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World Report 2017 - Nigeria

The euphoria and optimism that followed the relatively peaceful 2015 elections that brought in the administration of President Muhammadu Buhari gradually gave way to concern in 2016. Many of the grave human rights challenges he promised to address in his inauguration speech remain largely unaddressed and unresolved. Changes in military leadership and improved regional coordination resulted in a consistent push back against the insurgent group, Boko Haram, forcing it to cede most of the territory it controlled in the northeast. The group however continues to commit crimes against civilians, including abductions and forced recruitment.

The waning intensity of Boko Haram attacks is overshadowed by an inadequate response to the humanitarian crisis. Most of the 2.5 million internally displaced people (IDPs) lack basic rights such as rights to food, shelter, education, healthcare, protection from harm, as well as the right to freedom of movement. Displaced women and girls suffer rape and sexual exploitation perpetrated by fellow IDPs, members of vigilante groups, policemen, and soldiers.

In December 2015, the army killed 347 members of the Shia Islamic Movement of Nigeria (IMN) after a road blockade by the group in Zaria. Hundreds of IMN members including the leader, Ibrahim El Zakzaky, and his wife remained in custody without charges at time of writing.

The ban imposed on the IMN by the Kaduna State government in October 2016 triggered a wave of bans against Shia in four northern states. Since then, Shia religious activities have been met with mob and police violence leading to the death of scores of IMN members in Kaduna, Kano, Katsina, Plateau, Sokoto, and Yobe States.

Elsewhere in the country, deadly communal violence between farmers and pastoralists, previously limited to north-central states spread southward in 2016. The lack of justice for victims helped fuel reprisal attacks leading to cycles of violence. In the south, government response to agitation for a separate state of Biafra and militant activities in the Niger Delta left scores of people dead and entire communities destroyed.

Abuses by Boko Haram

The seven-year old Boko Haram conflict is winding down as military operations by Nigerian forces and its northeastern neighbors intensified against the insurgents. An estimated 550 civilians died in Boko Haram attacks in 2016 compared to almost 3,500 in 2015. Insurgents resorted to suicide bomb attacks in crowded places, like IDP camps, markets and mosques, using mostly women and girls to bypass security. On February 11, two young women detonated suicide bombs in a Dikwa, Borno camp, killing about 58 IDPs. A third girl confessed to security agents that she backed out of the suicide assignment when she recognized her relatives sheltering in the camp.

Security forces recovered most areas controlled by the group, and rescued thousands of residents. However, 197 of the 276 Chibok schoolgirls abducted in April 2014, as well as over 300 elementary school students

abducted from Damasak, Borno, in November 2014 are still missing. Apart from Maiduguri, Borno state capital, which has been largely free from attacks, many parts of the state remain unsafe and inaccessible. In July, a team of United Nations humanitarian aid workers were attacked by suspected insurgents as they traveled the 53 mile Bama to Maiduguri road. Two people were injured in the attack and UN temporarily suspended aid deliveries following the incident. Aid supplies resumed a few days later.

The naming in August by the Islamic State (ISIS) of Abu Musab Al-Barnawi as the new leader of Boko Haram, spurred a rift between his followers and those of Abubakar Shekau who insists he remains the leader. The Nigerian military declared in late August that Shekau had been killed in a military air raid. Previous claims of Shekau's death proved untrue.

Conduct of Security Forces

Across the country, allegations of abuses including arbitrary arrests and detention, torture, forced disappearance, and extrajudicial killings continue to trail security operations.

In July, a state government-instituted commission of inquiry recommended that soldiers involved in the killing of 347 members of the Shiite Islamic Movement of Nigeria in Zaria, Kaduna state between December 2015 12 and 14, be prosecuted. Authorities have yet to implement the commission's recommendations.

In February and May, security forces were accused of killing at least 40 members of the Indigenous People of Biafra (IPOB), and Movement for the Actualization of the Sovereign State of Biafra (MASSOB). The groups are advocating for the separation of Biafra—mainly made up of Igbo-speaking people in the southeast—and the release of Nnamdi Kanu, the IPOB leader detained and undergoing trial for treason since October 2015.

