Identity Management Commission, a Certificate of State of Origin is required (among other documents) as a proof of identity to obtain a NIN enrolment.

5.52 International sources report there are no standard procedures for obtaining a Certificate of State of Origin. However, the procedure would normally include a visit by the applicant to the relevant State Liaison Office, the completion of an application form, presentation of two passport photographs, and the payment of a fee (not uniform across states, but usually in the vicinity of 2000-5000 naira (AUD7-18)). The application form is likely to request information regarding the names and place of birth of the applicant and their ancestors (parents, grandparents and great-grandparents), whether the applicant speaks the local language, and how long they have resided within the state in question. The applicant may also be required to provide support letters from the traditional ruler of the city, town, village or hamlet. In some cases, applicants may be required to communicate in the local dialect, or be able to explain satisfactorily why they are unable to do so.

5.53 The issuing authority for the Certificate of State of Origin is the Governor, although in practice certificates are issued by either the State Liaison Office or the Local Government Secretariat within the issuing state. The signing authority is the Director of the State's Liaison Office. The appearance of the certificate differs from state to state, but would normally be printed in colour with the Nigerian Coat of Arms and/or the individual state's Coat of Arms on the face.

5.54 Local governments can also issue 'Certificates of Local Government of Origin', although there is little information available on the process or requirements for obtaining this certificate. The website of the Nigerian Defence Academy states 'a local government certificate of origin must be presented and a certificate of State indigeneship from the Office of the State Government is desirable' in order to enrol in the academy.

5.55 Those regarded as 'indigenes' of a state are often given preferential access to public resources, government jobs, access to education and other opportunities not made available to 'settlers'. The Constitution does not provide a definition of 'indigene' or 'settler' status. In practice, state (or place) of origin refers to the paternal ancestral place of birth of an individual, rather than the individual's place of birth. The UN Special Rapporteur for Minority Rights reported in 2015 that long-term residency in a state, even for generations, is not considered a criterion entitling a person (or community) to be considered indigenes, and that long-term residents were often denied indigeneship certificates (including Certificates of State of Origin). According to the Guiding Principles of the Federal Character Commission, an indigene of a state is anyone 'accepted' as such by local authorities. This leaves enormous discretionary powers in the hands of these authorities, and analysts have reported numerous cases of corruption in the process of issuing certificates.

PREVALENCE OF FRAUD

5.56 Although the Penal Code and the Criminal Code criminalise fraud and the falsification of documents, Nigeria has experienced high rates of document fraud in the past. In addition to birth certificates, death certificates and marriage certificates, immigration officials report other common documents subject to the possibility of falsification include bank statements, health insurance certificates,

invitation letters, letters of introduction and letters of employment from multinational companies. Such fraudulent documents are often used to obtain passports: in June 2017, the Police Special Fraud Unit reported the Italian Embassy was sending to them an average of 50 Nigerian passports obtained through the use of fraudulent documents monthly.

5.57 Those seeking illegal passports may include those who have been deported and had their passports seized, those seeking asylum, and those engaging in illegal overseas labour (such as prostitution) through agents. Nigerians may reportedly also seek fraudulent passports from countries such as Ghana, Senegal, Guinea and Mozambique.

5.58 In-country sources report numerous business operations exist in Nigeria from which it is neither difficult nor expensive to obtain a fraudulent driver's licence or other documents that can be used to obtain a genuine passport (such as marriage certificates, birth certificates, age declarations, and letters of identification from local government). Corruption at local NIS offices may also enable the fraudulent production of genuine passports.

5.59 Nigeria has established institutions and strengthened procedures to combat the risk of fraud. Banking system controls, for example, have facilitated the growth of electronic transactions and widespread use of mobile app funds transfer. Nigeria is gradually strengthening its national identity system and biometrics. The NIS has a forensic laboratory for the examination of travel documents and monetary instruments, and the Nigeria Police Force has established a Special Fraud Unit to combat fraud, which actively investigates and prosecutes suspects. DFAT understands, however, that very few cases have thus far resulted in convictions.

5.60 DFAT assesses that, notwithstanding Nigeria's efforts to improve controls against fraud, document fraud remains a significant issue in Nigeria, including in the process for re-issuing lost documents.