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COUNTRY OF ORIGIN INFORMATION REPORT

NIGERIA

5 DECEMBER 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 30 October 2008. The 'Latest News' section contains further brief information on events and reports accessed from 31 October 2008. This report was issued on 5 December 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, the COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Latest News

EVENTS IN NIGERIA FROM 31 OCTOBER 2008 TO 5 DECEMBER 2008

- 1 December A BBC News Online report reported that sectarian violence had taken place in Jos, the capital of Plateau State, in November 2008. The violence started on 28 November amid claims that an election had been rigged. The People's Democratic Party, supported by Christians, was declared to have won the Plateau State election. This was contested by the opposition All Nigeria People's Party, who are perceived in Plateau State to be a mainly Muslim party. Churches and mosques were set alight by mobs from the Muslim Hausa community and mainly Christian ethnic groups. The violence continued into the weekend of 29/30 November. Soldiers were eventually deployed to keep the peace and enforce a curfew. The authorities stated that about 200 people had been killed as a result of the violence.
BBC News Online - 'Nigeria riot victims swamp medics', 1 December 2008
<http://news.bbc.co.uk/1/hi/world/africa/7758098.stm>
Date accessed 4 December 2008
- 20 November The Nigerian newspaper *Daily Champion* reported that the National Assembly Joint Committee on Constitution Review (JCCR) will be formally inaugurated on 20 November 2008 by the leadership of the the two chambers at the National Assembly in Abuja. The JCCR will review the Constitution with a view to amending it. An attempt by the previous president to amend the Constitution was unsuccessful. There is a lot of public and media interest in the work the JCCR will be doing.
'Daily Champion' - 'Constitution Review Begins Today', 20 November 2008
<http://allafrica.com/stories/200811200450.html>
Date accessed 20 November 2008
- 17 November The Nigerian newspaper *Vanguard* reported that the Human Rights Writers Association of Nigeria (HURIWA), has condemned the frequent harassment of media workers in Nigeria by security agents. The group pointed out that if this harassment continued unchecked, it could undermine the growth of democracy, respect for human rights and the rule of law. The group specifically criticised the arrests and interrogations of the senior editorial members of the Leadership newspaper over a report on the health of President Yar'Adua and his alleged absence from high profile state functions. In a statement signed by the National Coordinator of HURIWA, Emmanuel Onwubiko, the group stated that the actions of the State Security Service were an abuse of the human rights of the journalists involved and were also an unconstitutional use of self-help measures by the security agencies.
'Vanguard' - 'Stop Harassing Journalists, Rights Group Charges SSS', 17 November 2008
<http://allafrica.com/stories/printable/200811180179.html>
Date accessed 20 November 2008
- 5 November The Nigerian newspaper *This Day* reported that the Federal Executive Council had approved the procurement of essential drugs

worth seven billion Naira for the treatment of malaria and control of HIV/AIDS. President Yar'Adua stated in a speech that the "government had as a deliberate policy ensured that only local pharmaceutical manufacturers were awarded the contracts."

'This Day' - 'FG Approves N7 Billion for Malaria, HIV/AIDS', 5 November 2008

<http://allafrica.com/stories/printable/200811050386.html>

Date accessed 5 November 2008

4 November

The Nigerian newspaper *Vanguard* reported that the Nigerian Minister of Foreign Affairs, Chief Ojo Maduekwe, assured a human rights consultative forum that the government was committed to promoting human rights issues in Nigeria. He stated that the " 'Citizen Diplomacy Policy' of the government was strongly hinged on protecting the rights of Nigerians both at home and abroad. The minister said that the promotion of human rights was a fundamental part of traditional African culture...he called on civil society organisations to collaborate with the government in efforts to build a strong system of human rights advocacy."

'Vanguard' - 'FG Committed to Human Rights, Maduekwe Assures', 4 November 2008

<http://allafrica.com/stories/printable/200811040269.html>

Date accessed 5 November 2008

4 November

Regarding maternal mortality, the Nigerian newspaper *This Day* reported that "Nigeria happens to be second only to India in the worst rating provided by the World Health Organisation and other development partners and realising the precarious situation pregnant women are in the country, the Federal Government aligned with the Millennium Development Goals 4 and 5, which set a target of reducing the number of deaths occurring at birth to about 100 deaths per 100,000 live births." Dr. Clara Ejembi of the Department of Community Health at Ahmadu Bello University Teaching Hospital in Zaria stated that the issue of maternal mortality has become a burden which Nigeria must address. She said that the country contributes ten per cent to the global burden of maternal mortality and has the second highest number of maternal deaths globally. Dr Ejembi stated that research into the subject indicated that there is limited availability, access and quality of services at most primary health care centres in areas surveyed in the six geo-political zones of the country. Less than half of primary health-care facilities in Nigeria provide delivery services, basic equipment is lacking, and there is a dearth of skilled attendants.

'This Day' - 'Maternal Mortality . . . High Rate Unacceptable', 4 November 2008

<http://allafrica.com/stories/200811050808.html>

Date accessed 6 November 2008

2 November

The Nigerian newspaper *Daily Trust* reported that the multi-national pharmaceutical company, Pfizer, stated that more than 400,000

women die every year from breast cancer which is diagnosed in about one million women annually. In a press release, the company decried the steady increase in breast cancer in Nigeria and stated that the current incidence of 25 cases per 100,000 women has now placed breast cancer as the most common form of cancer among women and the most common cancer among Nigerians in general.

'Daily Trust' - 'Breast Cancer - 400,000 Women Die Annually - Pfizer',

2 November 2008

<http://allafrica.com/stories/200811031081.html>

Date accessed 6 November 2008

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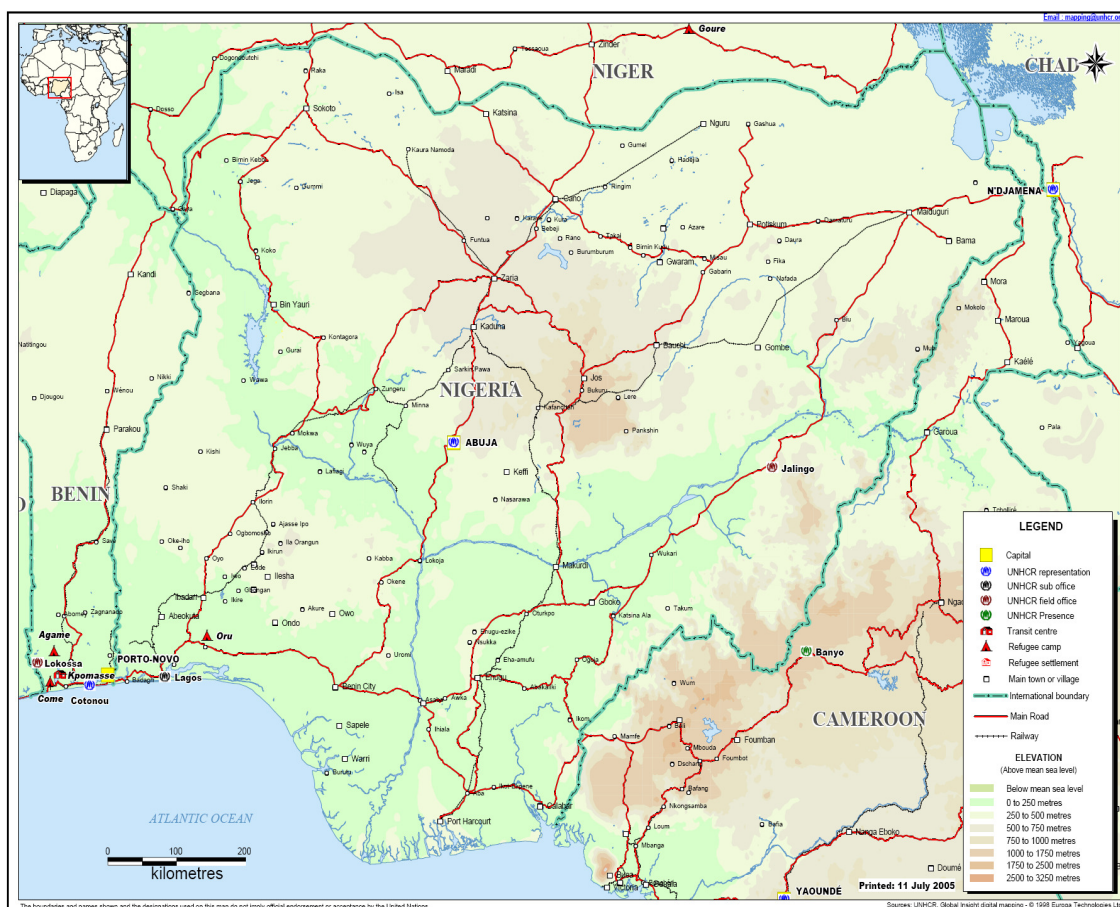
Background information

1. GEOGRAPHY

- 1.01 The Nigeria section of Europa World (accessed in June 2008) states that the Federal Republic of Nigeria is a west African coastal state, and covers an area of 923,768 square km. Nigeria's neighbouring countries are Benin to the west, Niger to the north, Chad to the north east and Cameroon to the east and south east. Nigeria has a climate that is characterised by relatively high temperatures throughout the year. [1]
- 1.02 The US State Department (USSD) Background Note on Nigeria, published in July 2008, states that the capital city of Nigeria is Abuja. Other major cities include Lagos, Ibadan and Kano. Although less than 25 per cent of Nigerians live in urban areas, at least 24 cities have a population of more than 100,000. Nigeria is divided administratively into 36 states and a Federal Capital Territory. The states are further sub-divided into 774 local government areas. The country's main ports are at Lagos, Port Harcourt and Calabar. Most of the roads in Nigeria are in poor condition, but state governments have gradually been improving the road network, using central government funds. Nigeria has four international airports - Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights. The estimated population of Nigeria in 2006 was 140 million. [3c]
- 1.03 The US State Department Background Note on Nigeria stated that English is the official language and Nigerians commonly communicate in English, although knowledge of two or more Nigerian languages is widespread. Hausa, Yoruba and Igbo are the most widely used Nigerian languages. [3c]

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1.04 The attached map can be obtained from www.unhcr.org.



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2. ECONOMY

- 2.01 The Economist Intelligence Unit (EIU) 2008 Country Profile on Nigeria, published in 2008, stated:

“Nigeria displays the characteristics of a dual economy: an enclave oil sector with few links to the rest of the economy, except via government revenue, exists alongside a more typical developing African economy, heavily dependent on traditional agricultural, trade and some limited manufacturing. During the colonial era cash crops were introduced, harbours, railways and roads were developed, and a market for consumer goods began to emerge. At independence in 1960 agriculture accounted for well over half of GDP and was the main source of export earnings and public revenue, with the agricultural marketing boards playing a leading role. [10] (p24)

However, the rapid development of the oil sector in the 1970s meant that it quickly replaced the agricultural sector as the leading engine of growth. According to official Nigerian government estimates, the oil sector accounts for 70-80% of federal government revenue (depending on the oil price), around 90% of export earnings and about 25% of GDP, measured at constant basic prices. Agriculture (including livestock, forestry and fishing), which is still the main activity of the majority of Nigerians, constitutes about 40% of GDP. In recent years it has become clear that the manufacturing sector has also continued to decline, to well under 5% of GDP, while the services sector and the retail and wholesale sectors have continued to grow and now account for the majority of the remaining 30% of GDP.” [10] (p24-25)

- 2.02 The BBC News Online ‘Nigeria: Facts and Figures’ report, published in April 2007, stated that:

“Nigeria is the economic powerhouse of West Africa, contributing nearly 50% of regional GDP. Economically, Nigeria remains dependent on the oil and gas sector. Nigeria is a member of Opec and is the world’s eighth largest exporter of oil. Revenue from Nigeria Liquefied Natural Gas Limited (NLNG) is expected to surpass oil revenues over the next 10 years.

Although the type of crude oil produced in Nigeria needs little refining, Nigeria has been unable to get its own refineries working to the point where it can produce petroleum products for domestic consumption and has to re-import refined products.

...Nigeria has some of the worst social indicators in the world: one in five children die before the age of five; 12 million children are not in school; and there are nearly two million Aids orphans.

More than 54.7% of the population (75 million people) live below the poverty line in a country where the life expectancy is 47.

Eight years after the introduction of the president’s privatisation programme, Nigerians are still waiting for a guaranteed electricity supply, running water, sewerage services, improved rail and road services and telephone facilities.” [8a]

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3. HISTORY

3.01 The Nigeria section of Europa World (accessed in June 2008) states that Nigeria was under British rule during the second half of the 19th century and the first half of the 20th century. In 1947, the United Kingdom introduced a new constitution, which established a federal system of government based on three regions – Northern, Western and Eastern. In 1954, the Federation of Nigeria became self-governing. A bicameral federal parliament was formed in January 1960 and on 1 October 1960, Nigeria became an independent country. Tafawa Balewa became the country's first Prime Minister. In October 1963, the country was renamed the Federal Republic of Nigeria. [1]

3.02 The Foreign and Commonwealth Office (UK) Nigeria Country Profile (February 2008 version) stated that:

“The independence constitution provided for a federation of three autonomous regions - Northern, Western and Eastern - each with wide-ranging powers, its own constitution, public service, and marketing boards. The overarching but weaker federal government had powers limited to national issues, including control of the police and army, and economic planning...in the early 1960s, the inherited regional structure led to a series of crises and conflicts, both within and between the three ethno-centric regions, as competition grew for control over the federal centre. The 1964 federal elections were marred by violence and rigging. Inter-party and inter-ethnic tensions continued leading ultimately to a military takeover in January 1966, led by Igbo officers. Thereafter Nigeria's post-independence history was marked by a series of military interventions in politics: coups, counter-coups, and a civil war (1967-70) when the Eastern Region attempted to secede as the Republic of Biafra...Nigeria has only enjoyed three short periods of civilian rule - 1960-65, 1979-83, and 1999 to the present. The intervening periods, totalling 29 years, saw military governments in place.” [2b] (p2)

3.03 The Nigeria section of Europa World (accessed in June 2008) stated that local municipal elections took place in December 1998 and state legislative elections were held in January 1999. The People's Democratic Party (PDP) secured about 60 per cent of the votes cast in the municipal elections and 50 per cent of the votes cast in the state legislative elections. National legislative elections were held on 20 February 1999. In those elections, the PDP secured 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election was held on 27 February 1999, which was won by Olusegun Obasanjo, with 62.8 per cent of the votes cast. Obasanjo was formally inaugurated as President of Nigeria on 29 May 1999. A new constitution was formally promulgated on 5 May 1999, and came into force on 29 May 1999. Four years later, presidential and legislative elections were held in April and May 2003. Obasanjo won the 2003 presidential election, and his PDP party won large majorities in the 2003 legislative elections. Following the elections held in April and May 2003, Obasanjo was inaugurated as President on 29 May 2003. A new federal government was set up in July 2003. Local government elections took place at the end of March 2004 and were marred by violence and malpractice. Initial results indicated that the PDP had won about two-thirds of the seats available. [1]

- 3.04 In May 2006, the Nigerian Senate rejected a bill to amend the constitution to allow former President Obasanjo to seek a third term in office. After a debate, which was shown live on national television, the Senate voted unanimously to reject the bill. The Economic and Financial Crimes Commission stated that it would investigate claims that some MPs had been offered bribes to support the moves to allow Obasanjo to have a third term in office. (BBC News Online report - "No third term for Nigerian leader" - 16 May 2006). [8f]
- 3.05 In December 2006, the National Population Commission published provisional results of the 2006 national census which indicated that the national population was 140 million. ('This Day' [Nigerian newspaper] - "Country's Population is 140m" - 30 December 2006). [43a]
- 3.06 On 14 April 2007, state governor and state assembly elections throughout the country took place. A local observers group stated that the elections were marred by abuses and intimidation. The elections were also marred by violence. The Independent National Electoral Commission (INEC) announced that the PDP had won 26 out of 33 states where the results had been issued, and that the elections in two states had to be cancelled due to widespread irregularities. (Africa Reuters.com report - "Observers reject many Nigerian poll results" - 16 April 2007). [46]
- 3.07 On 21 April 2007, the 2007 federal legislative (National Assembly) and presidential elections were held. On 23 April 2007, INEC declared that Umaru Musa Yar'Adua of the PDP had won the election with 24.6 million votes (72% of the votes cast). Muhammadu Buhari (ANPP), won 6.6 million votes (19% of the votes cast), and Atiku Abubakar won 2.6 million votes (7% of the votes cast). Other candidates won far fewer votes than Buhari and Abubakar. Buhari and Abubakar rejected the outcome of the election and vowed to pursue their grievances through the courts. Local and international observers stated that the election was seriously flawed. (United Nations IRIN report - "Nigeria: As poll winner declared, crisis of legitimacy predicted" - 23 April 2007). [21a]
- 3.08 Regarding the 2007 elections, the Human Rights Watch report 'Criminal Politics - Violence, "Godfathers" and Corruption in Nigeria', published in October 2007, stated:
- "Elected officials, alongside the very government agencies charged with ensuring the credibility of the polls, reduced the elections to a violent and fraud-riddled farce. Across much of the country armed gangs in the employ of politicians raided polling stations and carried off ballot boxes. Electoral officials reported massive turnout figures in areas where no voting took place at all. In many areas ballot boxes were openly stuffed or results fabricated out of thin air. The final results bore little resemblance to the realities reported by all credible election observers, domestic and foreign, but the Independent National Electoral Commission (INEC) reported a landslide victory for the ruling PDP." [22e] (p15)

- 3.09 On 29 May 2007, Umaru Yar'Adua was formally inaugurated as President of the Federal Republic of Nigeria. The new President, in his inaugural address, declared that he would be a servant leader to the Nigerian people whom he urged to join his administration in an "age of restoration". Yar'Adua made many pledges, amongst these was to improve the standard of education and the country's infrastructure, and strengthen the rule of law. ('This Day' [Nigerian newspaper] - "Yar'Adua - It's Time for Restoration" - 30 May 2007). [43c]

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4. RECENT DEVELOPMENTS

- 4.01 In February 2008, a tribunal dismissed petitions from the losing 2007 presidential candidates, Muhammad Buhari and Atiku Abubakar, to annul the 2007 presidential election results. The lawyers for the opposition candidates stated that they would take their cases to the Nigerian Supreme Court. Judge Abdulkadir Abubakar Jega stated that the opposition presidential candidates had failed to prove that violations of the electoral law were substantial enough to invalidate the election result. (BBC News Online report - "Nigeria poll petitions dismissed" - 26 February 2008). [8b]
- 4.02 In May 2008, the Economic and Financial Crimes Commission (EFCC) appointed a new head, five months after the previous head, Nuhu Ribadu, was removed from the position. The new head is Farida Waziri, a retired Assistant Inspector General of Police. She trained Mr Ribadu before he moved to the EFCC, according to the local press, and is respected by law enforcement agencies in Nigeria. (BBC News Online report - "New head for Nigeria graft agency" - 16 May 2008). [8e]
- 4.03 In August 2008, the Nigerian government formally handed over the Bakassi peninsula to Cameroon, bringing an end to a long-standing dispute over the territory. The majority of the people who live in Bakassi consider themselves to be Nigerian but an international court deemed the territory to be Cameroonian in 2002. The Nigerian government challenged the legal ruling but agreed to give the territory to Cameroon in 2006. (BBC News Online report - "Nigeria cedes Bakassi to Cameroon" - 14 August 2008). [8h]
- 4.04 In September 2008, up to 100,000 displaced Nigerians from Bakassi in southern Nigeria sheltered in makeshift camps 10 kilometres away in the state of Akwa Ibom. The influx of the displaced people overwhelmed Akwa Ibom's local authorities who struggled to feed, shelter, clothe and medicate the returnees, most of whom arrived empty-handed. Aniekan Umanah, Akwa Ibom's information commissioner warned IRIN that there was no way the local authorities could cope with the situation. Umanah told IRIN they had received no assistance from the federal government, and relied on non-governmental organisations for assistance. Nigerians started fleeing Bakassi following the 14 August 2008 ceremony that officially handed over administration of the disputed Bakassi peninsula to Cameroon. The Nigerian National Boundary Commission pledged more than US\$7 million in federal funds to resettle Nigerian nationals from the disputed territory into the neighbouring Cross River State, but none of this funding was allocated for Akwa Ibom, according to Florence Ita-Giw, head of the presidential task force on Bakassi returnees. (United Nations IRIN report - "Bakassi returnees overwhelm authorities" - 11 September 2008). [21c]

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5. CONSTITUTION

5.01 The Nigeria section of Europa World (accessed in June 2008) stated that a new constitution was formally promulgated on 5 May 1999 and came into force on 29 May 1999. [1]. The constitution enshrines basic human rights freedoms including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person. [6] (**Nigerian 1999 Constitution**)

5.02 The EIU's 2008 Country Profile on Nigeria stated that:

"...the new constitution has been a source of tension. Critics claim that it concentrates too much power in the central government, contrary to the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria's 36 states, it is also argued that the constitution hamstrings the president and promotes mediocrity by emphasising origin rather than ability. The problem for the administration is that, while many of these claims are valid, the executive is fearful that changing the current constitution could prove more problematic than living with it. Various efforts to change the constitution have failed. [10] (p9-10)

...whatever its weaknesses, the constitution does guarantee personal freedom, which was absent during the years of military rule. It also stipulates that Nigeria is a secular state, but seems to allow the operation of Sharia (Islamic law) for consenting Muslims. In January 2000 the north-western state of Zamfara became the first state in the federation formally to adopt Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that that is unlikely to be resolved quickly." [10] (p10)

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6. POLITICAL SYSTEM

- 6.01 The Nigeria section of Europa World (accessed in June 2008) stated that Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the President, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by universal suffrage for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by universal suffrage for four years. The House of Representatives comprises 360 members, who are also elected by universal suffrage for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. [1]

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Human Rights

7. INTRODUCTION

- 7.01 The US State Department 2007 Human Rights Report on Nigeria, published in March 2008, stated that during 2007:

“The government’s human rights record remained poor, and government officials at all levels continued to commit serious abuses. The most significant human rights problems included the abridgement of citizens’ right to change their government; politically motivated and extrajudicial killings by security forces; the use of excessive force, including torture, by security forces; vigilante killings; impunity for abuses by security forces; beatings of prisoners, detainees, and suspected criminals; harsh and life-threatening prison conditions; arbitrary arrest and prolonged pretrial detention; executive influence on the judiciary and judicial corruption; infringements of privacy rights; restrictions on freedom of speech, press, assembly, religion and movement; domestic violence and discrimination against women; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; and trafficking in persons for purposes of prostitution and forced labor.” [3a] (Introduction)

- 7.02 The Nigeria section of the Human Rights Watch (HRW) World Report 2008, published in January 2008, stated that during 2007:

“Widespread government corruption, political and intercommunal violence, police torture and other abuses continue to deny ordinary Nigerians their basic human rights. During 2007 Nigerian government actors including the police, military, and elected officials committed serious and persistent abuses against Nigerian citizens with near-complete impunity. Hopes for improvement in the human rights situation were dashed when the April 2007 presidential and parliamentary elections were marred by fraud, violence, and intimidation so pervasive as to destroy all confidence in the results.

...politically powerful individuals and members of Nigeria’s security forces who stand accused of serious human rights abuses and other crimes are seldom held to account. Numerous powerful ruling party politicians have been implicated in mobilizing armed gangs responsible for election-related violence and also in orchestrating the open rigging of the 2007 elections, but no investigation has been undertaken. Nor have federal authorities taken any action to ensure accountability for past atrocities such as the Nigerian military’s complete destruction of the Bayelsa state town of Odi in 1999 or its massacre of several hundred civilians in Benue state in 2001.

Nigeria’s judiciary has won widespread respect for its increasing independence, ruling against the government in numerous politically-charged cases related to the elections. But all too often the federal government has impeded rather than supported these efforts. The judiciary itself is flawed, especially the criminal justice system: magistrates and judges routinely accept confessions extracted under torture and allow spells of extended pretrial detention that may last for months or even years.