In the crude oil-rich Niger Delta, media reports say that on September 8, soldiers seeking to arrest members of the militant group—Niger Delta Avengers—destroyed 43 houses and other properties in Peremabiri, Akamabugo, and Tikogbene communities in Bayelsa State.

The army seemingly yielded to the pressure for reform by establishing a yet-to-be operational human rights office in February to receive complaints of abuses against civilians, and in August the military trial of 20 soldiers for offences, including human rights abuses committed in the northeast, commenced. In October, one of the indicted soldiers was convicted for abuse against a civilian in a non-conflict related incident.

Local vigilante groups assisting Nigerian security forces to repel Boko Haram attacks and apprehend insurgents are also implicated in the recruitment and use of children, and the ill-treatment and unlawful killing of Boko Haram suspects. At least 280 members of the groups were formally recruited into the security forces in 2016.

Inter-Communal Violence

Impunity for cycles of uncontrolled and unpunished violence between nomadic and farming communities in the conflict prone "Middle-Belt" region has encouraged its spread to other areas. For two weeks in February, armed herdsmen allegedly in revenge for the killing of their cattle, attacked 11 communities, killing scores of people in Benue State. Similar attacks left 12 people dead in Ukpabi Nimbo, Enugu on April 25, while six died in Taraba's Korum, Orawua and Gidan Bature communities on May 7.

Solutions proffered by Nigerian federal authorities to end the clashes, including enacting laws to specify cattle grazing routes, have been rejected by some state governments allegedly for inequitably favoring rights of herders.

Public Sector Corruption

Endemic corruption and mismanagement of public resources directly impact on the enjoyment of basic rights by Nigerians, about 54 percent of whom live in dismal poverty. One-third of school-age children are out of school, while one in five children under five years die from treatable and preventable diseases. The government alleges that between 2006 and 2013, 55 public officials stole US\$9 billion, amounting to more than 25 percent of the annual national budget. Many officials of the previous Goodluck Jonathan administration are facing prosecution for corruption.

President Buhari said in May that corruption was largely responsible for previous failure to end the Boko Haram insurgency. The Economic and Financial Crimes Commission (EFCC), is prosecuting former government officials for embezzling \$2 billion allocated for the purchase of arms to prosecute the northeast conflict. Political opponents however accuse the president of using the campaign against corruption to carry out a political vendetta against previous administration officials.

Sexual Orientation and Gender Identity

The passage of the Same Sex Marriage (Prohibition) Act, SSMPA in January 2014, has far reaching effects on members of the lesbian, gay, bisexual and transgender (LGBT) community. The law is used to legitimize abuses against LGBT people, including mob violence, sexual abuse, unlawful arrests, torture and extortion by police.

On February 13, the police arrested a homosexual couple in the federal capital for allegedly attempting to conduct a wedding. The wedding sponsors and the hotel venue owner were also arrested. The penalty for entering into a gay marriage under the SSMPA is 14 years.

Ironically, former President Jonathan who defied global pressure before signing the bill into law, said belatedly in June 2016 that "with the clear knowledge that the issue of sexual orientation is still evolving, the nation may, at the appropriate time, revisit the law."

Freedoms of Expression, Media, and Association

Nigeria's strong civil society and media play robust roles in lobbying for openness and accountability in public office. It is this vibrancy, perceived as a challenge to unbridled exercise of government authority, which recent legislation appear to target.

The "Bill to Prohibit Frivolous Petitions and Other Matters Connected Therewith" introduced in the Senate in December 2015 specifically targets users of social and electronic media. The June 2016 "Bill to provide for the Establishment of Non- Governmental Organizations (NGOs) Regulatory Commission in Nigeria" seeks to monitor and control activities and funding of civil society organizations.