Law enforcement agencies have also subverted the rule of law. Police openly and routinely torture criminal suspects and others, and have killed more than 8,000 Nigerians in the past eight years; the police carried out 785 largely unexplained killings of alleged 'armed robbers' during the current inspector general's first 90 days in office in 2007. At the same time, [the] police have refused to investigate prominent politicians implicated in political violence and other human rights abuses." [22c] (p1-2)

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8. SECURITY FORCES

OVERVIEW

- 8.01 With regard to internal security, the USSD 2007 Human Rights Report on Nigeria stated that:

“The National Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS [State Security Service], which reports to the president through the national security advisor. Due to the ineffectiveness of the police, who were often unable to control societal violence, the government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The constitution prohibits state - and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and [the] press.” [3a] (Section 1d)

- 8.02 The Human Rights Watch report ‘Rest in Pieces - Police Torture and Deaths in Custody in Nigeria’, published in July 2005, added that:

“Several other national agencies carry out law enforcement functions and have the power to arrest and detain suspects, some at their own detention facilities. These include the National Drug Law Enforcement Agency (NDLEA), the Customs and Immigration Service and the Economic and Financial Crimes Commission (EFCC), a body established in 2002 to investigate a range of financial crimes such as money transfer fraud and money laundering. In addition, there are two principal intelligence agencies: the State Security Service (SSS) and the Directorate of Military Intelligence (DMI), dealing with criminal matters affecting the security of the state.” [22a] (p18)

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THE NIGERIAN POLICE FORCE

- 8.03 The Nigeria section of the 'World Police Encyclopedia', published in 2006, stated that:

"The Nigerian Police structure is provided for in Section 214 (2) (9) and Section 215 (2) of the Constitution of 1999. The Police Force is specified by Section 194 of the 1979 Constitution as the National Police with exclusive jurisdiction throughout the country. [45] (p621)

...the NPF [Nigerian Police Force] is divided into six administrative departments, each charged with specific management duties. The main responsibility of the Administration Division is to lead in the direction, supervision, and coordination of the various departments within the Directorates of the NPF. [45] (p621-2)

...directives, instructions, and authority flow from the Inspector-General of the NPF through the chain of command to the officer in the street. The Deputy Inspector-General is second in command, as provided by Section 7(1) of the Police Act, established not by the Constitution but by the National Assembly." [45] (p622)

- 8.04 The United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, dated January 2006, stated:

"The Nigerian Police have grown significantly under civilian rule to 325,000 in 2005. But the numbers are still inadequate, their level of training and funding insufficient, and their morale low. Although Nigeria suffers from high violent crime rates, the force is chronically under-resourced. All too often new recruits pay for their own uniforms, salaries are delayed for many months, equipment required in an emergency needs to be borrowed from other agencies, and complainants (even those alleging murder) are asked to cover the costs of the police investigation including travel and accommodation. Where they cannot afford to do so, the investigation fizzles. In addition, corruption is widespread among police officers, in part due to very low salaries.

For these reasons, and because police tactics are often marked by the arbitrary and unnecessary use of force, including high rates of extrajudicial killings, there is little public confidence in the police. Indeed, they are criticized by virtually all sectors of civil society.

Common complaints include the carrying of firearms in public by un-uniformed [sic] police, the wearing of uniforms by police when they are off-duty, and the widespread practice of police requiring payment to ensure the safe delivery of goods. As a result, the overriding public attitude towards the police is one of fear and mistrust." [26b] (p13)

- 8.05 The Human Rights Watch 2007 report 'Criminal Politics - Violence, "Godfathers" and Corruption in Nigeria', stated further:

"Nigeria's police force has the reputation of being a notoriously corrupt and ineffective institution whose failures lay at the heart of government failure to take effective action against impunity. In one recent public opinion survey carried out across Nigeria, respondents overwhelmingly voted the police to be the country's most corrupt public institution. At the same time, the police's capacity to carry out criminal investigations is extremely lacking." [22e] (p42)

...the Nigerian police often lacks the capacity to work effectively and is riddled with corruption that dilutes its effectiveness further still. But just as important as the police's shortcomings as an institution are political pressures that often prevent the police from investigating abuses connected to politicians or other prominent allies of the ruling party." [22e] (p45-46)

ARBITRARY ARREST AND DETENTION

- 8.06 Regarding arbitrary arrest and detention, the USSD 2007 Human Rights Report stated:

"The constitution and law prohibit arrest and detention; however, [the] police and security forces continued to employ these practices.

...[the] police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power.

...persons who happened to be in the vicinity of a crime when it was committed were sometimes held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to repeatedly return for further questioning." [3a] (Section 1d)

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TORTURE

- 8.07 As regards the use of torture and other inhuman or degrading treatment by the police, the USSD 2007 Human Rights Report stated:

“Although the constitution and law prohibits such abuses [torture and other inhuman or degrading treatment] and provide for punishment of such abuses, security services personnel, including [the] police, military, and State Security Service (SSS) officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police physically mistreated civilians regularly to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture.” [3a] (Section 1c)

- 8.08 A report on Nigeria by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, published in November 2007, stated:

“The Special Rapporteur was told by government officials that torture is prohibited by law, though it may occur from time to time, in an unfortunate isolated circumstance, and that the sternest measures are taken against perpetrators, including dismissal and criminal charges. However, these observations appear divorced from the realities prevailing in criminal investigation departments (CID) and police stations in the country, at least those visited by the Special Rapporteur. In fact, at CID detention facilities, it was a challenge to find a detainee that had not been ill-treated. The high number of consistent and credible allegations received from speaking with various detainees, corroborated by forensic medical evidence, in facilities visited in different parts of the country and obtained within the span of a one-week mission, speaks volumes.

...suggestions by officials that ‘torture’ is only isolated or merely amounts to rough handling of suspects, are contradicted by evidence the Special Rapporteur found of dedicated rooms in CIDs for torture and equipment used for such purposes, and by the testimony from numerous detainees.

...on the basis of a thorough analysis of the legal system, visits to detention facilities, interviews with detainees, the support of forensic medical evidence, and interviews with government officials, lawyers and representatives of NGOs, the Special Rapporteur concludes that torture and ill-treatment are widespread in police custody, and particularly systemic at CIDs. Torture is an intrinsic part of how the police operate within the country.” [26c] (p12-13)

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EXTRA-JUDICIAL KILLINGS

- 8.09 The USSD 2007 Human Rights Report stated that extra-judicial killings were reported to have been committed by the security forces during 2007:

“There were politically motivated killings by the government or its agents. National police, army, and other security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during the year [2007].” [3a] (Section 1a)

- 8.10 The Amnesty International 2008 Report on Nigeria, published in May 2008, added:

“Members of the police and security forces extrajudicially executed hundreds of people [in 2007]. These included killings by [the] police during routine road checks or for refusing to pay a bribe, shootings of suspected armed robbers on arrest, and extrajudicial execution of detainees in police stations. The military were also frequently involved in extrajudicial executions, especially in the Nigeria Delta. On 27 March [2007], the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated at the Human Rights Council that Nigeria must end extrajudicial executions by [the] police.

The acting IGP [Inspector General of Police] stated that in the first 100 days he was in office, 1,628 armed robbers were arrested and 785 were killed by [the] police. NGOs alleged that the number of killings were higher. Despite the alarming number of such killings, the government took very little action to address the problem. On the contrary police were encouraged to shoot armed robbers. On 23 October [2007], the Commissioner of Police of the Federal Capital Territory, for example, ordered his men to shoot on sight armed robbers caught in the act of committing a crime.” [12e]

- 8.11 The 2006 United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions added further:

“The military regularly supplement or even replace the police in establishing law and order in civilian disturbances. The President acts on his own initiative or in response to a State Governor’s request. The Minister for State for Defence informed the Special Rapporteur that the armed forces are not given any rules of engagement in such situations. It is unsurprising therefore that there have been frequent complaints of arbitrary and excessive use of force, but few, if any investigations or prosecutions.

The armed forces have also attacked towns to exact revenge on civilians for militia attacks on the army. In Benue State, in 2001, in response to the kidnapping and killing of nineteen soldiers by a militia group, carefully-planned army attacks killed over 200 civilians. A federal judicial inquiry reported in April 2003, but the report remains typically confidential, with no adequate Government response and no measures taken by or against the military.

In February 2005 in Bayelsa State, a joint army/police patrol entered Odioma seeking a local militia leader. He escaped, but a number of people were killed and the town was burned down. Local leaders viewed the attack as an act of collective punishment. A federal Senate committee blamed the town for having shielded the militia leader, an assessment which unwittingly seemed to confirm the allegations. The Governor of Bayelsa State acknowledged to the Special Rapporteur that excessive force was employed. A judicial inquiry was established but, as usual, no report has been published.

In such incidents it is assumed by officials that the armed forces acted in 'self defence' or were otherwise justified in carrying out retaliatory executions of civilians. Thus, although the intentional killing of unarmed civilians, whether in situations of armed conflict or otherwise, is a clear violation of both international and Nigerian law, impunity is the reality. The Minister of State for Defence assured the Special Rapporteur that the media exaggerated the Odi and Odiama incidents and that the military intervenes to promote community mediation.

There is a consistent pattern in responding to these incidents. Major human rights violations are alleged; the authorities announce an inquiry; and either the resulting reports are not published, or the recommendations are ignored. The reports become a substitute for appropriate civil and criminal measures, no-one is charged or disciplined, and no or inadequate compensation is paid.”
[26b] (p17)

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AVENUES OF COMPLAINT

- 8.12 A report on Nigeria by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, published in November 2007, stated:

“Oral or written complaints of police misconduct by members of the public can be made to any superior police officer about acts of misconduct involving his or her subordinates, and if the complainant is dissatisfied with the response, he or she could complain in writing to higher officers, including the IGP [Inspector General of Police]. Complaints could also be sent to the Police Complaints Bureau (PCB) located in the police public relations department of every state police command, or to the police Provost Department at the Force headquarters. In addition, Human Rights Desks for receipt of complaints have been established in recent years for each state command.

The Police Service Commission (PSC), an independent constitutional body established in 2001, is also responsible for investigating police abuses. Section 6 of the Act [Police Service Commission (Establishment) Act] grants the body responsibility for the appointment, promotion, discipline and dismissal of all Nigerian police officers below the rank of Inspector General.

Criminal investigations and prosecutions of police officers are carried out by Investigating Police Officers (IPO) assigned within the command. Where sufficient evidence is found, they will refer the case to the Director of Public Prosecutions. Although instances of police misconduct are typically dealt with departmentally at first instance, internal review is without prejudice to criminal prosecution. The internal peer review, also referred to as an ‘orderly room trial’, is carried out by the Provost Department, which can impose various disciplinary sanctions. Discipline of senior officers (i.e. Assistant Superintendent of Police and above) ultimately rests with the PSC, where the IGP sets up a panel of senior officers in order to hear the case, and recommendations are forwarded to the PSC for sanctioning.” [26c] (p11-12)

- 8.13 The 2006 United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions stated:

“On paper, the system for investigating police misconduct is impressive. In practice, it is too often a charade. The outcome of investigations usually seems to justify inaction or to ensure that complaints are dealt with internally through ‘orderly-room hearings’ or the like. While police officers are certainly disciplined and some dismissed, the system has rarely worked in cases in which [the] police are accused of extrajudicial executions. In these instances genuine investigations are rare and referrals to the DPP for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity. [26b] (p15)

...in terms of *internal accountability* [italics in document] the Nigeria Police system is weak. What few statistics were made available to the Special Rapporteur in response to repeated requests indicate that few serious disciplinary measures are taken except against rogue individuals. Indeed the single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police force itself. Evidence indicates that it systematically blocks or hampers investigations and allows suspects to flee.

...in terms of *governmental accountability* [italics in document], the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission's mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns." [26b] (p16)

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ARMED FORCES

8.14 The EIU 2008 Nigeria Country Profile, dated 7 March 2008, observed:

“The military, which ruled Nigeria for all but four years between 1966 and 1999, is still a major political force. It is, however, undergoing reform to try to turn it into a more professional and less political institution. At present, even junior officers are likely to be reluctant to seek to intervene in politics, aware that the rising factionalism and division within the ranks have increased the possibility of a contested coup with little guarantee of success. They are also aware that the army’s involvement in politics and its association with corruption have eroded public respect for the military.” [10]

8.15 Jane’s Sentinel Nigeria Country Risk Assessment on the armed forces (updated on 17 September 2008), noted that the armed forces combined strength was 87,500 personnel: 70,000 in the army, 9,500 in the airforce and 8,000 in the navy. The same source commented:

“The Nigerian military is currently undergoing a transformation process aimed primarily at fostering greater efficiency and professionalism within the military. With a history of coup-making, the military has traditionally been highly politicised. As part of a wider policy move to promote democratic principles, the government has designated broad-spectrum changes for the military, focusing on improving salaries, living and training conditions for military personnel and eliminating corrupt practices. Limited new acquisitions have been made, however, these are set to increase in the coming years.” [42]

(For information about the armed forces and torture and extra-judicial killings see subsections above)

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9. MILITARY SERVICE

- 9.01 Information obtained from the British High Commission in Abuja, dated January 2006, indicated that the Nigerian army does not have a compulsory military service scheme. Recruitment into the army is on a voluntary basis only. Officers and soldiers serve under different terms and conditions of service. If a soldier wishes to leave the army before the mandatory period of service has been completed, he is free to apply to do so. According to the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years' imprisonment. In practice, this penalty and lesser ones are enforced by the Nigerian army. [2a]
- 9.02 The Child Soldiers 2008 Global Report, published in May 2008, stated that:
- “Although the 1999 constitution allowed for the possibility of conscription, stating that it was the duty of every citizen to ‘defend Nigeria and render such national service as may be required’ (Article 24 (b)), no legislation provided for it.” [47]

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10. JUDICIARY

ORGANISATION

- 10.01 With regard to the legal system, the USSD 2007 Human Rights Report stated that:

“The regular court system is composed of federal and state trial courts, state appeals courts, the federal court of appeal and the Supreme Court. There are Shari’a and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including a customary court in the FCT. Courts of first instance include magistrate or district courts, customary or traditional courts, Shari’a courts, and for some specified cases, the state high courts. The constitution also provides that the Government establish a Federal Shari’a Court of Appeal and Final Court of Appeal; but these courts had not been established by year’s end.” [3a] (Section 1e)

INDEPENDENCE

- 10.02 Regarding the independence of the judiciary, the USSD 2007 Human Rights Report stated:

“Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling. Judges frequently failed to appear for trials, often because they were pursuing other sources of income, and sometimes because of threats [made] against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with [the] lack of motivation primarily due to inadequate compensation.” [3a] (Section 1e)

- 10.03 The Freedom in the World 2008 Report, published by Freedom House in 2008, stated:

“There is considerable competence and independence among Nigeria’s higher courts. The judiciary, however, is often subject to political influence and is hampered by corruption and inefficiency, especially at lower levels. Defendants do not always have legal representation and are often ill-informed about procedures and their rights. Lengthy pretrial detention remains a problem. In the 12 northern states where Sharia is in effect, human rights groups say Islamic courts fail to respect due process rights, which leads to harsh and discriminatory sentences. Nigeria’s prisons are overcrowded, unhealthy, and life threatening.” [30]

FAIR TRIAL

10.04 As regards fair trials, the USSD 2007 Human Rights Report stated that:

“Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses such as homicide or other offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases, and stipulates that a trial does not go forward without counsel.” [3a] (Section 1e)

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11. SHARI'A PENAL CODES

INTRODUCTION OF THE SHARI'A PENAL CODES

- 11.01 The Human Rights Watch (HRW) report 'Political Shari'a? Human Rights and Islamic Law in Northern Nigeria', published in September 2004, stated that:

"Shari'a is a system of Islamic law based on four main sources: the Qur'an (God's revelation to the Prophet Muhammed); the Sunna, or actions of the Prophet, described in the Hadith, the Qiyas or process of analogical reasoning based on understanding of the principles of the Qur'an or the Hadith; and the Ijma, or consensus of opinion among Islamic scholars. [22b] (p10)

Shari'a has been applied in many different countries with large Muslim populations to both criminal and civil law. For many Muslims, it is also a philosophy and entire set of rules and guidelines which extends well beyond the Western concept of law and governs day to day conduct in terms of social relations, private life, and ethical codes...the majority of Muslims in Nigeria are Sunni. Within Sunni Islam, the four main schools of thought – Maliki, Hanafi, Hanbali and Shafi – have each developed slightly different beliefs and observe different traditions; they have also formulated different prescriptions. The form of Shari'a applied in Nigeria is based in most part on the Maliki school of thought, which is dominant among Muslims in west and north Africa." [22b] (p10-11)

- 11.02 The introduction of Shari'a into some states' penal codes has had the general support of Muslims, as noted by the United Nations Commission on Human Rights Report of the Special Rapporteur on freedom of religion or belief, dated 7 October 2005, which stated:

"Many of the Special Rapporteur's interlocutors including Muslims, supported the view that sharia penal codes had been introduced by state authorities seeking to please their populations. Others maintained that the extension of sharia was a result of the Government's failure to address the real problems of Nigerian society. Muslims had progressively turned their backs on the non-religious way of organizing their lives and had found in Islam an appropriate response to their concerns as citizens.

...a large number of Nigerian Muslims support the imposition of sharia. A number of Muslim leaders emphasized that sharia was a way of life for all Muslims and its non-application would deny Muslims their freedom of religion. In Nigeria sharia was only applicable to Muslims; therefore, it was argued, it did not in any way limit the freedom of religion of non-Muslims. In addition, a number of Muslim leaders believed that English common law had its roots in canon law, making Muslims subject to a legal framework based on non-Muslim norms. Muslim personal law has always been applied in Nigeria. On the other hand, after several years of application, Islamic criminal law has created various problems and is far from enjoying unanimous support, even among Muslims." [26a] (p12)

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LEGAL FRAMEWORK

11.03 The 2004 HRW report on Shari'a and human rights stated:

"In terms of criminal law, there are three main categories of offenses and punishments under Shari'a. The first are the hudud (or hadd, in the singular) punishments laid out in the Qur'an and the Hadith; because they are specified by God, they are regarded as fixed and cannot be changed. They include theft (punishable by amputation), armed robbery (punishable by death or amputation), extra-marital sex (punishable by death or flogging), false accusation of extra-marital sex (punishable by flogging), consumption of alcohol (punishable by flogging), and apostasy or renunciation of Islam (punishable by death). However, even these offenses, despite their fixed nature have been interpreted differently by different schools of thought, and in different countries. For example in Nigeria, apostasy is not included as an offense in the Shari'a penal codes, presumably in recognition of the diversity of faiths in the country, even in the north, and the right to freedom of religion.

The second category are qisas and diya punishments. Qisas, applicable for murder or injury, is based on the notion of retaliation: it involves inflicting the same punishment on the defendant as she or he inflicted on the victim, in some cases using the same methods (for example, a murderer should be killed with the same type of weapon as she or he used to commit the murder). Diya, or the payment of blood money, requires financial or material compensation for the crime in cases where the family of the victim does not demand qisas. The third category are ta'zir punishments, where judges can exercise discretion and choose from a range of punishments, as the state is not bound by the wishes of the victim's relatives.

In terms of criminal law, according to Shari'a, the accused should always be given the benefit of the doubt. Considerable latitude is provided to Shari'a court judges who are expected to exercise great caution before sentencing, even in the cases of hudud, where fixed punishments are specified. For certain crimes, the standard of evidence required for conviction is deliberately set so high as to be almost unattainable, meaning that the law is intended more as a deterrent than a real prospect of punishment." [22b] (p11)

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THE SHARI'A COURTS SYSTEM

- 11.04 As regards the Shari'a courts system, the 2004 HRW report on Shari'a and human rights stated that:

"There are three types of Shari'a courts dealing with criminal cases at state level. The lower and upper Shari'a courts (of which there are several in each state) hear cases in the first instance. Upper Shari'a courts also have appellate jurisdiction and are able to hear appeals from cases tried in the lower Shari'a courts. Each state then has its own Shari'a court of appeal, which hears appeals on cases tried by the upper Shari'a courts. Only one judge sits in the lower and upper Shari'a courts – a cause for concern in the case of crimes which carry sentences such as the death penalty or amputations. Between three and five senior judges sit at the Shari'a state court of appeal; these judges are generally more experienced than those sitting in the upper and lower courts.

After being sentenced by the upper or lower Shari'a court, the defendant is given a thirty day period in which to appeal. In practice, a number of appeals which were filed after the thirty day period had elapsed have been accepted.

Once defendants have exhausted their avenues for appeal within the state, and if the Shari'a court of appeal has confirmed the sentence, they can then appeal to the Federal Court of Appeal, and ultimately to the Supreme Court. These are both federal institutions and are not Shari'a courts, although they have jurisdiction to hear appeals from Shari'a courts and their appeal panels are supposed to include judges with expertise and knowledge of Shari'a. Some advocates of Shari'a have complained about the absence of a specialized Shari'a court of appeal at the federal level, arguing that the judges of the Federal Court of Appeal and Supreme Court are not well-versed in Shari'a; some also fear, perhaps, that these institutions are too close to the federal government, and therefore likely to be opposed to Shari'a.

If a death sentence or amputation is confirmed by a state's Shari'a court of appeal and the defendant chooses not to appeal to the Federal Court of Appeal, the state governor must personally authorize the execution of the punishment before it can take place, or can choose to pardon the convicted person." [22b] (p18)

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IMPLEMENTATION OF THE SHARI'A PENAL CODES

- 11.05 The 2005 UN Commission on Human Rights Report of the Special Rapporteur on freedom of religion stated:

"The speed with which the sharia penal codes were adopted has led to many difficulties and concerns regarding their practical implementation. Judges, it was contended, had not been sufficiently trained, a concern because, at the first level of sharia courts, judges do not have to be lawyers. In some cases, following the adoption of these new codes, rules of evidence and procedure had either been disregarded or not correctly followed; defendants had been deprived of legal representation and convictions were arrived at in haste; some defendants did not understand what they were being tried for or the implications of their trials. In this respect, a lack of awareness about the rights and obligations under Islamic law in general, in particular concerning women or vulnerable groups, is a real source of concern. [26a] (p12)

...the strongest reactions to the implementation of sharia penal codes has evidently come from the religious minorities living in the states concerned, in particular the Christians, even though these laws are not applicable to them. Their main accusation is that the practical implementation of sharia may in a number of situations indirectly violate their rights or create discrimination of which they are victims. In this respect, new regulations like the banning of alcohol or segregated public transport indirectly limit their freedom, as they prevent them from living according to their own standards. In states like Zamfara, where the intention is to implement the principles of sharia strictly, segregated transport, health services and public schools have been established, which Christians claim violates their freedom.

Indeed, while Christians or other religious minorities are not expected to observe themselves practise[s] like fasting on Ramadan, they are compelled to close restaurants and eating places during that period. This situation therefore subjects them, at least partly, to a religious obligation by obliging them to eat in their homes. This obligation also reportedly constitutes a significant economic loss for the non-Muslims engaged in the restaurant sector of the economy.

Another difficulty of implementing sharia penal codes in places of mixed population is that it is almost impossible to draw a clear line between who is and is not subject to sharia. For instance, in all interfaith relationships the fact that the Muslim partner may be subject to sharia sanctions while the non-Muslim partner is not will nevertheless affect the entire family. Thus, the application of certain prohibitions affects the rights of non-Muslim populations." [26a] (p13)

11.06 The USSD 2007 Human Rights Report stated:

“Different formulations of Shari’a (Islamic law) were in place in 12 northern states. Shari’a courts delivered ‘hadd’ sentences such as caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year’s end [2007]. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, those guilty of adultery are subject to death by stoning, but there were no such sentences imposed during the year [2007], and no death sentences were carried out in cases originating in earlier years. In contrast to the previous year [2006], there were no sentences of amputation handed down. However, there were numerous Shari’a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari’a often were not carried out because of the lengthy processs for appeals. Because no applicable case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Stoning and amputation sentences were previously overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of the statutory law. In some cases convicted persons are allowed to choose to pay a fine or go to jail instead of being caned. These sentences were usually carried out immediately, while Shari’a allows defendants 30 days to appeal sentences involving mutilation or death. In practice appeals often took much longer than 30 days.” [3a] (Section 1c)

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12. ARREST AND DETENTION

LEGAL RIGHTS

- 12.01 Regarding arrest and detention and the rights of citizens, the USSD 2007 Human Rights Report stated:

“Under the law [the] police must provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous suspects alleged that [the] police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, [the] police often demanded additional payment.” [3a] (Section 1d)

- 12.02 As regards pretrial detention, the USSD 2007 Human Rights Report stated:

“Lengthy pretrial detention remained a serious problem [in 2007], and human rights groups reported that detainees awaiting trial composed 60 percent of the prison population. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In a statement issued on September 4, Kano State Controller of Prisons, Muhammed Habib Illiyasu, said the Kano prison had over 900 inmates awaiting trial, some of whom would likely wait over 10 years before receiving a trial. The congestion in Kano Prison led to a clash between guards and detainees awaiting trial, resulting in the deaths of three guards and two detainees, and the hospitalizations of more than 20 inmates. Multiple adjournments in some cases led to serious delays. Police cited their inability to supply secure transportation for detainees on their trial dates as one reason why so many were denied a trial. The NHRC [National Human Rights Commission] reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for longer than potential maximum sentences without trial. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could also complain to the courts, but they often lacked the means of communicating with the court. Even detainees with legal representation often waited years to gain access to the courts.” [3a] (Section 1d)

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DECREE 33 OF 1990

- 12.03 During the British-Danish 2007-8 fact-finding mission to Nigeria, senior officials of the Nigerian National Drug Law Enforcement Agency (NDLEA), based in the Agency's national headquarters in Lagos were interviewed about the enforcement of Decree 33 of 1990. The provisions of Decree 33 of 1990 allows for the prosecution of a Nigerian who has "brought the name of Nigeria into disrepute" by being convicted of a drugs offence abroad. The Decree only applies to Nigerian citizens. [20] (p44)
- 12.04 The British-Danish Report on a Fact-Finding Mission to Nigeria carried out in September 2007 and January 2008, and published in October 2008, stated that:

"The NDLEA officials stated that Decree 33 had been enforced from 1990 to 2000. No information is available regarding the number of prosecutions and convictions from 1990 to 1995. From 1996 to 2000, NDLEA statistical information indicates that 451 Nigerians had been prosecuted and convicted under the provisions of Decree 33. The officials stressed that these individuals had been prosecuted and convicted for 'bringing the name of Nigeria into disrepute' by being convicted of a drugs offence abroad, and not for committing the drugs offence itself. Those individuals therefore were never at risk of being prosecuted and convicted twice for the same offence, a situation otherwise known as 'double jeopardy'.

The NDLEA officials stated that in 2000, the Agency reviewed the enforcement of Decree 33 and suspended prosecutions under the Decree. This was in response to public concerns that the Agency prosecuted people who had been convicted of drug offences abroad twice for the same offence. Consequently, since 2001, there have been no prosecutions of returned Nigerians convicted of drug offences abroad under the provisions of Decree 33. The Nigerian National Assembly is presently [September 2007] considering the Decree for amendment or repeal.

The NDLEA officials explained that the immigration and law enforcement authorities of foreign governments normally inform the relevant Nigerian embassy when they have taken deportation action against a Nigerian who has been convicted of a drugs offence in their respective countries. The Nigerian embassy concerned then informs the Nigerian Immigration Service in Nigeria that a Nigerian is to be deported and passes on the details of the deportee. Thus, immigration officials in Nigeria already have in their possession information about the deportee and the deportation action before the individual concerned is deported. Once a deportee arrives back in Nigeria, NDLEA officials monitor the activities of that individual, but do not take any action to arrest him." [20] (p44)

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13. PRISON CONDITIONS

13.01 The USSD 2007 Human Rights Report stated:

“Prison and detention conditions [in 2007] remained harsh and life threatening. Most of the 227 prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. With an estimated population of 45,000, some prisons held 200 to 300 percent more persons than their designed capacity. The government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding.

In March [2007] the UN Special Rapporteur on Torture reported that prison conditions were deplorable, that those awaiting trial suffered more than those already convicted due to lack of funding for their care, and that inadequate medical treatment allowed many prisoners to die of treatable illnesses.

Following a July [2007] visit to 10 prisons in the states of Enugu, Kano, Lagos, and the FCT [Federal Capital Territory], AI [Amnesty International] issued a report citing appalling prison conditions, noting that many prisoners were considered ‘forgotten inmates’ because they had been incarcerated for years without trial.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS was of particular concern within the prison population, and infections were exacerbated by the substandard living conditions. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. The International Committee of the Red Cross (ICRC) continued to provide health and hygiene items to prisoners during the year [2007].

Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. For example, on September 8, [2007] inadequate medical attention allegedly contributed to the death of Olawale Daniel, an inmate at the Agodi Federal Prison in Ibadan. His death sparked a riot between inmates and guards on September 11 [2007], which resulted in the deaths of 11 prisoners and the injury of an estimated 60 others, including four staff members.

Women were held with male prisoners, especially in rural areas. Although the law precludes the imprisonment of children, AI reported that children under 18 were held together with adults in at least four of the largest prisons. In Kuje prison 30 boys, some as young as 11, shared their living quarters with over 175 men. Detainees often were housed with convicted prisoners.

The government allowed international and domestic NGOs, including AI, Prisoners Rehabilitation and Welfare Action (PRAWA) and the ICRC, regular access to prisons. PRAWA and the ICRC published newsletters on their work. The government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. [3a] (Section 1c)

...despite the federal government's announcement in early January 2006 that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country's 45,000 prisoners, little progress was made on implementing this plan. However, the government often extended amnesties to those whose pretrial detention period exceeded the maximum sentence they would have received if convicted. In November 2006 then-president Obasanjo ordered an audit of the cases of all prisoners awaiting trial with an announced goal of releasing those who had been detained for long periods of time, in ill health, or those over 60, but there was no evidence that the audits took place. In May [2007], the government announced that it would free all prisoners over age 70 and all those over 60 who had been on death row for more than a decade; however, there was no evidence that any inmates were released." [3a] (Section 1d)

(See also section 23 on women and section 24 on children)

- 13.02 The Amnesty International report 'Nigeria - Prisoners' rights systematically flouted', published in February 2008, stated that:

"Four out of every five Nigerian prisons were built before 1950. Many are in need of renovation: the infrastructure is old, many buildings can no longer be used, ceilings in others are about to collapse, the buildings in use as workshops are inadequate, and sanitary facilities have broken down. Every prison visited by Amnesty International has problems with its electricity supplies, and most with their water supplies as well. Several prisons do not have modern drainage systems, instead using open drains that create a serious health risk for inmates and staff alike. Most cells have only small windows for ventilation. [12f] (p20-21)

Death row inmates and prisoners awaiting trial face conditions that are even worse. Those on death row are held in cells that are tiny, dark and filthy, with almost no ventilation. They are allowed outside their cells during the day, along with other convicted inmates. The same is not true for most prisoners awaiting trial, who are generally held in much more overcrowded quarters. [12f] (p21)

...the Prison Service Headquarters provides every prison with a daily budget for each inmate, to cover the cost of food. Official caterers, with the help of inmates, provide the food, and prisoners receive three meals a day. At the time of the Amnesty International visit, the prisons received NGN 150 a day per inmate for food. In most prisons, the kitchens with gas cookers are no longer in use, so food is cooked in large pots on wood fires, sometimes in the open air or under a shelter. [12f] (p25)

...the sanitary facilities in all prisons are in urgent need of renovation because few cells have running water, and toilets are broken and usually blocked. In some cells up to 100 inmates share a single toilet, which is often little more than a hole in the ground. In other cells buckets are used as toilets. The overcrowding of the cells combined with the inadequate sanitary facilities makes it virtually impossible to keep the cells clean or to enable the prisoners to maintain their dignity.

...many Nigerian prisons have a small clinic, and most of the bigger prisons have a hospital. Many hospitals do not have mosquito nets to protect the ill inmates from malaria. Inmates suffering from TB are, where possible, quarantined in special cells, but the smaller prisons do not have such facilities. The prison authorities transfer seriously ill inmates to prisons with hospitals. Amnesty International interviewed many inmates who were ill. In most prisons they are able to visit the clinic but often they cannot afford to pay for the medicines they need. In some prisons inmates are only allowed to visit the clinic after paying a bribe to the warden; those who cannot afford the bribe remain in their cells.

...as a result of the appalling sanitary conditions in the cells, it is very easy for inmates to infect each other. The prison authorities simply cannot guarantee cleanliness inside the cells. Most Nigerian prisons do not uphold the right to health, even though bigger prisons do have medical facilities." [12f] (p26)

- 13.03 The 2006 United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions in Nigeria added:

“Deaths in custody and the many prisoners on death row make the Nigerian prison system highly relevant to this report. On the basis of a largely malfunctioning justice system, Nigeria tolerates an arbitrary and especially harsh form of punishment of alleged criminals. Of approximately 44,000 prisoners, some 25,000, or well over 50 per cent, have yet to face trial. About 75 per cent of the latter have been charged with armed robbery, which is a capital offence. Three-quarters of those were not able to get legal assistance from the Legal Aid Council and a shocking 3.7 per cent remain in prison because of lost case files. Many of the 25,000 with whom the Special Rapporteur spoke are held in seriously health-threatening conditions, some for periods of 10-14 years.

Almost no accused [persons] with access to money will suffer this fate. Such unconscionable incarceration practices become the ‘privilege’ of the poor. Some State Chief Judges are highly conscientious in carrying out regular visits with a view to ordering the release of those held longer than their alleged crime could possibly warrant, but others are slow and unsympathetic and many inmates awaiting trial are rarely visited.

...the Special Rapporteur heard impressively few accusations of official abuse, but the lack of resources to ensure humane conditions was decried by almost everyone, including senior administrators. Common phenomena included: considerably in excess of 100 prisoners in cells designed to hold 25, unsanitary conditions which breed terrible illnesses, untreated illnesses leading to death, and food which is wholly inadequate. Money to improve prison conditions is never on politicians’ list of priorities, but it is absolutely essential. While death row conditions are harsh, they are often better than those endured by the vast numbers awaiting trial. Most deaths in custody are due to atrocious conditions rather than intentional ill-treatment.” [26b] (p18)

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14. DEATH PENALTY

- 14.01 The Amnesty International report 'The Death Penalty: List of Abolitionist and Retentionist Countries' (January 2008 update), published in April 2008, stated that the death penalty can be used as a punishment for ordinary crimes. [12b]

- 14.02 The Amnesty International 2004 report 'The Death Penalty in Nigeria' stated that:

"The Constitution of the Federal Republic of Nigeria (1999) does not prohibit its application. Accordingly, Section 33(1) permits the derogation of the right to life 'in execution of the sentence of a court in respect of a criminal offence of which he [the accused] has been found guilty in Nigeria'. The Penal Code (Northern States) Federal Provisions Act of 1959 ('the Penal Code'), and the Criminal Code Act applying in southern Nigeria of 1961 ('the Criminal Code') and the new *Sharia* [italics in text of source] penal codes all prescribe the death penalty for a range of criminal offences, including armed robbery, treason, murder, culpable homicide, *zina* [italics in text of source], and so called 'sodomy', the latter two under the new *Sharia* [italics in text of source] penal laws.

...the new *Sharia* [italics in text of source] penal codes which have been introduced in 12 states in northern Nigeria since 1999, includes death by stoning for behaviour termed as *zina* [italics in text of source] the perpetrator of which is defined as '*whoever, being a man or a woman fully responsible, has sexual intercourse through the genital [sic] of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act*'. *Zina* [italics in text of source] was previously punishable by flogging for Muslims under the Penal Code. However, in the States that have introduced new *Sharia* [italics in text of source] penal codes, *zina* [italics in text of source] now carries a mandatory death sentence if the accused is married, while 100 lashes is the mandatory sentence if the accused is not married. This applies to Muslims only." [12c]

- 14.03 The Amnesty International 2008 Report on Nigeria stated that:

"In December [2007] Amnesty International and Nigerian NGOs uncovered evidence of at least seven executions by hanging carried out in 2006 in Kaduna, Jos and Enugu prisons, although on 15 November 2007, a Nigerian government representative at the UN had stated 'we have not carried out any capital punishment in recent years in Nigeria'. After Amnesty International revealed its findings, a Kano state official confirmed to the BBC that the executions had taken place. Nigeria has not officially reported any executions since 2002.

At the end of 2007, 784 inmates were on death row, more than 200 of whom had been there for over 10 years. In 2007 at least 20 sentences were handed down.

In May [2007], the Presidential Commission on Reform of the Administration of Justice reiterated the conclusion of the National Study Group on the Death Penalty in 2004 and called for an official moratorium on executions until the Nigerian criminal justice system could ensure fair trials in death penalty cases. The Minister of Information announced on 17 May [2007] that Nigeria had granted an amnesty to all prisoners over 70 and to those 60 or older who had been on death row for 10 years or more. According to the minister, they were to be released before the inauguration of the new President on 29 May [2007]. However, the government did not make public whether this had happened, and no reports of releases were received.” [12e]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

15.01 The USSD 2007 Human Rights Report stated that:

“The constitution and law allow the free formation of political parties. There were 51 parties registered with the Independent National Election Commission (INEC) at year’s end [2007]. [3a] (Section 2b)

...the constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens’ right to change their government was abridged during the most recent national and state elections in April [2007], which were conducted amid widespread fraud and numerous incidents of violence.” [3a] (Section 3)

POLITICAL VIOLENCE

15.02 The 2007 Human Rights Watch report on political violence and corruption in Nigeria stated:

“Political violence has become a central part of political competition across much of Nigeria and it takes many forms – from assassinations to armed clashes between gangs employed by rival politicians. This violence is most often carried out by gangs whose members are openly recruited and paid by politicians and party leaders to attack their sponsors’ rivals, intimidate members of the public, rig elections, and protect their patrons from similar attacks.

Alongside the gangs themselves, the individuals most responsible for the abuses they commit are politicians and party officials – from all parties – who sponsor and at times openly participate in acts of violence. The architects, sponsors, and perpetrators of this violence generally enjoy complete impunity because of both the powers of intimidation they wield and the tacit acceptance of their conduct by police and government officials. [22e] (p17)

...at no point was the human rights impact of Nigeria’s violence epidemic so stark as during the country’s April 2007 elections. Human Rights Watch estimates that a minimum of 300 Nigerians were killed in violence linked to the 2007 elections; some credible estimates range considerably higher. The death toll was higher than the reported figures from the violent 2003 elections, which saw more than 100 Nigerians killed during the weeks surrounding the voting exercise alone. The violence that accompanied the 2007 polls was widespread and openly organized on such a scale as to lay bare deeper patterns of corruption and abuse in politics to an unusual degree. [22e] (p19)

...political violence in Nigeria is most often carried out by gangs whose members are openly recruited, financed and sometimes armed by public officials, politicians and party officials or their representatives. These gangs, comprised primarily of unemployed young men are mobilized to attack their sponsors' rivals, intimidate members of the public, rig elections and protect their patrons from similar attacks. Often, sponsors of political violence turn time and again to the same criminal gangs, violent campus-based 'cults' and other sources to recruit agents of political violence. Those recruited are paid, often very little, and sometimes armed for the sole purpose of carrying out violent abuses on behalf of their political sponsors." [22e] (p23)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.03 The USSD 2007 Human Rights Report stated that:

"The constitution and law provide for freedom of assembly, and the government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

Police frequently cited the 1990 Public Order Act to disband meetings critical of the government, in spite of the Abuja High Court's 2005 decision to strike down the Act, which required a police permit to be issued for all public rallies and processions. The attorney general and the Nigerian Police Force filed an appeal over the High Court's decision, and on December 11 [2007], the Court of Appeal in Abuja declared that it would no longer be necessary to obtain a permit for any assembly and that the Public Order Act infringed upon the fundamental rights provided for in the constitution. On December 14 [2007], however, the inspector general of police announced that the police force would appeal the decision to the Supreme Court. The case was ongoing at year's end [2007].

The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

...security forces forcibly dispersed demonstrations during the year [2007], resulting in numerous injuries. On May 1 [2007], during the nationwide Labor Day celebrations, Abuja police detained over 235 persons for attempting to protest the recent elections, and police in Lagos arrested approximately 80 others. In Benin City, Edo State, the SSS beat the presidential candidate of the National Conscience Party, Osagie Obayuwana, as he and his followers tried to take part in the annual Labor Day celebration. Obayuwana and Chief Dide Adodo, an official of the Labor Party, were arrested by the SSS but were subsequently released." [3a] (Section 2b)

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16. FREEDOM OF SPEECH AND MEDIA

16.01 The USSD 2007 Human Rights Report stated that:

“The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, some of whom practiced self-censorship.

There was a large and vibrant private domestic press that frequently criticized the government. Only one national, government-owned daily newspaper was published. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. There were more than 14 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television [sets] were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. The government owned and controlled much of the electronic media. The National Broadcasting Commission (NBC) was the body responsible for the deregulation and monitoring of the broadcast media.

...the law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limits the circumstances in which media defendants rely on the defense of ‘fair comment on matters of public interest’, and restricts the right to freedom of expression. Criminal Code penalties ranged from one to seven years’ imprisonment.” [3a] (Section 2a)

16.02 The BBC Country Profile on Nigeria, published in April 2008, added:

“Nigeria’s media scene is one of the most vibrant in Africa. State-run radio and TV services reach virtually all parts of the country and operate at a federal and regional level. All 36 states run their own radio stations, and most of them operate TV services.

Radio is the key source of information for many Nigerians. International broadcasters, including the BBC, are widely listened to. Rebroadcasts of foreign radio stations were banned in 2004.

...there are more than 100 national and local newspapers and publications, some of them state-owned. They include well-respected dailies, popular tabloids and publications which champion the interests of ethnic groups. The lively private press is often critical of the government.” [8c]

- 16.03 Regarding events that occurred in 2007, the Human Rights Watch (HRW) 'Overview of Human Rights Issues' report, published in January 2008, stated:

"Nigerian civil society and the country's independent press are generally free to criticize the federal government and its policies, and a vibrant public debate exists around such issues. However, many local media outlets enjoy considerably less freedom than their national counterparts, and some have been subjected to intimidation or harassment by state and local authorities. In June [2007] authorities in the Federal Capital Territory demolished the new offices of Africa Independent Television (AIT), a move that was widely seen as a reprisal for AIT's critical coverage of the 2007 elections and of former President Olusegun Obasanjo's failed bid to secure a third term in office. In March [2007] prominent human rights campaigner Anyakwee Nsirmovu, director of the Institute for Human Rights and Humanitarian Law in Port Harcourt, received death threats and was attacked by a gang of armed men. The assault and threats were likely a reprisal for his outspoken criticism of corrupt state and local government officials in Rivers state." [22c] (p4)

- 16.04 Also regarding events that occurred in 2007, the Reporters without Borders 2008 Annual Report stated:

"During this electoral year in which Nigeria was due to choose a new head of state, the federal government again relied on the feared internal intelligence, the State Security Service (SSS). Provider of the government's brutal shock tactics, the SSS were once again this year condemned by Reporters Without Borders as a 'press freedom predator', a designation which it has held since 2005.

Police raids resumed from the start of 2007. Around a dozen SSS agents burst into the offices of the private daily, Leadership, in Abuja on the morning of 9 January leaving again a few minutes later having arrested the managing director, Abraham Nda-Isaiah, the editor, Bashir Bello Akko, and a journalist, Abdulazeez Sanni. The SSS had been looking for journalist Danladi Ndayebo, as well as a copy of an article which appeared on 6 January condemning political machinations within the ruling party that led to the choice of Umaru Musa Yar'Adua as candidate for the forthcoming presidential elections. The SSS agents returned in the afternoon to seal the premises, seize the mobile phones of everyone present and to search the offices. After finding what they were looking for, they left the ransacked premises along with the managing director. The three journalists were finally released in the middle of the night, but they were forced to reveal the whereabouts of Danladi Ndayebo. He was arrested the following day and held for ten hours, during which he apparently revealed the source of his information.

On the same day, around 15 SSS agents carried out a similar operation against the privately-owned weekly The Abuja Inquirer after it carried an article headlined, 'Obasanjo-Atiku Face-Off: Coup Fear Grips Nigeria'. They spent three hours searching the offices and arrested the editor, Dan Akpovwa, as well as the publication director, Sonde Abbah. They left with 81 CDs, a computer, a list of the entire staff of the newspaper and copies of its latest edition.

The privately-owned African Independent Television (AIT) was brutally treated by the SSS for a second successive year when on 17 April a commando stormed its Abuja offices days before the presidential poll and 48 hours after a suspicious fire damaged its Lagos offices. In the Abuja raid, the armed SSS agents ordered all the staff to lie on the ground. Before leaving, they took several tapes which were about to be broadcast, along with one which was currently being shown, about the eight-year history of civilian government under the outgoing president, Olusegun Obasanjo. The same SSS on 11 April [2007] forcibly closed the studios of private radio Link FM and the television station GTV, in Lagos, saying that it was acting on 'an order from above'.

When not carrying out this kind of operation, the SSS is also the force used by the authorities to make brutal arrests of journalists. This was the case for Jerome Imeime, editor of the privately-owned weekly Events, circulating in Uyo, state capital of Akwa Ibom in the south-east, whom the SSS arrested while he was at a religious ceremony on 10 October. An eye witness reported that he was beaten up before being taken to an unknown location. He was charged, tried and imprisoned for 'sedition' in connection with an article which asserted that the governor, Godswill Akpadio, used public funds to pay personal debts contracted during the election campaign." [13]

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The USSD 2007 Human Rights Report stated:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

...numerous domestic and international NGOs were active in the country. Significant NGOs included AI, the Campaign for Democracy, the Center for Law Enforcement Education (CLEEN), the Committee for the Defense of Human Rights, Global Rights, Human Rights Watch (HRW), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women’s Consortium of Nigeria. NGOs were generally independent of the government although some, such as WOTCLEF, which the previous vice president’s wife chaired, had close government ties.

...the NHRC, which the government tasked with monitoring and protecting human rights, had zone affiliates in each of the country’s six political regions. Since its inception, the NHRC’s operations were limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the government.” [3a] (Section 4)

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18. CORRUPTION

OVERVIEW

- 18.01 The Freedom in the World 2008 Report on Nigeria stated:

“Corruption remains a serious problem, having bled Nigeria of many billions of dollars in oil revenue. The government has taken steps to improve transparency and reduce corruption, including the reform of procedures for contract procurements and bidding. In September 2006, a top official announced that authorities had convicted more than 1,000 people of economic crimes and recovered around \$5 billion over the past two years. Seven former governors were charged with corruption in 2007 on orders from the Economic and Financial Crimes Commission.” [30]

- 18.02 A ‘Daily Telegraph’ (UK) newspaper report, dated 20 April 2007, about the scale of corruption in Nigeria stated further:

“Corruption in Nigeria is so endemic that it almost rivals oil as the country’s main economic activity, which is saying something given that Nigeria is one of the world’s top five oil-exporting nations.

But that vast oil wealth has never been channelled into the hands of those who most need it, the tens of millions who struggle to survive on a subsistence diet. And so those who are denied access to conventional employment resort to any manner of illegal undertakings.

Corruption, though, is not confined to the dispossessed - i.e. the majority of Nigeria’s 140 million people. In its 47 years of independence, the country’s considerable natural wealth has been controlled – some would say - looted - by the clique of tribal elders and military dictators who have dominated the political landscape.

Some estimates put the amount of oil wealth that went missing between 1960 and 1999 at \$440 billion. For much of that time the country was governed by a succession of military dictators who ensured the country’s riches were confined to the elite group of businessmen who helped to keep them in power.” [34]

- 18.03 Transparency International’s 2008 Corruption Perceptions Index (CPI) of 180 countries, published in September 2008, ranks Nigeria as the 121st most corrupt country, with a CPI score of 2.7. The CPI defines corruption as the abuse of public office for private gain, and measures the degree to which corruption is perceived to exist among a country’s public officials and politicians. The 2008 CPI is a composite index, that draws on multiple expert opinion surveys that poll perceptions of public sector corruption in 180 countries. The CPI scores range from 10 (low level of corruption) to 0 (high level of corruption). [35]

GOVERNMENT EFFORTS TO TACKLE CORRUPTION

- 18.04 The USSD 2007 Human Rights Report stated that investigations were carried out by the government's anti-corruption Economic and Financial Crimes Commission (EFCC) on officials suspected of corruption during 2007:

"The EFCC continued a strong anticorruption campaign during the year [2007], arresting a number of federal, state, and local officials and seizing millions of dollars in assets. Some observers lauded the commissioner's actions as a centerpiece of the Obasanjo's administration's war on corruption, but critics claimed that some EFCC investigations were politically motivated, singling out political opponents of the administration, and that the EFCC did not always follow proper procedure. During the year [2007] the EFCC brought or threatened criminal charges against several persons intending to run as presidential candidates.

...on July 13 [2007], the EFCC arrested and charged four former governors – Chief Orji Kalu of Abia State, Saminu Turaki of Jigawa State, Reverend Jolly Nyame of Taraba State, and Joshua Dariye of Plateau State – at Kuje Medium Security Prison in Abuja with laundering money totalling almost \$400 million (50 billion naira). On August 13 [2007], the Federal High Court granted Turaki bail, and he was released.

...the EFCC also investigated numerous federal government officials for allegedly accepting bribes from international companies. On December 5 [2007], the government suspended dealings and cancelled a supply contract with telecommunications company Siemens pending an investigation into allegations it gave more than \$14 million (1.6 billion naira) in bribes to federal officials. Also in December [2007], the EFCC investigated numerous federal officials over a \$6 million (700 million naira) bribe paid by Wilbros Group Incorporated to facilitate a gas pipeline contract. Investigations were ongoing at year's end." [3a] (Section 3)

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USE OF FORGED DOCUMENTATION

- 18.05 The International Organization for Migration report 'Migration, Human Smuggling and Trafficking from Nigeria to Europe', published in 2006, stated that:

"The widespread corruption and crime in Nigeria is also evident in connection with emigration. It is relatively easy to get genuine documents with partially or completely wrong information as long as one is willing to pay. In addition, there is a well-developed industry [which has] specialized in altering data in documents already issued. Weaknesses in Nigeria's public administration also result in weak quality control of documents being issued even when there is no corruption involved. Nigerian passports are often produced only based on birth certificates, and birth certificates may be issued based on the information provided by the applicants themselves (Norwegian Directorate of Immigration, 2004).

...the most central document in connection with emigration, the passport, is misused mainly in three ways:

- Original passports are altered, e.g. by replacing the photograph of the visa with another one.
- Genuine passports are issued with false information by means of bribes.
- Several persons use the same passport one after the other.

Especially when a passport has a valid Schengen visa, it is often sent back to Nigeria as soon as the first holder has arrived in Europe, so that as many people as possible can enter with the same visa. Depending on which method is used to get the passport and the visa, the cost is usually between US\$ 500 and US\$ 3,000. Since Nigerian passports tend to raise suspicion, false passports from West African countries are frequently used, e.g. from Benin, Ghana, Togo and Senegal.