The NGO regulation bill passed second reading at the federal House of Representatives in July, and was referred to the committee on civil society organizations and development partners for review. Concerted advocacy by activists may have aborted the passage of the "social media" bill, but regular display of high levels of intolerance by government agents continue to imperil free speech.

On August 8, blogger Abubakar Usman was detained for two days in Abuja by the EFCC for writing a piece critical of Ibrahim Magu, chairman of the commission. Barely a month later, another blogger, Emenike Iroegbu was arrested and his computer and phones seized by Department of State Security agents in Uyo, Akwa Ibom state, for criticizing state government officials in a publication. He was released the following day without charges.

On a positive note, the Federal House of Representatives introduced in June, a Digital Rights and Freedom bill, which aims to protect the rights and freedoms of internet users.

Key International Actors

International actors, notably the United Kingdom, United States, European Union, and United Nations significantly improved their support to the Nigerian government in dealing with the Boko Haram conflict. Increased assistance in form of military training, supply of intelligence, surveillance, and communication equipment might be an indication of confidence in President Buhari's promise of military reform.

In an apparent reversal of the former assistance policy to the Nigerian military suspected of rights violations, the US donated 24 mine-resistant and armor-protected vehicles valued at about \$11 million to the army in January. In mid-September, Congress was notified of plans to sell 12 A-29 Super Tucano light attack aircraft and weapons, including laser guided rockets and unguided rockets, valued at over \$592 million. Critics of the move have expressed concern about the human rights implications of this sale, given the absence of genuine reform in the Nigerian military.

The UK also stepped up support to the Nigerian military in 2016, sending 300 personnel to provide medical, infantry, air defense and counter insurgency training. During the visit of then UK minister of state, Foreign and Commonwealth Office, Baroness Anelay to Nigeria in February, the UK government announced a donation of £6.7 million (US\$8.4 million) to support humanitarian assistance in the northeast. The EU, UN, and World Bank established a tripartite recovery program for the six insurgency-affected northeast states.

A Post-Insurgency Recovery and Peace-building Assessment commissioned by the group in January valued the cost of repairing damage to the region at \$5.9 billion. In January, the head of the EU delegation in Nigeria, Michel Arrion, said the EU had set aside a trust fund to assist in the rehabilitation and reconstruction of the beleaguered northeast.

In a November 2016 report, the Office of the Prosecutor of the International Criminal Court (ICC), found that none of the allegations of crimes committed by so-called Fulani herdsmen or by government forces against pro-Biafara protesters and civilians caught in the fight against Niger Delta Avengers were within the ICC's jurisdiction. The office continues an analysis of the Zaria incident involving members of the IMN as well as the assessment of national efforts to prosecute crimes committed in the Boko Haram violence as part of a preliminary examination of the situation in Nigeria.

In November 2015, the African Commission on Human and Peoples' Rights urged the Nigerian government to review the SSMPA in order to prohibit violence and discrimination on the basis of sexual orientation and gender identity and ensure access to HIV prevention, treatment, and care services for LGBT individuals.

Foreign Policy

Nigeria took a stand in support of justice for grave crimes at the International Criminal Court (ICC) during the African Union's (AU) July summit in Kigali, Rwanda. Nigeria joined Cote d'Ivoire, Tunisia, and Senegal in opposing an AU call for African members of the ICC to withdraw from the court.

Despite domestic intolerance of online criticism of public officials, Nigeria co-sponsored UN Human Rights Council (HRC) Resolution 32/20 on the Promotion, Protection and Enjoyment of Human Rights on the Internet in July.

The country however took retrogressive steps against human rights when it voted alongside five other members—including China, Russia, and Cuba—against HRC 31/32 on protecting human rights defenders addressing economic, social, and cultural rights at the council's 31st session in March. This follows a previous vote against the first ever UN General Assembly Resolution Recognizing the Role of Human Rights Defenders and the Need for their Protection in November 2015.

A similar vote at the council's 32nd session in July, against Resolution 32/31 on civil society space, which "urges States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity," signals a disturbing pattern of anti-human rights and civil society rhetoric in the current Nigerian administration.

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