...even those who do use their own passport with correct information may use falsified additional information in visa applications, for instance about work and income. The embassy staff at the European embassies in Abuja note that different forms of fraud to obtain a Schengen visa are very widespread (Norwegian Directorate of Immigration, 2004). However, the forgeries and the suspicion they create may also affect bona fide applicants who are then also unjustly suspected of submitting incorrect documentation." [44] (p23)

- 18.06 The British-Danish 2008 Fact-Finding Mission Report added further:

"The FFM delegation interviewed the Deputy Director for West Africa, UK Visas, British Deputy High Commission, Lagos, about documentation and forgery issues. He stated that corruption is endemic in Nigeria and the use of forged documents is widespread. Any printed official document can be forged. Genuine official documents such as birth, marriage, divorce, and death certificates, ID cards, driving licences and passports can be obtained from officials by bribery. Furthermore, information contained in genuine official documents is often false, inaccurate or cannot be relied upon. Documents that are submitted in support of UK visa applications have to be rigorously examined and checked.

An Entry Clearance Officer (ECO), based at the British Deputy High Commission in Lagos, was also interviewed about documentation and forgery issues. (ECOs are officials who have the authority to issue visas). He reiterated the fact that corruption is endemic in Nigeria and that any kind of printed official document can be forged. He also stated that documents submitted in support of visa applications, as noted above, have to be rigorously examined and checked.” [20] (p46)

AUTHENTICATION OF OFFICIAL DOCUMENTS

18.07 On the issue of authentication of official documents, the British-Danish 2008 FFM Report stated:

“When asked whether birth, marriage, divorce and death certificates could be authenticated, the ECO stated that there is no federal government central registry office where copies of all birth, marriage, divorce and death certificates can be obtained. Such documents are most frequently obtained by Nigerian citizens who need them, from local authorities and local registry offices. Likewise with passports, these can be obtained from local passport offices as there was not, until very recently, a centralised passport-issuing agency. He was uncertain as to whether local authorities or local registry offices routinely keep copies of documents but believes some may do. The ECO further stated that the process of issuing official documents in Nigeria is often poorly regulated, and issued documents can often be unreliable, having had little or no verification involved in their production.

In practice, attempts to authenticate birth, marriage, divorce and death certificates are rarely made by ECOs. This is because the process of authenticating these kinds of documents is often difficult, time-consuming and in some cases, not possible. Likewise, it would also be difficult to authenticate land and property ownership/entitlement documents as there is no centralised land or property registry which holds all the names and addresses of all the landowners and property owners in Nigeria, as well as details of the land and property owned by them. Moreover, the ECOs who work at the British Deputy High Commission in Lagos do not have the resources to authenticate all documents submitted in support of visa applications. Attempts are often made, however, to authenticate other types of documents such as school or university examination certificates, and financial documents such as bank statements.” [20] (p46)

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19. FREEDOM OF RELIGION

CONSTITUTIONAL RIGHTS

- 19.01 The USSD 2008 International Religious Freedom Report on Nigeria, published in September 2008, stated that:

“The Constitution provides for freedom of religion, including freedom to change one’s religion or belief, and freedom to manifest and propagate one’s religion or belief through worship, teaching, practice, and observance. Chapter 1, Section 10 of the Constitution mandates that the Government ‘shall not adopt any religion as [a] State Religion.’ While the Government generally respected religious freedom, there were some instances in which it placed limits on religious activity to address security and public safety concerns.

The Government is a member of the Organization of the Islamic Conference; however, there is no state religion.

Each year the Government observes the following Islamic and Christian commemorations as national holidays: Eid al-Adha, Eid al-Fitr, Good Friday, Easter Monday, the Birth of the Prophet Muhammad, Christmas, and Boxing Day.

There are 36 states constituting the federal republic; governors enjoy significant autonomy in decision making but derive substantial resources subject to oversight from the Federation Account of the Government. The Constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community. Some Christians allege that the 2000 reintroduction and enforcement of criminal aspects of the Shari’a legal system and the continued use of state resources to fund the construction of mosques, the teaching of Qadis (Shari’a court judges), and subsidies for the pilgrimage to Mecca (the Hajj) across the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the Civil Liberties Organization (CLO) contends that the establishment of a Ministry of Religious Affairs and the creation of a Preacher’s Council in Zamfara State is tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches. States, whether predominantly Christian or Muslim, generally responded to the religious needs expressed by the majority of their residents.” [3b] (Section 2)

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GOVERNMENT RESTRICTIONS ON FREEDOM OF RELIGION

- 19.02 The 2005 UN Commission on Human Rights Report of the Special Rapporteur on freedom of religion stated:

“The Government of Nigeria generally does not deliberately violate the right to freedom of religion or belief. Although Nigerian authorities have often limited or restricted important religious gatherings or religious ceremonies or, in some places, prohibited the use of microphones, in order to prevent interreligious tensions, the Special Rapporteur has not received indications of the existence of a policy that would directly limit the right to freedom of religion or belief of Nigerians.

This however does not mean that Nigerians do not suffer from violations of their right to freedom of religion or belief. There are indeed strong and consistent indications that violations of this particular right occur in many parts of Nigeria and are either committed by non-State actors - or are the consequences of acts committed by non-State actors - or indirectly result from the Government's policy or, on the contrary, from the absence of appropriate measures to protect.

It would therefore be wrong to consider that in the apparent absence of direct violations of the right to freedom of religion or belief by the Government, that it is relieved of its international obligations related to this and other rights. As the Special Rapporteur and her predecessor have recalled in many reports to the Commission on Human Rights or to the [UN] General Assembly, the internationally accepted standards of freedom of religion or belief include a relatively extensive catalogue of positive obligations.

Many of the Special Rapporteur's interlocutors from all religious communities agreed that the Federal Government as well as state governments interfered excessively with the religious life of Nigerians. For most of them, this attitude is the main explanation for the current problems faced by religious communities in Nigeria. Some examples of this interference are the selective subsidizing of religious communities, including by financing pilgrimages for both Christians and Muslims, the use of public money to build places of worship and the appointment of persons to government positions or in public services on the basis of their religion. [26a] (p9)

...both Christians and Muslims complained of limitations on the rights to freedom of religion or belief suffered by members of their respective community. Generally, the limitations affecting Christians occurred in predominantly Muslim areas. Most of the time, the limitations were imposed by either non-State actors, in particular religious groups, or state governments, or a combination of both, but rarely were there complaints of limitations imposed by the Federal Government, apart from those restricting rights in situations that could potentially foment religious violence. Nigerians who are neither Muslim nor Christian complain of neglect by the Government and of being 'overpowered' by the tensions between the Muslim and Christian communities. [26a] (p10)

...in many cases, the examples of limitations brought to the attention of the Special Rapporteur were related to the building of places of worship, or their confiscation or transformation for a different purpose. Although it appeared that restrictions on building were justified by invoking zoning laws, it was often claimed that the zoning laws were usually not closely followed and that only in the case of places of worship were the regulations applied, resulting sometimes in the complete destruction of the places built. In some instances, the difficulties related to the construction of a place of worship have been resolved through the mediation of an organized interreligious dialogue at the local level.” [26a] (p10-11)

19.03 The USSD 2008 Report on Religious Freedom stated:

“The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the period covered by this report. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number, most notably those in the Federal Capital Territory, had their places of worship shut down or demolished when officials enforced the zoning laws.” [3b] (Section 2)

RELIGIOUS GROUPS

19.04 The 2005 UN Commission on Human Rights Report of the Special Rapporteur on freedom of religion stated:

“According to different sources, approximately half of the population is Muslim, about 40 per cent is Christian and the remaining 10 per cent practice traditional African religions or other beliefs, or have no religion. Religious affiliation is usually but not always linked to ethnicity. While most Hausa/Fulanis are Muslim, Yorubas and Igbos are mainly Christians. Geographically, the majority of the population of the north of the country is [sic] Muslims while most of the Christians live in the South. States of the so-called ‘middle belt’ have both Christians and Muslims in different proportions.

Most Muslims are Maliki Sunnis, but there are other Muslim groups like Shias and Ahmadiyyas. The Ahmadiyya community is mainly located in the South. Christian denominations include Roman Catholics, Anglicans, Methodists, Presbyterians, Pentecostals, Evangelicals and the Organization of African Indigenous Churches.” [26a] (p6)

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TRADITIONAL NIGERIAN RELIGIONS AND RITUAL KILLINGS

- 19.05 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a response to a country of origin information request, dated 22 July 2005, about the prevalence of ritual murder and human sacrifice and reaction by government authorities. An associate professor and chair of the Department of Anthropology at Franklin and Marshall College (Pennsylvania, USA) was consulted. The professor stated:

“ ‘Ritual murder’ is actually a legal category, a holdover from the British colonial days that can be prosecuted under Nigerian law. It refers to the killing of human beings for ritual purposes (one of which might be characterized as human sacrifice)...ritual murder covers all delicts [offences] that relate to the murder of people and the use of human parts for any magical purpose, whereas in sacrifice the killing of a person to mollify deities is the point. A sacrifice seems more central to religious practice and even more dignified in some sense than what ‘ritual murder’ is meant to cover.” [38c]

The professor also added that anyone is a potential victim of ritual killing, although the old are considered to be of less value than the very young and fertile. [38c]

- 19.06 Regarding how effective the authorities are in investigating ritual killings, the professor stated:

“ ‘In the past, there have been few arrests - but a lot of splashy press coverage. In the ‘Otokoto saga,’ however, there were some quite important people arrested, several of whom were executed. According to published reports, there have been a few, other cases where arrests have been made as well. But mostly the idea of ritual murder sits there and people fear it, not least because they think the police and courts have been co-opted by the wealthy murderers.’ ” [38c]

- 19.07 The IRB Research Directorate also consulted a professor at the Africana Studies and Research Centre at Cornell University (USA), who explained that:

“Human sacrifices involve the participation of the community in a formalized manner, while ritual murders are individual acts, often performed following consultation or with the participation of a shaman or witch doctor, and are designed to call the favour of the gods onto an individual.” [38c]

- 19.08 In February 2000, the IRB Research Directorate also consulted a Lagos-based lawyer and director of the Constitutional Rights Project NGO, who explained that:

“Ritual murders are not usually associated with any particular group...ritual killings are perpetrated mainly by ‘native doctors’ who have been involved in this since time immemorial, mostly through traditional cultic practices that have nothing to do with modern-day cults...those who perform ritual murders are individuals working for their own profit.” [38c]

19.09 A report by Leo Igwe, published by Earthward, in 2005 added:

“Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders, also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria.

...and now, the question is: why do Nigerians still engage in such bloody, brutal and barbaric acts and atrocities even in this 21st century? For me [Igwe], there are three reasons for that. 1. Religion: Nigerian is a deeply religious society. Most Nigerians believe in the existence of supernatural beings, and that these transcendental entities can be influenced through ritual acts and sacrifices. Ritual making constitutes part of the people’s traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences, if they default. So at the root of spiritual killing in Nigeria is religion, theism, supernaturalism and occultism. 2. Superstition:- Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making and magical thinking. In Nigeria, belief in ghosts, juju, charms and witchcraft is prevalent and widespread. Nigerians believe that magical portions [sic] prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one’s political and financial fortunes; that juju, charms and amulets can protect individuals against business failures, sickness and diseases, accidents and spiritual attacks. In fact, ritual-making is perceived as an act of spiritual fortification. 3. Poverty:- Most often, Nigerians engage [in] killing for money-making purposes. Among Nigerians, there is this popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense [sic].

For example, there has never been a single proven instance of any Nigerian who became rich through a money making ritual. And still the belief in ‘ritual wealth’ or ‘blood money’ remain strong among the people, and features prominently in the nation’s media and film industry. Most times, what we hear are stories and speculations founded on ignorance and hearsay. For instance Nigerians who enrich themselves through dubious and questionable means, like the scammers who swindle foreigners, are said to have indulged in money-making rituals using the blood or body parts of their parents, wives, children or other close relations. So driven by ignorance, poverty, desperation, gullibility and irrationalism, Nigerians murder fellow Nigerians for rituals.” [36]

- 19.10 The Norwegian Landinfo (Norwegian Country of Origin Information Centre) 2006 Fact-Finding Mission Report on Nigeria added further:

“Asylum applications presented by Nigerians [in Norway] regularly contain claims that the applicant fears persecution from persons or groups threatening to use occult powers, or *juju* [italics in document]. This is the common term in Nigerian English for all religious practices with some sort of basis in traditional African animist religion. Such practices are common among the substantial minority of Nigerians who are neither Christians nor Muslims, but they also influence the religious life and outlook of many Christians and Muslim Nigerians, whose religious practice must be categorised as syncretistic. Even more importantly, many Christian and Muslim Nigerians who themselves will not get involved in rites and rituals associated with traditional religion, may still regard occult forces as very real influences to be reckoned with in their lives. Thus the fear of being a victim of other people’s (attempted) manipulation of supernatural forces is very widespread. As Pastor Dayo Olutayo put it, ‘many are suspicious that people are after them, and think they don’t succeed because of other people’s evil intentions’. Pastor Olutayo also stressed that it is not unusual that people blame other people’s use of witchcraft as an excuse for not dealing with their own problems.” [40b] (p18)

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20. ETHNIC GROUPS

20.01 According to the Maps of World website (accessed July 2008):

“The tribes of Nigeria are diverse, comprising about three hundred [and] seventy one groups. Among the tribes of Nigeria, only three have achieved the status of ethnicity. The rest are minor ethnic group[s]. The groups are bearers of the Nigerian culture each distinct in their own way. The major ethnic Nigeria[n] tribes are the Hausa Fulani, Yoruba and the Ibo...the Hausa Fulani tribe inhabits the northern part of Nigeria, while the Yoruba and the Ibo shelters [in the] southwestern and the southeastern part of the country respectively.

The Hausa Fulani tribe are a mixed race of the Hausa and the Fulani. The Hausas are a mixture of Sudanese people...theses [sic] people are the followers of Islam. The Hausas are administers [sic] of Islamic law.

...Ibo is the second largest group among the Nigerian tribes, comprised of smaller ethnic groups. Their origins cannot be traced and mostly inhabit the forest area of the Niger valley. The Ibo tribe claims Nri town, which is considered as the bosom of the Ibo people.

[The] Yoruba tribe is the third largest ethnic group in Nigeria. They are an [sic] united group of people residing in the Ife town of Nigeria. Yoruba people believe that Oduduwa is their patron, who created earth and they are his children.

These three groups form 57% of the Nigerian population and the rest comprises [sic] of the smaller ethnic groups. The other groups are the Nupe, Kanuri, Tiv, Abayon, Awori, Bali, Bele, Chamo, Diba, Ouguri, Ekoi, Gira, Gudu and so on. These different Nigerian tribes have different languages and culture and take pride in retaining it.” [14]

ETHNICITY AND SOCIETAL DISCRIMINATION

20.02 The USSD 2007 Human Rights Report stated that:

“Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighbourhoods, and a low rate of intermarriage across major ethnic and regional lines. There was a long history of tension among some ethnic groups.

Many groups complained of insufficient representation in government office.

The law prohibits ethnic discrimination by the government, but claims of marginalization continued, particularly by members of southern groups and Igbos. In particular the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. The constitution requires that the federal government have a ‘national character,’ meaning that cabinet and high-level positions are distributed to persons representing each of the 36 states. Traditional relationships continued to be used to impose considerable pressure on individual government officials to favour their own ethnic groups for important positions and patronage.

In April 2006 HRW published a report describing discrimination against nonindigenes. While all citizens have the right to live in any part of the country, state and local governments frequently discriminated against those not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country where their ethnic group originated from but to which they have no personal ties. On different occasions, individual non-indigenes were compelled to move by government use of bulldozers, clubs, and torches, and discrimination in hiring and employment. When they were allowed to stay rather than be removed, these persons experienced discrimination including denial of scholarships and exclusion from employment in the civil service, police, and the military.” [3a] (Section 5)

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INTER-ETHNIC VIOLENCE IN THE DELTA REGION

- 20.03 Information published in a Global Security report, published in December 2006, stated:

“The Nigeria Delta is an unstable area of Nigeria, and inter-ethnic clashes are common - often access to oil revenue is the trigger for the violence. Pipelines are regularly vandalized by impoverished residents, who risk their lives to siphon off fuel.

...fighting continues between two ethnic groups – Itsekiris and Ijaw residents of the Niger Delta. Tensions between the Itsekiris and the Ijaw communities remained high in 2003, with intermittent reports of violence. Tribal clashes in March 2003 forced the withdrawal of major oil companies from the area. Ethnic clashes in the region led to dozens of deaths, and forced multi-national oil giants to curtail operations in the area. Oil companies were forced to shut down 40 percent of the country’s output as the Ijaws and Itsekiris traded gunfire. Ethnic fighting resurfaced in Nigeria’s oil-rich Nigeria Delta in mid-August 2003. This was the most serious fighting in the area since March [2003]. But in October 2003 James Ibori, the Governor of Delta State, brought the warring Ijaw and Itsekiri communities together to agree a fragile peace. Fighting between the two groups killed more than 200 people during 2003 and forced the government to send in troop reinforcements to restore order.

On 01 Jun 2004 leaders of rival ethnic militia groups agreed to peace terms in the Nigerian oil town of Warri. The peace agreement struck between the Ijaw and Itsekiri militia groups crowned efforts by Delta State governor James Ibori to end fighting between the two tribes over claims to land and oil-related benefits. More than 200 people had died in ethnic clashes in Delta State over the previous year. But the peace deal failed to address key demands of the Federated Niger Delta Ijaw Communities Group for improved political representation and better access to the region’s oil resources.” [33]

- 20.04 The USSD 2007 Human Rights Report added:

“Interethnic fighting in Warri, Delta State, continued to wane following a 2004 ceasefire between rival ethnicities.

Interethnic fighting elsewhere in the Delta also led to the displacement of tens of thousands of local inhabitants. For example, on August 21 [2007], Rivers State Governor Celestine Omehia announced plans to demolish 25 slum districts along the waterfront in the southern city of Port Harcourt. According to Omehia, the slums, which housed between 50,000 and 100,000 persons, have become hiding places and landing points for the militia fighters and armed gangs that have terrorized the city. Ethnic leaders expressed fear that clearing these districts could cause ethnic conflict between the local Ijaws and Ikwerres who live in the affected areas. On October 26 [2007], the Supreme Court nullified Omehia’s election and replaced him with Rotimi Ameechi, who put the plans on hold for the time being.” [3a] (Section 5)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 Article 214 of the Nigerian Penal Code stated that the act of sodomy between males is illegal and the penalty is imprisonment for 14 years. Attempting to commit the offence of sodomy is also illegal and the punishment for this offence is imprisonment for seven years. Under Article 217 of the Penal Code, other male homosexual acts or practices, defined as 'gross indecency', whether in private or in public, are also illegal and the punishment for this offence is imprisonment for three years. Lesbianism and lesbian sexual acts are not mentioned in Nigerian criminal law. (International Lesbian and Gay Association 1999 World Legal Survey on homosexuality) [23]

21.02 The British-Danish 2008 FFM Report stated that:

"According to LEDAP [Legal Defence and Assistance Project] officials, Nigerian law does not clearly define sodomy, and the law on sodomy covers other types of non-conformist sexual behaviour or acts, which are all regarded as 'sodomy'. Under the law on sodomy, nobody can be convicted without a confession. No one has been convicted for sodomy under common law as sodomy is hard to prove." [20] (p33)

21.03 The USSD 2007 Human Rights Report added that:

"Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that had adopted Shari'a, adults convicted of having engaged in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year [2007]. Because of widespread taboos against homosexuality, very few persons were openly homosexual."

"During the year [2007] the National Assembly considered an antigay marriage bill [Same-Sex Marriage Bill] that would duplicate existing laws on marriage and sexual relations while making it more difficult for advocacy groups to operate. The bill had not passed by the end of the year [2007]." [3a] (Section 5)

(As at 30 October 2008, the COI Service was not aware that the Same-Sex Marriage Bill had become law)

21.04 An edgeboston.com (American gay news website) report, published in April 2008, about homosexuals in Nigeria stated:

"Although prosecutions for incidents of anti-gay violence are virtually unheard of, those accused of homosexual acts are frequently taken into custody and held on the basis of nothing more than suspicion...this terror campaign has transformed Nigeria into a place where no one - including or especially police - does anything to help victims of anti-gay attacks." [24]

21.05 The British-Danish 2008 FFM Report further stated that:

“The LEDAP officials added that the Shari’a penal codes were adopted by the 12 northern states from 2000 to 2001. Between 2003 and 2007, 20 people have been charged under the homosexuality provisions of Shari’a law, although not all have been convicted. Between 10 and 12 people have been sentenced to death by stoning, but these sentences have not been implemented, as they have been overturned on appeal by the federal courts.

According to Global Rights, people convicted of homosexual acts under Shari’a law, known as zina, will receive 100 lashes, but a fourth conviction would lead to death by stoning. Whilst those convicted of sodomy would be put to death immediately, however, under Shari’a law the crime must be witnessed by four witnesses.” [20] (p33)

21.06 The edgeboston.com 2008 report about homosexuals in Nigeria stated:

“Even in Africa - a continent not known for its gay-friendly cultures or government - Nigeria stands out for the virulence and violence against gay men in particular as well as lesbians.

The cultural residue of colonial occupation and political maneuvering encouraged by the country’s influential Christian and Muslim faiths make Nigeria one of the most challenging African nations in which to live openly as a homosexual.

‘...the real threat of death or serious injury is not from legal actions by the state, but from mob violence and unofficial actions by the police who are a law unto themselves,’ says Davis Mac-Iyalla, Director of Changing Attitude Nigeria [LGBT religious NGO]. ‘In that way, there is very little difference between North and South.’ ” [24]

21.07 The British-Danish 2008 FFM Report added further:

“In May 2007, Lagos State passed its own anti-gay legislation, which according to a spokeswoman for the NGO Global Rights, was particularly alarming because it [Lagos] was the most cosmopolitan city in Nigeria. She said that there was a rising trend of conservatism and intolerance in the State which was extending even beyond people of different sexual orientation. Recently, even women wearing trousers and body-hugging tops have been arrested on the streets of the city and charged in court for wearing indecent clothing under section 249 a(i) of the criminal code punishing ‘indecent dressing’. [20] (p34)

...according to a BBC News Online report, in August 2007, eighteen men were arrested by the Hisbah (religious police) for sodomy in Bauchi (northern state) which has a penal code based on shari’a law. The men were reportedly wearing women’s clothes, and were said to have gone to Bauchi to celebrate a ‘gay wedding’. According to Global Rights, this led to demonstrations at the prison and court where they were held after the charges against them were reduced to idleness or vagabondism (which is the criminal offence under Shari’a law for cross-dressing in public), when it could not be proved that any sex had taken place. This also led to the men’s families disowning them.

According to another BBC News Online report, in April 2007, four women were accused or [sic] organising a same-sex marriage ceremony in Kano. Another BBC News Online report stated that the women involved denied the allegations that they had 'married' and said that they would challenge the Hisbah Board. Hisbah's deputy commander said that the women faced one of two punishments. For a married woman, the offence would be considered adultery, the punishment for which is death by stoning. The punishment for a single woman would be caning. A Global Rights representative added that the charges were dropped when the local Hisbah could not produce witnesses.

According to a report published in the allAfrica.com website, a further incident took place in October 2007 in Abuja, when two men appeared before an Abuja magistrates' court for allegedly practicing homosexuality. It was reported that members of a vigilante group had caught the men having unlawful sexual intercourse with each other. One of the men claimed that he had been tricked by the other and was granted bail." [20] (p36)

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SOCIETAL ILL-TREATMENT OR DISCRIMINATION

21.08 In February 2006, Pink News reported on a case of discrimination against homosexuals in the armed forces. The Pink News report stated that in 2006, an investigation was carried out into allegations that 15 army cadets had engaged in homosexual acts. A board of inquiry was set up to look into the allegations. After medical examinations had been carried out, the cadets were found to have engaged in homosexual acts. They were then dismissed from the academy. (Pink News report - "Army cadets dismissed for 'gay acts' " - 28 February 2006) [16]

21.09 The British-Danish 2008 FFM Report added:

"At a meeting with the Nigerian NGO, Civil Liberties Organisation (CLO), a spokesman stated that he believed that homosexual acts or behaviour were tolerated in Nigeria, as long as they were carried out discreetly and in private, but homosexuals would be arrested for offending public decency if they showed affection in public. He added that violent attacks against homosexuals were not a common occurrence in Nigeria. He further stated that the public have little confidence in the police who are perceived to be inefficient and corrupt, but believed that they would provide protection for homosexuals threatened with violence for being homosexual. However, the spokeswoman for Global Rights stated that violence against homosexuals is widespread, and that societal disapproval of homosexuality meant that, even if a bribe was offered to the police to drop sodomy charges, at least 65% of such charges and prosecutions would go ahead, in her opinion at least. [20] (p34)

...according to reports published in the 'Yawning Bread' website, a student at the Birnin Kudu College in Jigawa State was killed in April 2002 by fellow students who suspected him of being gay, and early in 2006, a Christian lesbian couple were attacked with acid through their bedroom window. One of the women died as a result of the attack and the other was hospitalised.

A Global Rights representative stated that in Cross Rivers State in 2006, girls were expelled from a secondary school for having alleged tendencies towards lesbianism. The school authorities said the students did not 'look like normal girls'." [20] (p36)

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22. DISABILITY

22.01 The USSD 2007 Human Rights Report stated that:

“There are no laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care or the provision of other state services. There are no laws requiring physical accessibility for persons with disabilities.

Persons with disabilities faced social stigma, exploitation, and discrimination, and were often regarded by their own families as a source of shame. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Significant numbers of indigent persons with disabilities beg on the streets.

The federal government ran vocational training centers in Abuja and Lagos to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting. Persons with disabilities established a growing number of self-help NGOs such as the Blind Foundation in Zaria and the Kano Polio Victims Trust Association.” [3a] (Section 5)

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23. WOMEN

LEGAL RIGHTS

23.01 The USSD 2007 Human Rights Report stated that:

“Although some women made considerable individual progress in both the academic and business worlds, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition many customary practices did not recognise a woman’s right to inherit her husband’s property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband’s property.

In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. ‘Confinement’ which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas, a widow was considered a part of her husband’s property, to be ‘inherited’ by his family. Shari’a personal law protects widows’ property rights, and an NGO reported that many women succeeded in protecting their rights in Shari’a courts.” [3a] (Section 5)

23.02 The Nigeria CEDAW ([United Nations] Committee on the Elimination of all Forms of Discrimination Against Women) NGO Coalition Shadow Report, published in 2008 stated:

“Equality before the law connotes equal treatment in the Law without any discrimination.

S.17 (a) of the Constitution provides that every person shall have equality of rights, obligations and opportunities before the law [.] S.17 (e) proclaims the independence, impartiality and integrity of the court of law and that easy accountability thereto shall be secured and maintained. The Human [sic] rights provisions of the Constitution, particularly S.42, which prohibits discrimination, also outlaws inequality before the law while s.6 (6) (b) vest judicial powers in the law courts. [31] (p55)

...in spite of these Constitutional provisions, there exists laws in our [Nigerian] statute books whose provisions are inherently discriminatory against women while the application of others negates the spirit and principles of equality before the law. A gender audit of Nigeria’s local laws and policies reveals that many legal instruments are discriminatory and/or gender insensitive. [31] (p56)

The unequal treatment of women under the law is mainly facilitated by the parallel practice of the tripartite system of laws via statutory, customary and Islamic. These laws often have conflicting principles, definition, procedures and are often discriminatory in their application. This has continued to widen the inequality gap in the law against women. The patriarchal structure of our society has also continued to discourage the introduction and enforcement of laws and policies promoting equality before the law.” [31] (p56)

PARTICIPATION IN POLITICS

- 23.03 The Nigeria CEDAW ([United Nations] Committee on the Elimination of all Forms of Discrimination Against Women) NGO Coalition Shadow Report, published in 2008 stated:

“According to the report of the 2006 census, women constitute 48.78% of the national population of Nigeria, but this numerical strength has never found corresponding expression in Nigeria’s political life and decision-making processes. Women are inadequately represented in the National Assembly, at the State Houses of Assembly, and at the Local Government Councils. They are either completely absent or grossly under represented...the systemic exclusion of women from leadership and decision-making is further reinforced by the patriarchal structure of the Nigerian society.

Lack of financial capacity and the violence culture that characterised Nigerian politics have also been the bane of women’s under representation in the political sphere. Most political parties either waived or subsidised the cost of nomination forms in support of the women aspirants because most women could not afford the huge cost to obtain forms. Eventually, these women are either asked to step-down for their male counterparts. [31] (p27)

...during the last presidential elections [2007], there was a lone female candidate in the midst of over 30 aspirants for the position of the president while no woman emerged as the running mate of any of the aspirants. No female candidate emerged as governor, although there were 15 female aspirants in the gubernatorial race across the country. In the 36 states that make up the country, 5 women emerged as Deputy Governors and this is equal to a 13.8% representation. [31] (p29)

...there is less than 5% representation of women at decision-making level at the three tiers of government.” [31] (p30)

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SOCIAL AND ECONOMIC RIGHTS

23.04 The USSD 2007 Human Rights Report stated that:

“While there are no laws barring women from particular fields of employment, women often experienced discrimination under traditional and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a ‘get pregnant, get fired’ policy. Women remained underrepresented in the formal sector but played an active and vital role in the country’s informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.” [3a] (Section 5)

WOMEN AND POVERTY

23.05 A ‘This Day’ newspaper report, dated 30 October 2007, stated that:

“At a joint conference organised by [the] Global Call to Action against Poverty (GCAP) in collaboration with Oxfam in Abuja as part of activities towards the global Stand-Up against poverty campaign by civil society, an intriguing picture emerged.

The widespread belief is that despite government’s efforts under the much-publicised 7-point agenda and the National Poverty Eradication Programme (NAPEP) the eight Millennium goals are far from being met.

Analysts insist that poverty affects women in a multifaceted way more than men; and that government has largely failed in its poverty reduction efforts.

...representatives of participating organisations related their experiences on how poverty manifest in the lives of women they work with in such thematic areas as education, environmental and economic rights, violence against women and women’s access to justice, political empowerment and legal justice, HIV/AIDS and human rights[s].

Participants noted that poverty is a major obstacle to realisation of women’s human rights and one of the most surreptitious forms of violation of such rights. The increasing feminisation of poverty is linked to women’s unequal situation in the labour market, their treatment under social welfare systems and their status and power in the family, they said.

They noted that the National Bureau of Statistics estimate that 75% of the 54.4% of Nigeria’s 140 million population who live below poverty level, are women, is unsustainable and unacceptable.

In a presentation on 'Women in the Agriculture Sector and Poverty', Oxfam GB's Programme Coordinator, Essential Services and Women in Leadership, Kemi Ndieli, noted that experience has shown that women and children undertake the most tedious, backbreaking work in agricultural production.

Besides, she said they have little or no access to the earnings they contribute to the household. Even the little that women earn go [sic] towards the essential needs in the home like food, clothing, shelter, school, health etc.”
[43d]

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VIOLENCE AGAINST WOMEN

23.06 The USSD 2007 Human Rights Report stated that:

“Domestic violence was widespread [in 2007] and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The law permits husbands to use physical means to chastise their wives as long as it does not result in ‘grievous harm,’ which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more rural areas of the country, courts and [the] police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.”
[3a] (Section 5)

23.07 The Amnesty International report on domestic violence against women in Nigeria, ‘Unheard Voices: Violence Against Women in the Family’, published in May 2005, stated:

“Countless women and girls in Nigeria are subjected to violence by some members of their families and within their communities, as in many countries throughout the world. Women of all ages and from all socio-economic groups, living in rural and urban communities, are affected. The lack of official statistics makes assessing the extent of the violence an almost impossible task, but studies suggest levels of violence are shockingly high. More than a third and in some groups nearly two-thirds of women in Nigeria are believed to have experienced physical, sexual or psychological violence in the family.
[12a] (p1)

...violence against women and in the home is generally regarded as belonging in the private sphere and is shielded from outside scrutiny. A culture of silence reinforces the stigma that attaches to the victim rather than the perpetrator of such crimes. [12a] (p2)

...violence against women in the home is widely regarded in Nigeria as a fact of married life that must be tolerated. In the only known official survey of public opinion on violence against women in the home, the proportion of women and men who justified wife-beating was found to be highest in the north-central zone of Nigeria, and lowest in the south-west zone, which includes Lagos State. The proportion was also found to be higher in rural areas than in towns.
[12a] (p6)

...the crimes of rape and other forms of violence in the home are seriously under-reported, and the perpetrators are rarely brought to justice. The stigma attached to the victims of sexual violence, rather than to their attackers, deters most women from reporting such crimes. [12a] (p7)

...women remain silent about other forms of violence in the home for a range of reasons. They feel there is no point in taking complaints to the police because they will not be taken seriously. Women in a long-term cohabitation or marriage may endure physical abuse in silence for fear of breaking up the relationship and facing financial insecurity.

...women are frequently unaware of their human rights or that violence against women in the family may constitute a human rights violation by the authorities. Women's lack of awareness of available legal remedies may also contribute to the under-reporting of domestic violence. They may fear violent reprisals if they attempt to bring an abusive partner to justice.

Relatives may put women under pressure not to disturb the family peace or bring shame on the family. One woman, who had lost some teeth and suffered other injuries in the latest serious assault by her husband, was urged by her brother to resolve her marital problems on her own." [12a] (p7)

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STATE PROTECTION FOR VICTIMS OF VIOLENCE

- 23.08 The Amnesty International 'Unheard Voices: Violence Against Women in the Family', report stated:

"The failure of federal and state authorities to establish policies and programmes to address violence against women in the home is reflected in the lack of support for women in urgent need of a place of safety. The authorities provide no shelters for women forced to flee their homes.

...litigation to obtain a divorce or to seek custody of the children is expensive and beyond the means of most women. For this reason, some women have to report violence in the home to the news media or to NGOs, to highlight their plight and to obtain legal advice and assistance. [12a] (p11)

The criminal justice system provides scant protection, the police and judiciary often dismissing domestic violence as a family matter and failing to investigate or press charges. The few rape victims who take their cases to court face humiliating rules of evidence, patronizing and discriminatory attitudes from court officials, and little chance of justice. The prohibitive cost of legal action encourages families to seek financial compensation out of court. In such cases – and where women subjected to violence in the family or rape cannot attain justice through criminal proceedings – the state is failing to provide effective and accessible justice for women, is depriving them of the right to redress, and is allowing the perpetrators to operate with impunity. [12a] (p12)

...women and men who go to the police to report cases of violence in the family, including rape and physical assault, are often met with a patronizing and discouraging attitude. A police spokesperson in Lagos told Amnesty International that they did not take violence in the family seriously, 'unless it is a case of the rape of a child or the husband kills his wife'. Few rapes are reported to the police, because of the social stigma attached to the victim and the difficulty in obtaining medical evidence. Women who bring a complaint of rape cannot insist on speaking to a woman police officer as of right, and proposals for specific women's and human rights desks in all police stations have not yet been implemented. [12a] (p12-13)

...the police frequently dismiss complaints of domestic violence on the grounds that the state has no right to interfere in private or family matters. Far from providing protection from crimes of violence, police officers often advise complainants to go home and sort out the problems themselves. [12a] (p13)

...the Penal Code, applicable in northern states, explicitly condones certain forms of violence in the family. Men have the right to 'correct' their wives, children or domestic workers as long as such 'correction' does not reach a threshold of severity amounting to 'grievous hurt' (Section 55). Severe injuries exceeding this threshold include 'emasculatation, permanent loss of sight, ability to hear or speak, facial disfigurement, deprivation of any member or joint, bone fracture, tooth dislocation or any which endangers the life or which causes the sufferer to be in severe bodily pains or unable to follow her ordinary pursuits for more than 20 days' (Section 241). Any injuries below this threshold of severity, and the acts of violence that are their cause, are therefore permitted in law. [12a] (p23-24)

No laws specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. Cases of physical and sexual abuse, including wife-battering, are subsumed under the offence of assault. The law fails to address the specific circumstances of gender-based violence in the family, when the crime takes place in the home in which both perpetrator and victim have lived and may continue to live.

...at state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia. Many of these legal systems failed to address violence against women in the family.” [12a] (p24)

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RAPE AND THE LAW

- 23.09 The Amnesty International 2005 'Unheard Voices: Violence Against Women in the Family', report stated:

"In Lagos State and other southern states, the Criminal Code's provision on rape state:

'Any person who has unlawful carnal knowledge of a woman or a girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.' (Section 357). [12a] (p26-27)

Rape is punishable by life imprisonment. The definition of 'unlawful carnal knowledge', however, limits rape to penetration. Furthermore, the definition ('carnal connection which takes place otherwise than between husband and wife') makes it clear that rape of a wife by her husband is not regarded as unlawful. The only charge that could be brought in the case of a woman raped by her husband would be assault." [12a] (p27)

- 23.10 A publication published by BAOBAB (Nigerian women's NGO) in 2007 about women's reproductive health rights stated:

"Marital rape occurs when a husband uses force or threat of harm to have sexual intercourse with his wife against her consent or if the consent is obtained by force. This situation may be likened to rape as defined in the Criminal Code Act but it is surprising to note that the term unlawful carnal knowledge does not exist between husband and wife and as a result forced sexual intercourse is not recognized in marriage due to the mutual matrimonial consent and contract. In most communities in Nigeria, marital rape is not seen as an offence, as it is believed that the essence of contracting a marriage is to have access to sexual satisfaction whenever needed by the man. A woman's sexual rights and bodily integrity is violated when her consent is not obtained by her husband to have sexual intercourse. The position of the law in Nigeria is silent on this issue, seeing it as a 'private' matter between the husband and wife, it seeks to uphold and protect the sanctity of a marriage and hardly interferes in domestic issues unless it is such relating to divorce. As a result no law makes marital rape a crime." [27]

- 23.11 The Amnesty International report 'Rape - the Silent Weapon', published in November 2006, stated further:

"The Nigerian authorities at both federal and state levels have failed to address adequately gender-based violence, including rape. There is no federal or state legislation criminalizing violence against women, and most bills initiated by non-governmental organizations on violence against women are still pending. Nor are current provisions relating to rape adequately enforced in the criminal justice system. These provisions are inadequate and outdated and urgent legislative reform is needed to ensure conformity with Nigeria's obligations under international human rights law." [12d] (Section 4.2)

STATE PROTECTION FOR VICTIMS OF RAPE

- 23.12 The Amnesty International 2005 report 'Unheard Voices: Violence Against Women in the Family', stated:

"The few rape victims who take their cases to court face humiliating rules of evidence, patronizing and discriminatory attitudes from court officials, and little chance of justice. The prohibitive cost of legal action encourages families to seek financial compensation out of court. In such cases – and where women subjected to violence in the family or rape cannot attain justice through criminal proceedings – the state is failing to provide effective and accessible justice for women, is depriving them of the right to redress, and is allowing the perpetrators to operate with impunity." [12a] (p12)

- 23.13 The Amnesty International 2006 report 'Rape - the Silent Weapon', stated further:

"Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria – not only by human rights defenders but also by some government officials at both federal and state levels.

The government, however, is failing in its obligation to exercise due diligence: the perpetrators invariably escape punishment, and women and girls who have been raped are denied any form of redress for the serious crimes against them.

...the government's response has been, and continues to be, woefully inadequate. Rape is a crime under Nigerian national law and is an internationally recognised human rights violation. Despite this, the government is failing in both its national and international obligations to prevent, investigate and prosecute rape, whether committed by state actors or non-state actors, and to provide any reparations to the victims. Further, Amnesty International has discovered that the Nigerian government has failed in its international obligations to take action against agents of the state who have committed rape and sexual abuse, and has failed to amend discriminatory legislation that guarantees impunity from charges of rape. [12d] (Section 1)

...although reports by non-governmental organizations, some police records, statements by state prosecutors and media reports indicate that rape in the family, the community, and by the police and security forces occurs on an alarming scale, lack of comprehensive official statistics make it difficult to establish accurately its true scale. The lack of comprehensive official figures also makes it difficult to assess the extent of direct state involvement in perpetrating gender-based violence against women, or state failure to prosecute and punish perpetrators of rape. Amnesty International considers a lack of official records of rape to demonstrate complacency by the government in addressing effectively violence against women in Nigeria.

However, the lack of records is only part of the problem. The low level of reporting in cases of rape inhibits the collection of data even where the political will exists. A nationwide survey undertaken in 2005 by the CLEEN Foundation, a Nigerian NGO which promotes public safety, security and justice, found that only 18.1 per cent - less than one in five - of some 10,000 respondents who had been raped has reported the offence to the police.

There are many reasons for this which have been well documented and researched: rape carries a heavy social stigma, sometimes resulting in rejection by families and communities; the police are sometimes unwilling to make official reports; victims fear reporting rape where the police themselves are the perpetrators; some women are unable to obtain a medical examination to substantiate their report; or they simply do not know how to report rape and obtain help.

The Federal Government does not make public any records it holds of incidents of gender-based violence in general nor of rape in particular. Reporting is thought to be sporadic, piecemeal and inconsistent.

...information on rape in Nigeria can be gleaned from other sources, including non-governmental organizations and the media. For example, the CLEEN Foundation publicizes crime statistics on its website which are extrapolated from annual crime reports produced by the Federal Government which are given restricted distribution.” [12d] (Section 2)

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PROSECUTION OF RAPE CASES

- 23.14 The Amnesty International 2006 report 'Rape - the Silent Weapon', stated further:

"Prosecutions for rape are brought in only a small number of cases. Victims are sometimes pressured into withdrawing the case or parents of victims prefer financial settlement out of court to a criminal prosecution. Where cases are brought to court, prosecution sometimes fails because police refer cases to a court lacking appropriate jurisdiction and progress is then obstructed by the slow administration of the judicial system. In some cases, the alleged perpetrator is charged with a different and less serious criminal offence.

In the few cases where a conviction is secured, judges seldom impose the maximum sentence. This indicates an apparent failure by the judiciary to acknowledge the gravity of the crime. In addition, compensation is rarely awarded. According to a retired high court judge, Ezebuilo Ozobu, in Enugu State, whom Amnesty International met in January 2006, failure to award compensation results from the absence of appropriate legislation.

With the exception of a few high-profile cases, state actors alleged to have committed rape enjoy complete impunity. Amnesty International is aware of only a few cases in which police officers have been prosecuted and convicted of the criminal offence of rape and knows of no case where members of other security forces have been prosecuted for gender-based violence, including rape. Human rights activists, serving and retired high court judges and some prosecutors shared their concerns about the low rate of prosecution and even lower rate of convictions with Amnesty International in early 2006.

The low rate of prosecutions is explained in part by the fact that most women and girls who have been raped do not report the crime. But major problems exist once women do report the crime. According to Nigerian human rights defenders, including the Executive Director of WACOL (Women's Aid Collective), only 10 per cent of prosecutions result in a conviction. Factors contributing to this low conviction rate are difficulties in obtaining forensic evidence admissible in court and also legislation relating to evidence.

...in the absence of action by the Federal and State Governments to ensure that alleged perpetrators of rape are brought to justice, some Nigerian non-governmental organizations have pursued private prosecutions, through a process known as *fiat* [italics in document]. Lawyers can apply to the State or Federal Attorney General for a *fiat* [italics in document] to enable a private prosecution in a criminal matter that would normally be prosecuted by the state. Although more costly for the victim, and therefore precluding those who cannot afford to take such a route, some human rights defenders believe that the process of *fiat* [italics in document] is more likely to secure a conviction in cases where state actors are prosecuted. [12d] (Section 5)

...the high court in each state, and relevant appeal courts, and all courts in the *Sharia* [italics in document] penal system have jurisdiction over cases of rape. Magistrates' courts, which are the lowest-level court in the Nigerian criminal justice system, do not exercise jurisdiction over such cases.

Lawyers and public prosecutors whom Amnesty International met in 2006 pointed out that the police frequently refer cases for prosecution to the wrong court, resulting in lengthy, if not indefinite, delays and denying the right of the victim to an effective remedy. Amnesty International notes that it also often results in the suspect being detained illegally under a so-called 'holding charge'. Vital evidence, including statements by witnesses and victims, may be regarded as less credible after a lengthy delay. In cases of 'defilement', where charges must be brought within two months, such delays could prevent prosecution altogether.

The recent Reform of the Criminal Justice Bill aims to eliminate errors by the police and ensure that cases are brought before the correct court. The bill introduces time limits of up to a maximum of 90 days that the police have to charge a suspect after which the individual must be released. As of September 2006, this bill was at the legal drafting committee of the Federal Ministry for Justice awaiting consideration before hearings at the National Assembly. [12d] (Section 5.2.3)

Criminal procedure codes do not specify what kind of medical reports are admissible as forensic evidence in cases of rape. However, in practice, according to medical doctors, in both public and private practice, human rights defenders, prosecutors, lawyers and judges whom Amnesty International interviewed in 2006, only medical reports issued by a medical practitioner in a government-run hospital are accepted by courts as admissible evidence.

...the practice of only allowing medical reports by doctors in government-run hospitals has a discriminatory effect on women and girls who do not have easy access either to government-run hospitals or health care facilities. This is particularly acute in rural areas." [12d] (Section 5.2.4)

(As at 30 October 2008, COI Service was not aware that the Reform of the Criminal Justice Bill had become law)

- 23.15 The 2007 BAOBAB publication about women's reproductive health rights stated further:

"At times many cases of rape go unreported. Investigations into the few reported cases are either abandoned halfway or the case is prolonged. Many of the survivors, especially adult females, prefer to suffer the physical and psychological trauma silently rather than seek redress in the court of law because of the fear of stigmatization. Another reason women do not report abuse is due to pressure from family members to protect their name and image in the society." [27]

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FORCED MARRIAGES

- 23.16 In some parts of the country, young women are forced into marriages with older men, as noted in the 2005 British-Danish FFM Report:

“According to BAOBAB forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so.

Women who are trying to escape forced marriage may be assisted by WACOL, but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” [15] (p27)

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FEMALE GENITAL MUTILATION

- 23.17 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria, as noted in the USSD 2007 Human Rights Report:

“The NDHS [Nigeria Demographic and Health Survey] estimated that approximately 19 percent of the female population had been subjected to FGM, although the incidence has declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the south among the Yoruba and Igbo. Women from northern states were less likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived ‘benefits’ of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.

The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable impediments that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and local levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers states banned FGM. However, once a state legislature criminalized FGM, NGOs found they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women’s groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, but financial and logistical obstacles limited contact with health care workers on the medical effects of FGM.” [3a] (Section 5)

(See also section 24.15 on Children: Female Genital Mutilation and the Home Office Border Agency Report on FGM - <http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>)

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INTERNAL RELOCATION

23.18 The British-Danish 2008 FFM Report stated:

“WACOL [women’s NGO] explained that internal relocation is possible for any adult woman irrespective of whether the case is about FGM, domestic violence or forced marriage. It is possible for adult women to relocate and look for jobs to sustain themselves, however, FGM and forced marriage cases very often involve underage girls. WRAPA (Women’s Rights Advancement and Protection Alternative) advised that internal relocation is legally possible, based on the right to freedom of movement as guaranteed by the 1999 Nigerian Constitution, for adult women seeking to escape domestic violence, FGM, forced marriage, and adult women seeking to protect their daughters against FGM. WRAPA considered that internal relocation is a realistic option for such women.

...the United Nations Development Fund for Women (UNIFEM) found that in theory, it is not difficult for a woman to relocate within Nigeria and in this way find physical safety. As regards crime rates, Nigeria is a relatively safe country.

According to UNIFEM, there are basically four scenarios for women who relocate within Nigeria in order to avoid FGM, forced marriage or domestic violence:

- She can approach the local church/mosque or religious establishment and seek assistance from the leadership.
- She can approach friends or relatives who are willing to hide her.
- She can approach NGOs working on women’s human rights. (However, these NGOs may only be known to women in those urban settlements, towns or cities where the organisations are active).
- She can take to the street. This is a frequent scenario for young women or women who do not have the capacity or the means to do otherwise. Some of these may end up in brothels or are vulnerable to being trafficked.

UNIFEM added that attractive young, single women, in particular, are very vulnerable to abuse, harassment and trafficking when relocating to another area without economic means or family networks. Regarding internal relocation, UNIFEM explained that the vast majority of women seeking protection against domestic violence, forced marriage or FGM, including women who wish to protect their daughters against FGM, have the tendency to first relocate to a safe place not far from their home area. They may even relocate several times within their familiar locality if necessary. [20] (p9)

BAOBAB stated that from a legal point of view, internal relocation is an option for any woman in Nigeria because there is full freedom of movement in the country. However, this first step - even to take a bus - can be difficult as women are dependent on their relatives, family or husbands, and may not have the money to allow them to relocate. As a consequence of this, a woman will need relatives in her new location who are ready to accommodate her.

...it was emphasized by BAOBAB that a woman can obtain physical protection by relocating to another area in Nigeria. Women who are economically independent, in particular, would stand a much better chance of sustaining themselves than women who are not. BAOBAB added that it is difficult to separate the question of physical protection from the social, cultural and/or humanitarian constraints involved in relocating. However, even women who have access to economic means could face difficulties in finding accommodation or a job as they are often stigmatised. BAOBAB further added that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers. [20] (p10)

...WACOL did not have any information to indicate that families or husbands try to trace and kidnap a runaway girl or a woman/wife. According to UNIFEM, the sheer size of the country and its large population means that it would be very difficult for a husband, or other family members, to locate a woman who has escaped FGM, a forced marriage, or is a victim of domestic violence. UNIFEM believed that, should a husband know where his wife has fled to, there is a high risk that he would try to contact her or force her to return home.

BAOBAB added that there are cases where a father may retrieve his daughter from a violent marriage and fully support her. In the Muslim North, divorces on the request of the woman are much more common than elsewhere in Nigeria. In many cases, a father of a wife may demand his daughter to be divorced and returned home if her husband does not treat her properly. In general, it is much easier for women in Muslim marriages to divorce than in traditional marriages, which are common in the southern part of Nigeria. From a legal perspective, *Shari'a* grants a woman the opportunity to divorce on her own request, based on certain conditions. However, fathers are under considerable pressure to arrange for their daughters to re-marry very quickly. BAOBAB did not have any information regarding the occurrence of families or husbands trying or succeeding in tracing and/or kidnapping a runaway girl or a woman/wife." [20] (p21)

- 23.19 As regards shelter facilities for women who internally relocate, the British-Danish 2008 FFM Report stated:

"According to representatives of a UN organisation, many women relocate to escape domestic violence, forced marriage or FGM, even within their local or state area. However, women prefer to go to friends or relatives, rather than to a shelter. The general perception amongst Nigerians is that shelters hide battered women and women with many problems who have no relatives to turn to. Many women, even victims of violence themselves, do not want to be associated with such women. Moreover, women relocating from their homes are seen as violators of their own culture and may feel ashamed as a result. However, when there are no other alternatives women will seek protection in a shelter.

Project Alert confirms that the shelter option is often sought as a last resort when all other options such as the religious angle, the family, friends, and relatives have failed. One result of Project Alert's evaluation of its shelter (named Sophia's Place and located in Lagos) was that a majority of the respondents 'articulated the need to publicize the shelter and its services more to the general public as many victims out there still don't know where to go for help'.

WACOL explained that it only knew of one shelter in Nigeria run by the government. This shelter is located in Abuja and the Federal Ministry of Women's Affairs and Social Development administer it. However, WACOL had no further knowledge of this shelter, as it had never referred any woman to it. In addition to the governmental shelter in Abuja, there is also a NGO shelter that is run by the NGO Daughters of Abraham. This shelter is mainly reserved for victims of trafficking and prostitutes.

WACOL added that the physical safety of a woman is guaranteed in its shelter in Enugu, and WACOL was of the opinion that if a woman needs physical protection in Abuja, she can go to the Federal Ministry of Women's Affairs and Social Development. The Ministry would definitely take such cases seriously and offer protection to the women concerned. However, WACOL has never encountered cases in Abuja where this has been necessary.

...it was emphasized by WRAPA that because of the existence of LACVAW, more than 50 organizations are always able to refer a woman in need to an available shelter in Nigeria. In addition, WRAPA can also contact a Social Welfare Office or the Federal Ministry of Women's Affairs and Social Development in Abuja, which now runs its own shelter.

UNIFEM explained that, in September 2007, the Federal Ministry of Women's Affairs and Social Development opened a shelter in Abuja for battered women and accompanying children. The shelter has the capacity to accommodate 15 women at any given time and is modelled after the shelters of NGOs. Its location is kept secret for the safety of the women. [20] (p11)

Regarding shelter facilities, BAOBAB stated that it was not aware of government shelters at local, state or federal level to accommodate and protect a woman who does not wish to return to her husband or family. However, the NGO Project Alert on Violence against Women (Project Alert) runs a shelter in Lagos. BAOBAB at times refers women to this shelter. Project Alert often tries to mediate in the cases. It was added that WACOL runs a similar shelter in Enugu.

...according to UNIFEM, Project Alert has the only NGO shelter for battered women in Lagos State. It has the capacity to provide shelter for only about 20 women at any given time and has been successful in keeping the identities of their clients' secret and providing security for them. Women NGOs only provide shelter for a limited period of time, i.e. for a few weeks.

...according to Project Alert, the vast majority of the women who have been accommodated in its shelter in Lagos expressed their reluctance to leave at the time they were due (one month maximum) 'because the atmosphere and friendliness in the shelter was such that no one would ordinarily wish to leave. This partly explains why some of the women stayed beyond the official maximum four weeks duration, while the inability to secure or rent an apartment and the unwillingness to return to the same abusive relationship or environment accounted for others' reluctance to leave Sophia's Place'.

Project Alert added that the stay in the shelter empowered the ex-residents to control their lives and activities including their income. Many deplored the violence suffered while living with their partners. According to Project Alert, ex-residents of Sophia's Place have expressed how they felt safer after their shelter experience than before it. This was because they are no longer living a life of fear, harassment and violence. With Project Alert, they feel they are secure, since the organisation will always be there for them. [20] (p12)

...the Federal Ministry of Women's Affairs and Social Development stated that the shelter of the Ministry was commissioned on 17 May 2007. The shelter opened and was fully operational in November 2007. The shelter is situated in an undisclosed location in Abuja in order to protect the women in the shelter against any kind of hostility from their perpetrators. The shelter can accommodate approximately 7 women at the same time. However this capacity can be extended if the need arises. Security staff is employed at the shelter.

The Ministry stated that since the opening of the shelter in November 2007, it has accommodated one woman and four children. However, this should be seen in the light of the fact that the shelter is fairly new. Furthermore, to most women a stay in a shelter is often seen as the last resort irrespective of whether the shelter is run by a NGO or by the government.

The Ministry is currently working [January 2008] to raise awareness about the existence of its shelter among police officers and other law enforcement agencies in Abuja, in order to ensure that those women who approach the police for assistance and who are in need of shelter, will be referred to the shelter. Furthermore, the Ministry has conducted training of the police and other law enforcement agencies concerning gender-based violence.

In addition to this, the Ministry is cooperating with LACVAW to ensure that any NGO in Nigeria, who is a member of this coalition, is aware of the possibility of referring victims of domestic violence or other women who are in need of protection, to the Ministry in Abuja.

It was emphasized that women NGOs throughout Nigeria can refer any woman who needs shelter to the shelter in Abuja. Women can stay in the shelter for up to four or five months. During this time the women receive counselling from a department in the Ministry and attempts will be made to mediate between the women and the perpetrators. If reconciliation is not possible, the Ministry can offer the women legal assistance in taking their cases to the courts. There is not yet a budget in place to offer vocational training or education to the women who are staying in the shelter." [20] (p13)

23.20 Regarding social and humanitarian constraints on women who internally relocate, the British-Danish 2008 FFM Report stated:

“Representatives of a UN organisation explained that there are a number of social and humanitarian constraints on women who consider relocating in Nigeria. These constraints include:

- Lack of information on the part of the women themselves.
- Level of empowerment.
- Fear of leaving their own environment and to be seen as defiant of their own cultural norms and practices.
- Lack of accommodation and job opportunities. Fear of losing her own social network.
- Poverty.

WACOL believed that, in general, it would be difficult for a girl or a woman to relocate in Nigeria without relations who can assist her. WACOL considered that if an underage girl does not want to enter into a marriage, and she is ready to relocate elsewhere in Nigeria in order to escape the marriage, it is a precondition that she has a family member or relative in the new location that is ready to support her. Furthermore, regarding forced marriage it was emphasized that internal relocation might be much more difficult for a daughter/woman of an influential family than for a daughter/woman of an ordinary family. A daughter/woman from an influential family might find it more difficult to find a location in the country where she would not be recognised and maybe returned to her family or husband. [20] (p21)

Regarding humanitarian and social constraints for women who try to relocate in Nigeria, WACOL stated that it had never considered such aspects. WACOL had never learned that women who have fled their husband or family are finding it much more difficult to find a job just because they are on their own. A single woman might even be in a better position to acquire a job than a married woman, as a single woman is more flexible and free, and is seen as a more effective work resource in the eyes of employers. [20] (p22)

Regarding ethnic affiliation and job opportunities, WACOL considered that this might play a significant role in some rural locations, but not in the larger cities. Ethnic affiliation is generally not a major issue in connection with internal relocation, but it could be in some rural areas. Ethnic affiliation has almost no bearing regarding internal relocation to Lagos or Abuja. All ethnic groups are represented in Lagos and Abuja and to a certain extent in other large cities in Nigeria.

UNIFEM considered that, in practical terms, if a woman chooses to relocate she could face a number of economic and social constraints depending on her situation. The woman would be in a more favourable situation if she has an economic foundation of her own in the form of savings, which can sustain her until she can get a job. There is no social security system in Nigeria that can support a woman without any means of existence. In general there is a strong desire to maintain the unity of the family and this means that families, NGOs and religious leaders will try hard to reconcile the wife and the violent husband. For a wife to leave her family, even if her husband is violent, is almost considered a taboo.

BAOBAB explained that if the woman has family or relatives in the new location, they may listen to her and try to support her, but they may not be in a position to help her to secure a sustainable living. Culturally, the woman will often be expected to return and stay with her husband. It was added that traditional Nigerian culture expects women to be subservient to their husbands even when the women are living with a violent husband.” [20] (p22)

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24. CHILDREN

OVERVIEW

- 24.01 A report published by the OMCT (World Organization Against Torture) for the 38th session of the United Nations Committee on the Rights of the Child in 2005 stated:

“Nigeria ratified the Convention on the Rights of the Child (thereafter the CRC) on April 16th 1991 and has ratified other international instruments that generally affect the rights of the child, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, Nigeria ratified regional instruments such as the Africa Charter on Human Rights and People’s Rights. Further, it signed but did not ratify the Optional Protocol on children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography and the African Charter on the Rights and Welfare of the Child.

...In 1996, Nigeria submitted its first Report on the Implementation of the CRC [United Nations Convention on the Rights of the Child] to the UN Committee on the Rights of the Child (thereafter the Committee). One of the major recommendations made by the Committee was to finally ensure the domestication of the CRC, as this is necessary for its full implementation under Nigerian law. A first Bill on Children’s rights had already been elaborated in 1993, but could not be passed into law because of opposition from religious groups and traditionalists...the bill, providing for the rights and the responsibilities of children in Nigeria, as well as and for a renewed system of juvenile justice administration, was rejected by the Parliament in October 2002 - again on grounds of its contents being contrary to Islamic values, traditions and culture...many national and international NGOs, as well as other sectors of the civil society in Nigeria, criticised this decision and forced the legislator to reconsider its decision to oppose to [sic] the Child Rights Bill. Finally, it was adopted in September 2003.” [39] (p8-10)

- 24.02 The British-Danish 2008 FFM Report stated:

“Chino Obiagwu, the National Co-ordinator of the Legal Defence and Assistance Project (LEDAP), stated that the Childs Rights Act [2003] governed the welfare of children in Nigeria. The comprehensive provisions of the Child Rights Act supersedes all other legislation that has a bearing on the rights of the child. The Act which has been passed is a federal law applicable throughout Nigeria, while the equivalent child rights laws have been passed in only 16 out of the 36 states in the country.” [20] (p29)

EDUCATION

24.03 The USSD 2007 Human Rights Report stated:

“The government seldom enforced even the inadequate laws designed to protect the rights of children.

Public schools continued to be substandard, and limited facilities precluded access to education for many children. The law calls for the government, ‘when practical’ to provide free, compulsory, and universal primary education ...in many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families’ ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enrol in secondary and elementary schools. The literacy rate for men was 58 percent but only 41 percent for women.” [3a] (Section 5)

24.04 The Nigeria section of Europa World (accessed in June 2008) stated that primary education begins at six years of age and lasts for six years. Secondary education begins at 12 years of age and lasts for a further six years. Education to junior secondary level (from six to 15 years of age) is free and compulsory. [1]

24.05 A report published by the United Nations Girls’ Education Initiative in May 2008 stated:

“The 2005 National School Census (NSC) revealed a net primary enrolment ratio [NER] of 83.71% [male=87.01%; female=81.39%] suggesting that a substantial proportion [16%] of the primary school age population [6-11 years] was not enrolled in primary schools. This may look encouraging but there are large geographical and gender disparities between the south and north regions of Nigeria, partly due to underlying socio-cultural factors. Girls’ NER in some states in the South are as high as 70% while some in the north are as low as 24%.

The picture is worse in secondary schools with the national female enrolment ratio at 44%. The regional breakdown shows an alarming disparity with girls NER of 60% in the south-west while the North West shows a dismal 10%.

Between 2002 and 2005, completion rates have improved for boys by 3% (from 83.4% to 86.4%), while they declined for girls by 8% (from 83% to 75%). Gender participation (measured by gender ratio - GR) still favoured males with wide variations in gender gap in access to primary education across the states and zones.

The underlying causes include the low value accorded by parents to girls' education, early marriages, poverty, low quality learning environments and low value accorded to girls' education, harmful practices, local beliefs, and norms that impact negatively on girls' education. Against this backdrop, the Federal Government is making efforts to ensure that children everywhere, both boys and girls alike, will be able to complete a full course of primary education. This is done in close partnership with development partners, civil society organizations, private sector, philanthropic individuals and organizations.

UNICEF Nigeria and other development partners have been working with the Government of Nigeria to promote girls education and various initiatives have been undertaken including the current Girls Education Project (GEP) geared towards promoting and enhancing girls' participation in education.

...the Girls' Education Project has continued to record success in access to education for girls since its inception. Increases in enrolment and attendance rates and decrease in gender gaps have been experienced during the project implementation phase. On average, in the project implementation focus communities, girls' enrolment has increased by an average of 73% from 2005. This has resulted in an overall reduction of gender gaps in the GEP focus schools from 44% in 2005 to 31% in 2007. Attendance rates have also improved, with an 11.9% increment in the GEP focus schools, with that of girls increasing by 39%." [50]

24.06 The EIU's 2008 Country Profile on Nigeria stated:

"Central Bank of Nigeria (CBN) data show that education spending averaged around 8.3% of federal government recurrent expenditure and around 4.7% of capital expenditure in 2002-2006. There has been an improvement in the literacy of the general population. According to the UNDP [United Nations Development Programme], adult literacy rose from 55.4% in 1975-94 to 69.1% in 1995-2005. However, according to most local sources, over the past two decades, standards of education in the public sector have deteriorated. As a result, there has been significant growth in the number of private primary and secondary schools, mainly in urban areas...the proportion of children of the elite who are privately educated is much higher.

...in September 1999 the then president, Olusegun Obasanjo, launched the free and compulsory Universal Basic Education (UBE) scheme aimed at wiping out illiteracy. It is similar to the Universal Primary Education programme, which was introduced in 1976. The government claims that the programme has had some success, with the pupil/school ratio falling as more schools have been built in the past five years. The number of primary schools has risen from 48,860 in 2000 to 59,340 in 2005 and secondary schools from 8,275 to 12,610, according to CBN data although it is not clear what percentage of these are private. However, the reality is that in the current situation the government will continue to struggle to generate sufficient funds, facilities and qualified teachers to make significant improvements in education standards." [10] (p17)

CHILD LABOUR

24.07 The USSD 2007 Human Rights Report stated:

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

High numbers of children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children were also involved in the agricultural sector. Little data was available to analyze the incidence of child labor. The National Modular Child Labour Survey Nigeria, which conducted the only survey available between 2000 and 2001, reported approximately 15 million children working in the country. Of these, more than six million were not attending school and more than two million were working 15 or more hours per day.

The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems and had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. Although the inspectorate employed nearly 400 total inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. The agency reportedly received no complaints of child labor. The ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP [National Agency for the Prohibition of Trafficking in Persons] bears some responsibility for enforcing child labor laws, though it primarily rehabilitates trafficking victims and child labor victims.

The government's child labor policy focused on intervention, advocacy and sensitization, legislation, the withdrawal of children from improper labor situations, and rehabilitation and education for children following their withdrawal. The Ministry of Employment, Labor, and Productivity was responsible for enforcement of the law. During the year [2007] the ministry trained approximately 120 labor inspection officers on child labor laws. Eighty officers were trained to perform inspections in high-risk sectors such as agriculture, mining, and the informal sector. Approximately 20 officers were trained to perform rapid assessment surveys in these critical sectors. Reports of the surveys conducted by these officers were not yet available at year's end [2007]. The ministry also sponsored awareness-raising and law-familiarization training programs for local law enforcement, customs, and other government officials. Despite these advances, forced child labor and trafficking in children continued during the year [2007].” [3a] (Section 6d)

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FACILITIES FOR CHILDREN WITH LEARNING DISABILITIES

24.08 The Landinfo 2006 FFM report stated:

“According to professor Abengowe [Abuja Clinics], the facilities available for children with all sorts of learning disabilities (autism and down’s syndrome were mentioned) are extremely limited in Nigeria, even in private health care institutions in Abuja and Lagos. In some cases, someone working in a university clinic might take a special interest, but s/he would have few resources available to do something for the child. ‘Poor people simply deal with the situation themselves, whereas some of the well-to-do will possibly send them abroad for treatment’. He went on to say that missionaries can sometimes offer help, and there are homes for such children: ‘Compared to the size of the population, however, it’s a drop in the ocean. It is not unheard of that these children are abandoned by their parents, but fortunately, people are generally accommodating towards people with mental disabilities’.”
[40b] (p26)

24.09 The World Organization Against Torture (OMCT) report for the 38th session of the United Nations Committee on the Rights of the Child in 2005 stated:

“People and children with disability are the least cared for, and discrimination against them - both within the family and in society in general - is widespread in Nigeria.

...the population of people with a disability continues to increase alarmingly, but the country’s social services, including the sector providing assistance to disabled children, remain poor. There are few specialised institutions for disabled persons, but most of them are run by NGOs and lack appropriate facilities, in spite of some governmental funding.

...the State report [Second Periodic Report by Nigeria to the CRC] to the [UN] Committee [on the Rights of the Child] notes that ‘some efforts are being made in Nigeria to provide for the full realisation of full development and enjoyment of life by disabled children.’ But it also recognised that these efforts are inadequate and that ‘awareness in the situation and plight of disabled children is lacking [...]’. It also admits that ‘[...] financial allocation for this special group of children is low’, and that ‘training of professionals/caregivers has not been encouraged by the government over the last years.’ ” [39] (p21)

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CHILD MARRIAGE

24.10 The British-Danish 2008 FFM Report stated:

“United Nations [International] Children’s [Emergency] Fund (UNICEF) officials based in Abuja explained that the definition of a child (especially relating to age) is not universal in Nigeria. According to the Convention for the Rights of the Child and the Child Rights Act in Nigeria, a child is defined as a person who is under 18 years of age. For many people - especially in the north of the country - a child is ready for marriage at the moment puberty starts. Some states in the country have passed legislation prohibiting child marriage. There is a clear relation between child marriage and the Islamic faith.” [20] (p29)

24.11 The OMCT report for the 38th session of the United Nations Committee on the Rights of the Child in 2005 stated:

“In Nigeria, due to inconsistencies in legislation and the absence of any stipulation of a minimum age for marriage before the adoption of the Child Rights Act 2003, early marriages continue to take place, in many cases as a means to preserve chastity. Section 18 of the Marriage Act allows persons under the age of 21 to get married, provided that parental consent is given. The State report [Second Periodic Report by Nigeria to the CRC] admits that ‘the age of marriage is a highly controversial issue and varies from place to place. Whereas in the North West and North Central Nigeria, 14 years is the age of marriage, in the North Central part the age of marriage is between the 2nd and 3rd menstruation, while in the Southern States it varies from between 16 to 18 years.’ The federal authorities seek however to make 18 the minimum age of marriage, not only in law, but also in practice.

Nevertheless, customarily positions on that issue and important parts of the population are still not aware of the negative effects early marriages can have on girls. In most cases, it limits the opportunities for girls to accede to education, putting them in a disadvantaged position. Indeed, 36 million Nigerian women and girls are not educated. But, even more worrying, early marriage can also be detrimental to [a] girl’s physical, mental and emotional health: apart from the fact that it deprives girls from their right to have control over their body and reproductive health, it puts them in a position of complete dependency from their husband.” [39] (p17-18)

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CHILD TRAFFICKING

- 24.12 A United Nations International Children's Emergency Fund (UNICEF) information sheet on child trafficking in Nigeria, dated March 2007 stated that:

"The trafficking of children for the purpose of domestic service, prostitution and other forms of exploitative labour is a widespread phenomenon in Nigeria. In view of the clandestine nature of trafficking, accurate and reliable figures are hard to get.

...the FOS/ILO National Child Labour Survey (2003) estimates that there are 15 million children engaged in child labour in Nigeria with 40% of them at the risk of being trafficked both internally and externally for domestic forced labour, prostitution, entertainment, pornography, armed conflict, and sometimes ritual killings.

Nigeria is a source, transit and destination country for child trafficking. Currently, external trafficking of children exists between Nigeria and Gabon, Cameroon, Niger, Italy, Spain, Benin Republic and Saudi Arabia.

The NAPTIP/UNICEF Situation Assessment of Child Trafficking in Southern Nigeria State (2004) reported that 46% of repatriated victims of external trafficking in Nigeria are children, with a female to male ratio of 7:3. They are engaged mainly in prostitution (46%), domestic labour (21%), forced labour (15%) and entertainment (8%). Internal trafficking of children in Nigeria was also reported to be for the purpose of forced labour (32%), domestic labour (31%) and prostitution (30%). Boys are mostly trafficked from the south eastern states of Imo, Abia and Akwa-Ibom to Gabon, Equatorial Guinea and Congo, while those from Kwara go to Togo and as far as Mali to work on plantations.

...there are diverse reasons why many Nigerian children are vulnerable to trafficking, including widespread poverty, large family size, rapid urbanization with deteriorating public services, low literacy levels and high school-drop out rates. The demand for cheap commercial sex workers in countries of destination strongly contributes to the growth of this phenomenon and the success of this criminal network. Parents with a large family, often overburdened with the care of too many children, are prone to the traffickers' deceit in giving away some of their children to city residents or even strangers promising a better life for them.

Traffickers exploit the trust of people in a widespread, culturally accepted common practice in West Africa of placement and fostering as part of the extended family safety net. In some instances, desperately poor and uninformed parents willingly co-operate with the traffickers, giving away their children in exchange for a small fee. In the hands of unscrupulous guardians, these children are increasingly trafficked and exploited for money.

The poor economic situation in Nigeria has led to unemployment and high rates of school drop-out. These circumstances have created a large pool of inactive and unengaged children and adolescents who are much more vulnerable to trafficking than their peers who go to school. The motivation, especially of teenagers, to find work away from home is often driven by the increasing taste for material things. For many others it is a question of bare survival.” [19]

- 24.13 A report dated January 2005, published by the African Network for the Prevention and Protection against Child Abuse and Neglect (ANNPPCAN), stated:

“Trafficking in children for the purpose of domestic services or prostitution, is a relatively new phenomenon that has received wide media coverage in Nigeria but has been the subject of few research studies. In view of the clandestine nature of trafficking, accurate and reliable information on the phenomenon is sparse. The only recent study on child trafficking was conducted on behalf of [the] ILO [International Labour Organisation] in locations that were already suspected to have a high population of trafficked children. These were sites in Owerri, Port Harcourt, Calabar, Lagos, Kano, Sokoto and Maiduguri.

There has been some form of confusion between commercial trafficking and migration through traditional fostering arrangements, which have traditionally been a common practice in Nigeria. The trafficking of children is not purely a local phenomenon, within Nigeria’s borders. It has a significant regional and international dimension too. It is a well-known phenomenon that children are being smuggled across international frontiers, mainly for menial work in the heavily immigration-dependent economy of Garbon [Gabon], plantation work in Cameroon and commercial sex work in Europe.

...great concern has been expressed by professional[s], NGO’s [sic] and [the] Federal Govt. of Nigeria of the magnitude of the problem posed by child trafficking in Africa and Nigeria in particular. A lot of workshops, conferences, [and] media briefings [have been held] to discuss issues such as child trafficking, child labour, policy responses to child trafficking, HIV/AIDS, poverty, political/socio-cultural challenges, lack of vocational and economic opportunities for youth, with a view to finding a lasting solution.” [48]

(See also section 31 on Trafficking)

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GOVERNMENT AND UNICEF EFFORTS TO TACKLE CHILD TRAFFICKING

24.14 The Nigerian government and UNICEF are concerned about child trafficking and have taken measures to tackle it, as a UNICEF information sheet dated March 2007 on child trafficking in Nigeria stated:

“In July 2003, the Trafficking in Persons Prohibition and Administration Act was passed in Nigeria, a legislative framework that prohibits all forms of trafficking in persons and protects children and adults against criminal networks. As a result of the law, the National Agency for the Prohibition of Trafficking in Persons and Other Related matters (NAPTIP) was established to fight human trafficking through investigation of cases, prosecution of criminals, rescue and rehabilitation of victims. NAPTIP has opened shelters to host rescued/repatriated children while investigations are being carried out and the families identified.

NAPTIP working closely with Police, Immigration and Civil Society Organizations have achieved the following results:

- **Investigation and Arrest** [bold in text of source document]
 - Investigation of over 64 cases in 2006.
 - Since 2005, prosecution and conviction of 12 traffickers who are presently imprisoned.
 - 32 cases currently at different stages of prosecution in the law courts.
- **Rescue and Rehabilitation** [bold in text of source document]
 - A total of 757 victims have been rescued between February 2004 and December 2006, including 6 babies.
 - 73 victims rescued and counseled in 2004.
 - 387 victims were rescued and counseled in 2005.
 - 384 victims rescued and counseled in 2006.

Most of these victims are Nigerian females, while a smaller number are Beninese, Togolese and Ghanaian.

...one major development was the signing of a cooperation agreement to fight child trafficking, between the Federal Republic of Nigeria and the Republic of Benin in June 2005. The document provides notably for a joint security surveillance team that will patrol the borders of both countries. The Nigerian Government is currently discussing new bilateral agreements with Niger and Cameroon.

In July 2006, a regional conference was jointly organized by ECOWAS [Economic Community of West African States] and ECCAS [Economic Community of Central African States], in Abuja, with [the] active participation of NAPTIP. Supported by UNICEF [United Nations Children’s Fund], ILO [International Labor Organization], UNODC [United Nations Office on Drugs and Crime], IOM [International Organization for Migration], and the Office of the Special Adviser to the President on Trafficking in Persons, the conference was designed to share country experiences and to develop a common platform of action against trafficking in persons in West and Central Africa. To this end, a ‘Multilateral Co-operation Agreement on Combating Trafficking in Persons, especially Women and Children’ was signed by 18 member states.

...apart from direct interventions to address child trafficking, UNICEF's priority is to build a protective environment to prevent the abuse, violence and exploitation of children throughout the country.

Right from the national Agency's inception, UNICEF supported the institutional capacity building of NAPTIP and helped in establishing an anti-trafficking network in 22 Southern and Northern States. UNICEF also gives assistance to NAPTIP shelters and trains their staff in psycho-social rehabilitation skills so that they can give an adequate support to children.

To prevent young people from being trafficked, UNICEF has facilitated the establishment of Youth Resource centers with the support of [the] Swedish International Development Agency (SIDA) and the UK National Committee. These centers provide health promotion, skills training, recreational services, legal support and information to young people.

...UNICEF supports an active network of NGOs working against trafficking and helping victims. Action by the Civil Society Network against child trafficking, labour and abuse in Edo, Lagos, Cross Rivers, Rivers, Taraba, Osun and Kano states and the F.C.T, resulted in about 14,000 children having improved access to general information in trafficking; 43 children were reunited and reintegrated back into their families and 1,317 had access to life skills/vocational training and counselling. Through these NGOs, children gain access to education, vocational training and health care.

In addition, particular attention has been given to media, advocacy, and sensitization work. This has led to investigative reporting, editorials, posters, radio dramas and jingles on trafficking." [19]

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FEMALE GENITAL MUTILATION

- 24.15 The OMCT report for the 38th session of the United Nations Committee on the Rights of the Child in 2005 stated:

“The age of [female genital] mutilation varies from 3 months to 17 years or just about the first pregnancy. Any state interference into the practice of FGM is considered as a violation of the rights to privacy. Yet, many girls face several health risks through this, including of HIV infection due to unhygienic methods that accompany the practice.

The State Report [Second Periodic Report by Nigeria to the CRC] mentions that ‘the Bill on Female Genital Mutilation has gone through the lower house, and will go through the upper house before the president can sign it into law.’ But to date, the law has not been adopted.

...however, some states passed laws prohibiting female circumcision and genital mutilation. In the report of the Nigerian government to the CRC, the ongoing existence of FGM and other harmful traditional practices is recognised and efforts to combat it are reportedly undertaken. Due to public enlightenment and mobilization efforts by groups of civil society, as well as increased enrolment of girls in schools, reported cases of FGM are diminishing. Nonetheless, the practice remains widespread in Nigeria and the proportion of the female population having undergone genital mutilation [is] high.” [39] (p18-19)

(See also section 23.17 on Women: Female Genital Mutilation and the Home Office Border Agency Report on FGM
<http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>)

PROVISIONS FOR ORPHANS AND ABANDONED CHILDREN

24.16 The British-Danish 2008 FFM Report stated:

"Obiagwu (LEDAP) stated that if children were orphaned and were not looked after by their extended family, the state had a duty to look after them. In the case of unaccompanied children being returned to Nigeria, the social services department in each state would have the responsibility under the Child Rights Act to reunite them with their parents. However, according to members of the NGO Civil Liberties Organisation (CLO), there are no federal government departments or agencies in Nigeria that take responsibility for looking after orphans or abandoned children. They stated that the only organisations involved with deprived children were NGOs such as the Children's Organisation and Project Alert, which attempt to rehabilitate children.

The CLO officials stated further that there are some facilities for orphans or abandoned children provided by state governments, but these are few and far between, and do not even provide a basic minimum standard of care for the children they are responsible for. They mentioned that there are state-run centres in Enugu, Ogun, and Kaduna, where the state governments were not doing anything to help the children, and children were running away from the centres because of the poor conditions there. They stated that in Nigeria the federal government and state governments do not run a social service system of the type that exists in developed countries such as those in Europe. Orphaned or abandoned children are expected to be looked after by their relatives." [20] (p29)

24.17 The British-Danish 2008 FFM Report further stated:

"The FFM delegation also looked at the provisions for orphans and abandoned children in privately run orphanages, for which purpose they visited the 'Arrows of God' orphanage in Lagos.

The Director of the 'Arrows of God' orphanage, Rev. Lieutenant Colonel Deborah Chinwe Ogo (retd), stated that the orphanage is one of eight Lagos State-approved orphanages in the area. These 'approved orphanages' are orphanages that are registered with the Lagos State Government and with the federal government, and have been given official approval to function as orphanages. Quarterly meetings are held with the other orphanages and representatives of the federal government and other organisations. She added that the orphanage has a family tracing service.

The FFM delegation noted that the orphanage building was small and dilapidated but construction work was being carried out at the time of the visit in September 2007. The Director of the orphanage explained that the orphanage provides basic facilities for the children who live in it such as cookers, baths, toilets and communal bedrooms. The children receive regular meals. The orphanage is connected to the national electricity supply network and has a generator to provide electricity when the power supply fails.

The Director of the orphanage stated that most of the children in the orphanage are referred to it by the police, although some come from church organisations. Any disabled children, i.e. deaf or dumb, are looked after at a branch of the orphanage in another part of Lagos. The orphanage took in babies and children up to 19 years of age. They also arranged for the adoption of children up to the age of three. At the time of the FFM visit, the orphanage had 180 children under its care, some of whom boarded at school or university. The orphanage is run by volunteers and receives funding from voluntary donations. Children are taught at the orphanage from kindergarten to primary school level. Depending on how their education has progressed, they then can go to secondary school at the ages of 10, 11 or 12. [20] (p31)

The Director of the orphanage stated that all children brought to the orphanage are given a blood test, and if they are found to be HIV positive they are referred to the Mother Theresa Home in Lagos where they have facilities for dealing with the disease. Likewise, those with physical disabilities and those that are blind are referred to the Government School for the Disabled and the Government School for the Blind respectively. The government also runs an orphanage for children with disabilities. The Director of the orphanage said that the Lagos State Government does run some orphanages but she did not know to what extent the State Government funds these orphanages or what their facilities are like. As far as she was aware, the federal government does not run any orphanages in Lagos State. She was aware that there were orphanages in other parts of the country but did not know how many. As far as the children's general health is concerned, the orphanage has an arrangement with a private hospital, the J Rapha Hospital, for the children to be treated and payment to be made, as and when the orphanage can afford it." [20] (p32)

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25. MOVEMENT FOR THE ACTUALISATION OF THE SOVEREIGN STATE OF BIAFRA (MASSOB)

25.01 The Landinfo 2006 FFM report stated:

"MASSOB sees itself as a successor to the Biafra political leaders of the 1960s. In doing so, MASSOB understates the fact that the organisation was only established in the late 1990s, choosing instead to evoke a continuing separatist struggle since the proclamation of the Biafran republic on 30 May 1960.

Bukhari Bello (NHRC) pointed out that the link between the current MASSOB leadership and the Biafra separatists of the late 1960s is in fact weak. In his opinion, it seems that Ralph Uwazuruike was not known to the 1960s Biafra leaders before MASSOB started its activities in the late 1990s. [40b] (p14)

Other sources have stressed that the memories of the Nigerian civil war are still strong, especially among Nigerians old enough to remember it.

...it is difficult to assess how much popular support to MASSOB actually has. Festus Keyamo, Legal Practitioner and Legal Adviser to [the] Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), claimed that MASSOB enjoys large grassroots support among Igbos [also known as Ibos], and that Igbo marketwomen, motorcycle drivers and similar people pay a voluntary tax to the organisation. He denied claims that have come up in [the] Nigerian media that the MASSOB leadership should be forcing people to contribute funds to the organisation. According to Keyamo, 'we have to differentiate between supporters and members. I believe we have the support of some 80% among Igbos'. He did not forward any figures concerning membership in the organisation.

Bukhari Bello (NHRC), on the other hand, stated that MASSOB does not enjoy majority support even in core Igbo areas of Nigeria.

Mark Fiedrich, the Head of Sector (Good Governance) of the European Commission's Delegation to Nigeria, stated that it was his impression that MASSOB does enjoy popular support among Igbos. He mentioned the grievances within the Igbo community regarding a lack of representation on a high level in Nigerian politics as one possible reason for such support, but also pointed out that the frustration out of which popular support grows, is similar to the frustration felt by Nigerians from other ethnic groups. It is thus not unique to Igbos.

Tom Ashby, Reuters Chief Correspondent in Nigeria, was of the impression that MASSOB has quite a lot of support, especially among young, unemployed Igbos in Igboland who cannot remember the civil war in the late 1960s.

None of our sources, including Festus Keyamo, backed claims that people are assumed to be MASSOB supporters just on the basis of being Igbos. Neither did anyone state that Igbos who support MASSOB's political aims and views, but who do not participate in political meetings, demonstrations, etc, are targets of harassment or persecution. [40b] (p15)

...according to Festus Keyamo (lawyer of MASSOB), people brought in by the police during MASSOB events are mainly detained, but usually not maltreated. MASSOB's attorneys are generally given access to MASSOB members in police custody. On the other hand, he stated that the State Security Service (SSS) does maltreat MASSOB activists during investigations. The SSS does not give MASSOB's attorneys access to MASSOB members in custody, unless there is a court order, and even then it can be difficult to get access.

...Festus Keyamo (lawyer of MASSOB) stated that MASSOB has no records of ordinary members being arrested, except if they participate in events organised by MASSOB. He added that being in possession of Biafra currency and/or the Biafra flag also can lead to arrest. According to Keyamo's figures, more than one hundred MASSOB supporters were in detention as of March 2006 - of these, twelve (including Uwazurike) are in Abuja, others in Aba, Onitsha and Kaduna. Many of these have not been charged. Keyamo stated that when MASSOB members are actually charged, the charge is generally 'belonging to an illegal organisation'. If caught with leaflets or similar objects (like the Biafra currency and/or flag), they may be charged with 'treasonal felony'.

According to Keyamo, Ralph Uwazurike is badly treated in prison, and he and his team have complained to the court regarding Uwazurike being chained to the floor and other forms of maltreatment.

Festus Keyamo (lawyer of MASSOB), stated the following on behalf of MASSOB leader Ralph Uwazurike:

'the MASSOB leadership has decided that members should stay in Nigeria and fight for self-determination within the country. No decision has been taken to send MASSOB activists abroad to continue the struggle from outside.

'most asylum seekers claiming MASSOB membership are fraudulent and may have no connection to MASSOB. When people contact MASSOB for support and substantiations of their asylum claims (either while still in Nigeria or from abroad), MASSOB turns them down. This is also the case when (potential) asylum seekers offer MASSOB money for such letters of support'." [Quote in italics in document]

Keyamo went as far as to say the following:

'We encourage you to deny asylum to people who claim asylum as MASSOB members. The MASSOB policy is to stay in Nigeria to dare all consequences and fight for self-determination. It is unfair that fortune seekers go abroad and use the platform of MASSOB to claim asylum'." [Quote in italics in document] [40b] (p16)

25.02 The USSD 2007 Human Rights Report noted:

“Members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo [Ibo] states as its prime tenets, initiated frequent violent clashes with the government, particularly in Onitsha, Anambra state. Police sometimes reacted by arresting large numbers of MASSOB members. Most of the 69 members arrested in a June 2006 sweep remained in detention at year’s end [2007].

In July [2007] a hearing resumed on the bail application of detained MASSOB leader Ralph Uwazurike, who was arrested with six of his deputies on treason charges in 2005. On October 26 [2007], a federal high court judge permitted Uwazurike to leave detention for three months to attend his mother’s funeral. At year’s end [2007] Uwazurike had not returned to detention, and it was unclear whether his trial would begin.” [3a] (Section 1d)

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26. MILITIA GROUPS IN THE DELTA REGION

BACKGROUND

- 26.01 A Global Security report about the Delta region of Nigeria, published in December 2006, stated:

“The Delta, in part because of its riverine/swamp topography, has historically been politically extremely fragmented, and subject to frequent and at times violent disputes over land and fishing rights, as well as over traditional leaders’ political jurisdictions. These all lead to cycles of ‘revenge violence’. As more powerful weapons became available in the Delta in the mid- and late-1990s, disputes became more violent. Youth gangs became more powerful who were willing and able to protect their villages and elders.

There is an inevitable and serious conflict of interest between Delta communities that bear the environmental damage of oil extraction and the rest of the nation for which oil money is essentially a free good. Delta populations, clearly a minority, regularly lose these struggles...there is a deep distrust in the Delta concerning the federal government and a feeling among local populations that most other Nigerians care little for their problems, so long as the oil flows.

...as a result of these factors, and because oil companies did and do make tempting targets, many aggrieved youths in the Delta resort to direct action to extract compensation for their perceived losses. They invade oil company properties, take employees hostage, and shut down facilities. Oil companies typically negotiate release of captured personnel and properties with relative ease by paying the youths modest ransoms.” [33]

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THE NIGER DELTA PEOPLE'S VOLUNTEER FORCE AND THE NIGER DELTA VIGILANTE

26.02 The HRW briefing paper 'Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State', published in February 2005, reported that:

"On September 27, 2004, the leader of a powerful armed group threatened to launch an 'all-out war' in the Niger Delta - sending shock waves through the oil industry - unless the federal government ceded greater control of the region's vast oil resources to the Ijaw people, the majority tribe in the Niger Deltas. The threat, made by Alhaji Dokubo Asari, leader of the Niger Delta People's Volunteer Force (NDPVF), followed the deployment of federal government troops to quell months of intense fighting between the NDPVF and a rival armed group, the Niger Delta Vigilante (NDV), led by Ateke Tom. The threat also provoked an immediate response from multinational oil companies, global financial markets, and Nigerian government officials.

...a Human Rights Watch fact-finding mission to Rivers State in November 2004 found that months of fighting between the armed groups has led to serious human rights abuses against ordinary Nigerians. The violence between Asari's NDPVF and Tom's NDV [Niger Delta Vigilante] occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since 2003, the running fight for control of these villages and towns has resulted in the deaths of dozens of local people and forced tens of thousands to flee their homes. Schools and businesses have closed, and homes and property worth millions of dollars has [sic] been destroyed. Hundreds of mostly young male fighters have also been killed. The violence has created a profound climate of fear and insecurity in Rivers State, leaving local people reluctant to return to their homes or to seek justice for the crimes committed. [22d] (p2)

The recent violence in Rivers State is primarily the result of a struggle between the NDPVF and rival NDV for control over illegal oil revenues. Underlying the conflict are several key issues that fuel the violence, including: the manipulation of frustrated youth by political leaders, traditional elites, and organized crime syndicates involved in oil theft; the impact of oil money on community politics; crushing poverty and youth unemployment; and the widespread availability of small arms and other lethal weapons. Human Rights Watch found strong evidence to suggest that senior members of the state government at one time gave financial or logistical support to Asari and Tom, laying the foundations for a later conflict that would spin out of control. Both the leaders of armed groups and their backers have been emboldened in their acts of brutal violence by the prevailing culture of impunity. Across the Niger Delta, as throughout Nigeria, impunity from prosecution for individuals responsible for serious human rights abuses has created a devastating cycle of increasing conflict and violence. [22d] (p2-3)

Although the violence across the Niger Delta has manifested in different forms - in Warri it is seen as a conflict between Ijaw and Itsekeri ethnic militias, in Rivers State as a battle between Ijaw groups - it is essentially a fight for control of oil wealth and government resources. The violence in Port Harcourt has been perpetrated by two rival armed groups and their affiliates who battled to control territory and lucrative oil bunkering routes. [22d] (p3-4)

...both Asari's NDPVF and Tom's NDV are primarily comprised of young Ijaw men from Port Harcourt and nearby villages. In addition to these two groups, there are, according to the state government, more than 100 smaller armed groups, known locally as 'cults'." [22d] (p4)

THE GOVERNMENT'S RESPONSE TO THE MILITIA VIOLENCE

26.03 The HRW 2005 briefing paper stated:

"During the course of the 2004 violence in the villages in and around Port Harcourt, the police army and navy failed to take sufficient action to secure the lives and property of the local residents. In almost all areas, local people reported to Human Rights Watch the absence or inability of the security forces to deal with the violence. Several participants and eyewitnesses to the clashes in Port Harcourt told Human Rights Watch that although they attempted to contact the police during the clashes, they arrived on the scene well after the attackers had left, if at all. When questioned about this the State Commissioner of Police told Human Rights Watch, 'the police don't have the fire power in comparison to the militia.' Several members of Asari's NDPVF described to Human Rights Watch how the police, rather than act to stop the clashes or protect lives and property, stood by while Tom's NDV attacked during clashes between the two armed groups. [22d] (p17)

...moreover, very few individuals responsible for organizing or carrying out the attacks appear to have been arrested or prosecuted. Although the State Commissioner of Police told Human Rights Watch that over 200 people had been arrested and charged since the passage of the 'Secret Cult and Similar Activities Prohibition Law' in June 2004, local NGOs and members of the Port Harcourt communities affected by the violence in August 2004 reported to Human Rights Watch that very few people had been arrested in the aftermath of those attacks. From interviews with members of both the NDPVF and NDV, Human Rights Watch concludes that of the few arrests made during the clashes, most were of low-level fighters or, in some cases, those unconnected to the incidents, seemingly in an attempt to show action was being taken. In other cases, members of the armed groups told researchers how their fellow fighters were released shortly after arrest or following the payment of a bribe to police officers. [22d] (p17-18)

...in May 2004, the state government constituted a joint internal security operation, involving the army, navy and police in response to the rising tide of violence in the state. As fighting between Asari's NDPVF and Tom's NDV, intensified, security forces carried out operations in Ogbakiri, Buguma, Tombia and Amadi Ama between June and August. The objective of the operation, under the overall command of the police, was to 'maintain law and order and ensure the militia members were brought to book. [22d] (p18)

...national and international press at the time reported the death of scores of people killed by Nigerian security forces, in particular during operations in Ogbakiri at the beginning of June 2004. The difficulty in locating villagers who witnessed these events and, given their fear of the armed groups, prepared to talk about their experiences presented a challenge to Human Rights Watch researchers to confirm the precise nature of these incidents and the number of people killed. [22d] (p18-19)

Following the attacks by Asari's NDPVF on Port Harcourt at the end of August 2004, Rivers Governor Peter Odili requested the intervention of the federal government. On September 4, 2004, President Obasanjo approved *Operation Flush Out 3*, a joint operation comprising the Nigerian army, navy, airforce and police. According to an army public relations officer, Captain Onyema Kanu, the operation's objective was, 'to cleanse the state of illegal weapons'. Around the same time, the governor's chief of staff, initiated a behind-the-scenes effort to forge a peace agreement among several of the 'cult' groups affiliated with Asari's NDPVF and Tom's NDV in 2003." [22d] (p19)

26.04 The HRW 2005 briefing paper stated:

"The Nigerian government first publicly dismissed Asari's September 2004 threat of 'all out war,' calling him a 'gangster' and 'criminal.' Later in the month, however, Nigerian President Olusegun Obasanjo invited Asari and Tom to the capital, Abuja, to broker an agreement to end the fighting. On October 1, 2004, Asari and Tom agreed to an immediate ceasefire, the 'disbandment of all militias and militant groups,' and total disarmament. At this writing, attacks have sharply diminished. However, the agreement - as currently structured - offers only short-term prospects for stability and the protection of the local population. [22d] (p3)

The federal government initiative, headed by President Obasanjo to bring Asari and Tom to the negotiating table resulted in the signing of the October 1, 2004 agreement between the two armed groups...Since then [1 October 2004] there have been several meetings between government officials, leaders of the various armed factions, and civil society representatives. The parties drafted a more comprehensive agreement which addressed two major issues: the disarmament of Asari's NDPVF, and Tom's NDV, and their affiliated 'cult' and youth group members, and the re-integration of these groups into society. In addition, numerous local committees have been established to monitor progress on these issues and examine the underlying causes of violence.

To encourage disarmament, the state government offered U.S. \$1800 for the return of each assault rifle surrendered. The state government also offered members of the armed groups amnesty from prosecution and the release of members held in detention in exchange for weapons. Although at this writing disarmament was progressing - as of mid-December [2004] the army claimed some 1100 weapons had been turned in - this number is a small fraction of the weapons believed held by the armed groups. There are also reports that very old weapons are being traded to claim the financial reward, while newer, more sophisticated models remain in the hands of the fighters. [22d] (p20)

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MOVEMENT FOR THE EMANCIPATION OF THE NIGER DELTA (MEND)

- 26.05 The International Crisis Group report 'The Swamps of Insurgency: Nigeria's Delta Unrest', published in August 2006, stated:

"Among the latest rebel groups to emerge is the Movement for the Emancipation of the Niger Delta (MEND). Apart from resource control, the group threatens to immobilise the oil industry unless demands for government and corporate compensation for decades of environmental damage and the release of two imprisoned ethnic Ijaw leaders are met. Attacks since December 2005 have cut production by 500,000 barrels of oil per day. Two car bombings in April 2006 were designed, a spokesman suggested, to send the message the group has increased its capabilities and can and will use more violent tactics if forced to do so.

MEND has destroyed pipelines and claimed responsibility for attacks that have killed at least 29 security force members, including a 15 January 2006 strike against Shell's Benisede flow station that badly damaged the facility and left fourteen soldiers and two civilian contractors dead. A militant close to MEND asserted the flow station was chosen as a target in part as retaliation for the shooting of civilian protesters in 2004. The group has also claimed responsibility for a majority of the 25 foreign oil workers taken hostage since January [2006]. All have been released, apparently after their propaganda value waned or, in some cases, ransom was paid. MEND's spokesman conceded that holding hostages was a drain on the movement's resources and a security risk for host villages. In April [2006], he said the movement would concentrate on attacking facilities and damaging its enemies rather than taking prisoners. [17b] (p1)

MEND is attempting to become an umbrella organisation for other rebel groups in the region. Its numbers, while difficult to estimate, likely range from the high hundreds to the low thousands. Its various elements have a great deal of operational latitude but the sophistication and communication capabilities among and between them is increasing. Some of these elements alternate between identifying themselves as MEND and operating under other names." [17b] (p1-2)

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27. VIGILANTE GROUPS

- 27.01 The United Nations (UN) Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, dated January 2006, stated that:

“While ‘vigilante’ groups play a major role in Nigeria, definitional issues are crucial to understanding the situation. The term covers a wide spectrum of groups ranging from community policing through problematic ethnic-based vigilantes, to state-sponsored or supported gangs. Because many of the groups have been openly or covertly supported by State officials, they cannot be considered classical non-state actors. The right of citizen arrest is often invoked to justify the groups’ activities.

Among the most violent have been those established to defend commercial interests in urban areas. While they may carry out some ‘policing’, they also undertake debt collection, crime prevention, extortion and armed enforcement services. The Bakassi Boys for example, is a group active mainly in Abia, Anambra and Imo states that has been responsible for many extrajudicial executions, often carried out publicly. They patrol the streets in heavily armed gangs, arrest suspects, determine guilt on the spot and exact punishment, which may involve beating, ‘fining’, detaining, torturing or killing the victim. The Bakassi Boys are tacitly supported by state governments and one has accorded them official recognition.” [26b] (p20)

- 27.02 The UN Commission 2006 report stated further:

“While there is a benign traditional concept of vigilantism in Nigeria, many groups have moved far beyond the appropriate limits. Too many have evolved into highly armed criminal gangs, or gangs doing the political bidding of their paymasters. State governments have generally supported this expanded role while imposing no form of regulation or accountability.

...the rise of vigilantism and the undeniably significant public support for some groups partly reflects the failure of the Nigeria Police to address high violent crime rates. However, the lack of public trust and confidence in the police cannot be used to justify the violent and illegal acts of untrained, unregulated and unaccountable armed groups.” [26b] (p21)

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28. THE O'ODUA PEOPLE'S CONGRESS (OPC)

28.01 According to information dated March 2008 published by the American National Consortium for the Study of Terrorism and Responses to Terrorism (START):

"The Odua People's Congress was founded in 1995 by Dr. Frederick Fasehun as a nationalist Yoruba advocacy group composed of activists and tribal leaders. However, an armed militant group split from the OPC in 1999 and since has become dominant over its peaceful parent organization, though the Nigerian government treats the two groups as one entity. This militant wing seeks to achieve the independence of all native Yoruba lands from Nigeria. Hailing from southwest Nigeria, the Yoruba people, who at 30 million make up about 21% of Nigeria's population, are the second largest ethnic group in the country behind the Hausa at 29%. According to Yoruba legend, Odua was the deity sent from heaven to create and inhabit the earth.

The year 1999 was a turning point for the OPC. The Presidential Elections held that February brought General Olusegun Obasanjo into office. Despite being ethnically Yoruba himself, Obasanjo was unpopular among Yoruba due to his career in the military, which is traditionally dominated by the northern Nigerian ethnic groups responsible for the oppression of many southern ethnic groups such as the Yoruba.

...meanwhile, a militant faction of the OPC was mobilized by young firebrand Gani Adams (aka Ganiyu Adams), who then claimed legitimate authority over the whole group. In effect, this split the OPC into two branches, one violent and one non-violent. Adams has a separatist agenda, seeking full independence for the Yoruba people, and does not hesitate to use force to achieve his goals...the OPC's militant wing is known to conduct small-scale attacks on police targets with primitive explosives like gas and sulfuric acid bombs as well as small arms.

...observers assert that Adams' radical faction has hijacked the OPC and used it as a vehicle for its violent anti-government, anti-police, and anti-military vigilante agenda. Fasehun, mostly due to his disinclination towards resorting to violent means, is losing influence in the Yoruba community. Still, like Adams, Fasehun has been detained and released without trial several times by Nigerian authorities." [41]

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29. THE OGBONI SOCIETY

- 29.01 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response, dated 12 July 2005, about the Ogboni Society. A Professor of Political Science of Nigerian origin and an American Associate Professor of Anthropology were consulted about the Ogboni Society. The IRB research response stated:

“With regard to how to describe the Ogboni, the political science professor said that members of the Ogboni ‘society’ would likely take offence at having their organization referred to as a ‘cult’ or a ‘secret society’ and would probably refer to themselves as a ‘lodge’ similar to that of the Masons (13 Apr. 2000). The anthropology professor said that in Nigeria the Ogboni are commonly referred to as [a] ‘secret society’ by Nigerians, but that Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage, etc (14 Apr. 2000).

...the American-based scholars stated that they knew nothing of any Ogboni rituals as its members are sworn to secrecy. Based on her knowledge of other similar groups, the anthropology professor said that initiation rituals would likely involve some mystical elements and ‘some sort of physical transformation’ (14 Apr. 2000).

The anthropology professor said that ordinary Nigerians would likely only come into contact with the Ogboni society if they ran afoul of one of its members (ibid.). She also stated that ordinary Nigerians are afraid of the society, believing that its members are capable of using sorcery in order to get their way. However, she said that she is not aware of members of the society using violence such as the university-based cults allegedly do, although some Nigerians believe that the university-based cults are conduits that feed members into organization such as the Ogboni (ibid.).

The American-based scholars said that membership fees are very high, that members already have considerable amounts of money prior to joining, and that individuals cannot simply ask to join. The anthropology professor said that her understanding was that someone with ‘money and connections’ could indicate their interest in joining to someone they knew to be a member and that members are generally not overtly secretive about their affiliation with the group (14 Apr. 2000). That member would then bring the matter to the Ogboni society where a decision would be made as to whether to offer membership to the interested person (ibid.). Both scholars stated that family connections sometimes play a role in the offer of membership, but the political science professor said that the invitation to join more often involved friends (13 Apr. 2000).

Both scholars emphasized that Ogboni members are members of Nigeria's financial elite and that Ogboni membership is often used as a networking tool in order to come into contact with persons who can improve one's financial position and/or power. The political science professor said that it is the 'benefits and privileges that attract' members to the Ogboni (13 Apr. 2000). The anthropologist professor said that it is both a social club and an 'enforcing agency' that members use to ensure that affairs in Nigeria are favourable to those with money and power (14 Apr. 2000)...the 'enforcing' aspect of the organization also involved disputes between Ogboni members in which the society is used as an adjudication tool, not only to resolve internal disagreements, but also to ensure that members follow the society's prescribed behaviour. However, she was unable to provide any information on what this expected behaviour is, since members do not discuss Ogboni matters with non-members (ibid.)." [38a]

- 29.02 As regards the issue of forcing people to join the Ogboni society, the IRB research response stated:

"With respect to the possibility of individuals being forced to join the Ogboni society, the political science professor said that he was not aware of any recent examples of persons being forced to join (13 Apr. 2000).

...on the other hand, the anthropology professor stated that forced membership in the Ogboni society might be possible, although it would not be common (14 Apr. 2000). She said that if a person's parents were members there could be an expectation that their progeny would join. If there was such an expectation, the parents could apply considerable pressure on the individual to join (ibid.)...The anthropology professor also stated that the Ogboni would not typically induct children as members (14 Apr. 2000). She said that membership would normally be offered to those considered to be elder or mature, with consideration given to whether the person was married and whether he or she had children, as these are indicators of an individual becoming a 'complete person' (ibid.).

The anthropology professor also described the only instance she could think of where the society might actively pursue a person who did not want to join (ibid.). If that person's parent(s) had 'dedicated' their child to the society, sometimes before birth, then the society could go after the person and force them to join to ensure the fulfilment of the parent's promise. She said that the person who had been dedicated might be raised unaware that their parent(s) were Ogboni member(s). As such, they might not be approached by the society until they were thought ready to join. This could be when the individual was 30 or 40 years old. She added that she was fairly sure that the persons she lived with in Nigeria who were Ogboni did not join until they were in their late thirties." [38a]

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30. STUDENT SECRET CULTS

30.01 The HRW 2007 report on political violence and corruption in Nigeria stated:

“Nigeria’s notorious ‘cult’ organizations are a particular variety of criminal gang that began as benign campus fraternities, the first of which emerged in 1952 when a group of University of Ibadan students, including future Nobel laureate Wole Soyinka, organized a fraternity called the Pyrates Confraternity. They have since proliferated and evolved into violent gangs that often operate both on and off campus, one foot each in the criminal and political spheres. Across much of Nigeria and especially in the south, ‘cult’ gangs are the most widely feared criminal enterprises in the country. The power and prevalence of these groups has grown steadily over the decades and especially since 1999. Many groups maintain ties to powerful politicians, some of whom themselves have associations with cult organizations dating back to their days at university. This is so even though some Nigerian states have passed laws expressly outlawing cult groups. [22e] (p23-24)

Cult groups in Nigeria are numerous and include groups such as the Buccaneers, the Black Axe, the Greenlanders, the Klansmen Konfraternity, and the Supreme Vikings Confraternity (or Vikings) along with many others. These organizations sow terror among the student populations of many university campuses in Nigeria, forcibly recruiting new members and waging battles between one another that have included the assassination of rival cult members and the killing of rival cult members and the killing of innocent bystanders.” [22e] (p24)

REASONS WHY STUDENTS JOIN CULTS

30.02 A report about student secret cults in Nigeria, written by Adewale Rotimi, and published in a 2005 edition of the Nordic Journal of African Studies, stated:

“Students are attracted to cultist groups for a variety of reasons. Generally the social atmosphere prevailing in the Nigerian universities provides an inspiring environment for secret cults to thrive. These may include, lack of virile student unionism, erosion of the traditional academic culture, absence of intellectual debates and all other activities that are components of traditional campus culture.

Those who eventually enlist in secret cult groups might have been compelled to do so because of ‘sagging egos’ that need to be boosted. Others join in order to have a sense of belonging and the need to be well ‘connected’. Still others may join because of the need for financial assistance, to secure girl friends or for self protection. Some students are also attracted to cultist groups because they are seeking after [sic] meaning, direction, comfort and love. Secret cultism seems to have special attraction for youths who are emotionally disturbed and distressed.

...the youths, especially those from broken homes, destitutes and youngsters who have flexible minds easily fall prey to the entreaties from cult members. Youngsters who are lonely, depressed, dejected, disoriented and frightened sometimes drift into the waiting arms of secret cultists. Apart from the categories mentioned above there are some youngsters who join secret cults out of sheer curiosity.” [4] (p82-83)

30.03 The Landinfo 2006 FFM report on Nigeria added further:

“Fraternity cults are a widespread phenomenon on university, polytechnic and college campuses in Nigeria, and their activities receive considerable media attention. Fear of persecution from such cults is a common asylum claim submitted by Nigerians in Europe and North America. Such claims refer to persecution in the form of extortion for money or services, pressure to join cults, threats to former cult members who have left the cult, sexual harassment (especially of female students), etc.

In media reports and other studies, names such as the Vikings, the Buccaneers (Sea Lords), the Amazons, the National Association of Seadogs, the Black Axe/Neo-Black Movement, the KKK Confraternity [sic], the Eiye or Air Lords Fraternity, the National Association of Adventurers and the Icelanders feature regularly. These names and similar ones are regularly evoked in Nigerian asylum applications submitted in Norway and elsewhere. [40b] (p19)

Bukhari Bello (NHRC) confirmed that university cults commit murders on university campuses. However, he informed us that his information on the subject came mostly from press reports about the phenomenon: ‘When I was in university, there were no such cults there’...Tony Ojukwu (NHRC) stated that university cults operate very differently from other secret societies, i.e. the secret brotherhoods of the elite, etc.

Cult groups, with names like the ones mentioned above, sometimes operate in several universities, but it is very difficult to tell whether groups with similar or identical names in different universities are actually connected, and feel obliged to assist each other. According to Tony Ojukwu (NHRC), university cults have powerful networks, and can use these to find and persecute people also outside their own university campus - in the local area but also elsewhere in the country through links to similar groups operating in other universities. Ojukwu stressed that although there is a certain risk of persecution outside university campus for someone who has angered student cultists, it only happens in very few cases.

Bukhari Bello (NHRC) showed considerably more scepticism towards university cults’ abilities to persecute people outside of their university campus, and stressed that only a small minority of university students are involved in cult activities. He explained the cultists’ behaviour and lack of inhibitions as a consequence of drug abuse.

...Tony Ojukwu (NHRC) stated that the influence of university cults is linked to the influential positions held by the cultists’ parents.” [40b] (p20)

RECRUITMENT AND INITIATION

30.04 The Adewale Rotimi 2005 report about student cults stated:

“Students who are sought after by secret cults vary in social backgrounds. They might be children of professors, judges, politicians, senior police officers and so on. The status of their parents in society guarantees them some protection from the claws of law enforcement agents in the event that they get into trouble. Initiation naturally follows recruitment.

The initiation process commences immediately after new recruits have been thoroughly screened. The first step in the initiation process is swearing an oath of allegiance and secrecy. As Thomas (2002) has observed, during an initiation ceremony, the eyes of the initiate are expected to be closed while some incantations are recited. New entrants are subjected to [a] thorough beating as a means of toughening them and testing their endurance for pain.

On the initiation day, the new entrants are made to drink some concoctions mixed with blood (Thomas 2002). Sometimes they are given some tough assignments like raping a very popular female student or a female member of the university staff. For the female cultists, their initiation may include being forced to engage in immoral activities.” [4] (p84)

CULT ACTIVITIES

30.05 The Adewale Rotimi 2005 report about student secret cults stated:

“Although the history of cultism on the university campuses in Nigeria dates back to some fifty years, its involvement in violence became manifest only some two decades ago. [4] (p84)

...on different campuses across the country, cults were in the forefront of promoting law and order.

...unfortunately, however, from the beginning of the 1980's, the activities of Confraternities became virulently violent and secrecy became their ways [sic] of life. Their activities included 'dealing' with any non-members who snatched a member's girl friend or 'sugar daddy' (in [the] case of female cultists). Their activities also included 'settling' lecturers in cash or kind (Okwe 2002)...From this period on, secret cults sprang up in the country like mushrooms with their activities assuming more devastating and dangerous proportions. They became nightmares to the general student communities, parents and successive military and civilian administrations.

It is almost impossible to accurately and empirically document the amount of crime resulting from secret cult activities. In Nigeria, the police remains the major source of crime data. Unfortunately, the police records do not indicate which crimes specifically result from secret cult activities. Consequently, possible crimes resulting from secret cult activities are diffused among such crimes as rape, manslaughter, arson and others.

According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for two decades now, policemen have been banned from operating on the university campuses in Nigeria. It is to be noted that former secret cult members hardly come out to share their experiences as cult members with the general public for fear of reprisals from members who are still active. Consequently, data on secret cult activities in Nigeria must be teased out of newspaper reports, magazines and occasionally from anonymous personal anecdotes.” [4] (p85)

INCIDENTS OF VIOLENCE

30.06 The HRW 2007 report on political violence and corruption in Nigeria stated:

“Reliable statistics about the on-campus human toll of Nigeria’s cult violence epidemic do not exist, but former Minister of Education Obiageli Ezekwesili estimated that some 200 students and teachers lost their lives to cult-related violence between 1996 and 2005. Cult-related clashes on university campuses continue to occur regularly, especially in southern Nigeria. Cult groups have also been implicated in widespread other abuses including extortion, rape and violent assaults. [22e] (p24)

The reach of many cults has spread far beyond university campuses, with many groups involved in drug trafficking, armed robbery, extortion, oil bunkering, and various forms of street crime. Alongside all of this, many politicians mobilize local cult members as the foot soldiers of political violence. Some politicians are themselves members of cult organizations.” [22e] (p24-25)

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31. TRAFFICKING

OVERVIEW

- 31.01 Nigeria is a country where people trafficking is prohibited by law but is practised and is a serious problem. People are trafficked into and out of the country as well as within the country. Information about the practice is provided in the USSD 2007 Human Rights Report which stated:

“The country was a source, transit, and destination country for trafficked persons during the year [2007]. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for [the] Prohibition of Trafficking in Persons (NAPTIP) came from Akwa Ibom and Edo states. In August 2006 the executive director of the Women’s Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in sourcing, transit, and exporting persons to other countries. In 2005 the International Labor Organization (ILO) estimated that 40 percent of child peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution and domestic labor to Italy, France, Spain, Norway, Belgium, the Netherlands, Ireland, the United Kingdom, and countries in West and Central Africa. UNICEF estimated between 50,000 and 70,000 African female trafficking victims were in Italy for prostitution, of which 70 percent were from Nigeria. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated approximately 5,000 Beninese children were trafficked into Abeokuta, Ogun State, and forced to work in the granite mines.

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

The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year [2007]. Many were organized into specialities, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly [with] victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic to threaten victims with curses to procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger and Morocco.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50,000 naira) to \$1,500 (200,000 naira).” [3a] (Section 5)

- 31.02 The International Organization for Migration (IOM) 2006 report ‘Migration, Human Smuggling and Trafficking from Nigeria to Europe’ stated further:

“The widespread wish to emigrate, combined with the obstacles, create favourable conditions for trafficking. Young women often have a low level of education and even less possibilities than men in the local labour market. Besides, families are often favourably disposed to seeing the women emigrate because they often show more consideration towards the family than emigrating men, and become an important resource to the family members back home in Nigeria. The prostitution market in Europe makes it attractive to traffickers to facilitate the emigration of young women despite the high costs and great obstacles. Women do not normally themselves have the financial and organizational resources nor the necessary contacts needed to travel.

Young women’s first contact with the trafficking network almost always happens through informal networks. It varies whether it is the woman herself or the other party who first takes the initiative. In many cases, friends or relatives of the women are the first link. The conversations about travelling to Europe often takes place in her home or in other familiar surroundings. The first person with whom the woman is in contact usually has no other role in the trafficking process than to establish contact...in this phase, the women are lured with promises of work as maids, sales personnel, or hairdressers, or with work in factories or restaurants, or with educational possibilities. [44] (p24)

In Nigeria, Italy is very often connected with prostitution, while the same is not true for other European countries. This means that when young women are offered to travel to Spain, the Netherlands or to Germany to work, they will be less cautious.

...the emigration of Nigerians to the European prostitution market is very concentrated in one area, namely to Edo State and its capital Benin City. Of the approximately 800 Nigerian women who were returned from Italy to Nigeria during 1999-2001, a full 86 per cent came from Edo State. A further 7 per cent came from the neighbouring Delta State. Altogether, this area thus accounted for 93 per cent of the returns. Since Benin City is known as the main junction for prostitution-related emigration, women from other parts of Nigeria go to Benin City if they wish to travel to Europe. [44] (p25)

...most women leaving Edo State for Europe to work as prostitutes go to Italy, followed by the Netherlands, Spain, Germany, Belgium and Austria. [44] (p26)

...Nigerian trafficking in Europe is built on a pact between the person trafficked and the traffickers and has a specific organizational form...as mentioned, the first contact is made by a person who is often a part of the family or circle of friends. This person puts the woman in touch with a 'madam' who is the most important person in the network in Nigeria. Sometimes there is a third person who acts as a sponsor and finances the trip...in addition to the *madam* in Nigeria, there is a *madam* in Italy; who is responsible for the woman after she has arrived. The *madam* in Europe is closely connected to the *madam* in Nigeria; often they will belong to the same extended family. The other central persons are a religious leader (*ohen*) in Nigeria, the human smugglers who are responsible for the journey (*trolleys*), and a male assistant to the *madam* [italics in document] in Italy (*madam's black boy*). [44] (p26-27)

The sponsor is responsible for paying all costs of the journey and settling abroad. These make up a debt that the woman is required to pay back...it normally takes between one and three years as a prostitute in Europe to pay back this amount.

...once a woman has agreed to go to Europe, she is taken to a shrine where the pact of emigration is confirmed and sealed.

...the woman and her *madam* [italics in document] or sponsor often visit several shrines together. During such visits, a 'package' is made up by various symbolic elements. This package becomes a concrete expression of the agreement between the two, and will also have a lucky charm function for the woman. Most often it will contain human material, possibly from both parties. These may include bits of nail clippings and hair, in the case of the woman, underwear with remains of menstrual blood. Other common objects in the packages are kola nuts, bent pieces of metal and soap. These three may symbolize loyalty, the power of the Ogun deity (especially important for travel) and beauty, respectively.

...the visits to the shrines may also include animal sacrifice and other rituals of complex significance...they [the rituals] are seen as being required, they involve spiritual worlds, and they have an element of control and inspection, but do not equal the loss of the ability [of the women] to express [their] own wishes or to make [their] own choices. On the contrary, this participation in the spiritual world may be understood as a natural part of the wish of the women to travel to Europe. [44] (p28)

It is often later in the process, and if something goes wrong as seen from the perspective of the traffickers, that the use of the local religious traditions takes on a clear element of abuse. If the women are not cooperative after arriving in Europe, they may be exposed to a mixture of physical violence and new, enforcing rituals.

...the pact with the sponsor is perceived as very strong by the prostituted women. First of all, they may fear that breaking the pact could affect their own physical and mental health through magic. Secondly, the pact is often perceived not only as a promise to the other party, but to the local community in Nigeria. Breaking the pact represents much shame towards the entire community. [44] (p29)

...although more women have become aware that they will work as prostitutes, they often have no idea of the conditions they will work in, that they are to be street prostitutes, that they will be submitted to strict control, and that it may take them years to pay back their debt. In other words, the deceit is in many cases not related to what they are going to do, but to the circumstances that deprive them of their independence and dignity in a way they had not been able to imagine.” [44] (p30)

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MIGRATION ROUTES AND TRANSIT STAYS

31.03 The IOM 2006 report on people trafficking from Nigeria to Europe stated:

“The extensive use of forged documents makes many Nigerians fly not directly from Nigeria to the destination, but rather travel through other countries where they will attract less attention. It is especially common for traffickers not to send women directly from Nigeria to Italy, but through another West African country (most commonly Ghana) and from there by plane to a city in western Europe (e.g. London, Paris or Amsterdam). From there, the women then travel to Italy by train and usually arrive in Turin.

This city has become an important point of transit for trafficking. Another possibility is to fly from Nigeria to Moscow, Istanbul or a town in eastern Europe and then cross the border illegally into western Europe. Towards the end of the 1990s the number of Nigerian illegal immigrants arrested in Turkey increased dramatically.

In addition to those who fly directly to western Europe or via a third country, a considerable number of Nigerians travel towards Europe through the Sahara and into Europe by ship. A few travel by sea as stowaways, but this is a relatively insignificant route.

Nigeria's membership in the Economic Community of West African States (ECOWAS) makes it relatively easy to travel to the rest of West Africa. Since 1980, citizens of ECOWAS member states have, at least in theory, been able to travel without a visa to other member states for up to 90 days. Nigerians can thereby travel to the transit cities that in the past 10 to 20 years have had an important role in the migration from West Africa to Europe. These are first and foremost Agadez in Niger, and Gao and Kayes in Mali. In these cities, migrants come into contact with the smugglers who can take them through the Sahara and towards Europe.

...after having crossed the Sahara, the most common routes on to Europe are by ship from Western Sahara to the Canary Islands, from Morocco to Spain and from Tunisia or Libya to Italy. Another route is through Dakar and the Cape Verde Islands to the Canary Islands. In recent years the routes from Western Sahara to the Canary Islands have gradually become more important. Nigerians together with a number of nationalities are present in both these flows.” [44] (p34)

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SOCIETAL ATTITUDES TO TRAFFICKING

31.04 The IOM 2006 report on people trafficking from Nigeria to Europe stated:

“To many families, having a daughter travel to Europe is the only way to escape extreme poverty. For most, there is no other way to go to Europe than to accept the offers of the traffickers. Trafficking has led many families out of poverty and into appearing successful in the local community. Until recently, women who travel to Europe were therefore often regarded as heroines, and people in Benin City were proud of what the many women who had left achieved in the material sense. Following more than a decade of emigration from Edo to Italy, the contact with Italy has clearly left its mark on the local community - cars and big houses financed with money from Italy, queues of people in the post office sending parcels to Italy, and queues of people picking up money from Italy from the money transfer company Western Union. [44] (p30)

...in recent years, the pride in the results achieved through emigration has gradually been replaced by shame. There is also greater awareness of the negative experiences of many Nigerians who go to Europe. In response to pressure from women and human rights groups and the international community, Nigerian authorities are increasingly inclined to act to combat the trafficking of women. The establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in 2003 was an important step in this respect. Independently of how efficient the measures have been, they have contributed to a certain shift in attitudes. Many Nigerians are also worried about the reputation the nation and the people have gained in Europe due to the prostitution business.” [44] (p31-32)

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GOVERNMENT EFFORTS TO TACKLE TRAFFICKING

31.05 The Landinfo 2006 FFM report on the trafficking of women stated:

“The Nigerian government is aware of the problems facing illegal Nigerian immigrants in Europe, and the plight of Nigerian women who are being exploited in the European sex industry has been the focus of significant attention from the local Nigerian media and politicians. Nigeria is at the forefront of regional efforts to confront the human trafficking problem through international cooperation, and has established the National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP), a special government agency, to coordinate its efforts to combat human trafficking locally.” [40a] (p6)

31.06 The USSD 2007 Human Rights Report stated that NAPTIP was active in tackling people trafficking in 2007:

“The government continued to devote resources to curb trafficking during the year [2007] but it was not enough to adequately combat the problem. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and recordkeeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.

Preliminary data indicated that during the year [2007] NAPTIP investigated 80 new cases and prosecuted 23 cases, and obtained four convictions. At year’s end [2007], there were 34 cases pending. Observers attributed the low conviction rate to witnesses’ reluctance to testify and the slow progress of cases through the courts.” [3a] (Section 5)

31.07 The USSD 2008 Trafficking in Persons Report, published in June 2008, stated:

“The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Nigeria continued to demonstrate a solid commitment to eradicating trafficking. Although NAPTIP made solid efforts to investigate and prosecute trafficking cases, the relative number of convicted traffickers remained low. While Nigeria assisted an increased number of victims, the quality of care provided was compromised by inadequate funding to shelters.

The Government of Nigeria continued to combat trafficking through modest law enforcements during the last year. Nigeria prohibits all forms of trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers, and its 2003 Child Rights Act. Prescribed penalties of five years' imprisonment for labor trafficking, 10 years' imprisonment for trafficking of children for forced begging or hawking, and a maximum of life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. During the last year, NAPTIP reported investigating 114 trafficking cases, 62 of which were prosecuted. Of the 62 cases, seven resulted in convictions and 51 are still pending in the courts. Sentences imposed on convicted trafficking offenders ranged from one to 10 years' imprisonment. The law enforcement data, however, primarily reflects cases handled by NAPTIP's headquarters in Abuja. Trafficking data collected at the Agency's five other zonal offices are not systematically collected by NAPTIP's headquarters. Judicial effectiveness in punishing trafficking crimes is hampered by a lack of funding for thorough investigations and a lack of awareness of trafficking among judges, many of whom conflate trafficking with smuggling. Over the year, NAPTIP cooperated with law enforcement counterparts in Spain, Ireland, the Netherlands, the United Kingdom, Italy, France, Norway, and Belgium to break up an international ring comprised of over 20 traffickers.

...the government trained 750 police, immigration, customs, and border security officials about trafficking during the reporting period. NAPTIP also provided anti-trafficking training to Nigerian embassy and consulate authorities posted in source countries. In addition, Nigeria contributed training materials and instructors to a donor-funded law enforcement anti-trafficking training program.” [3d]

- 31.08 Government efforts to tackle people trafficking have been hindered by the actions of corrupt government officials, as noted in the USSD 2007 Human Rights Report:

“Reports continued from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking persons across the country's borders. NAPTIP was very active in providing sensitization, including to police and customs in attending training. The law provides punitive measures for officials who aid or abet trafficking; however, NAPTIP and [the] NPF had found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of traffic-related charges. In 2006 one police inspector was arrested in Abuja for releasing two trafficking suspects after receiving specific orders to hold them, but he was later released due to lack of evidence.” [3a] (Section 5)

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GOVERNMENT PROTECTION FOR TRAFFICKING VICTIMS

31.09 The USSD 2007 Human Rights Report stated:

“The government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found; 615 victims passed through the agency during the year [2007]. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP maintained a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received approximately 50 calls during the year [2007], which was significantly fewer than the 500 reported for 2006. The decrease was largely due to a change in the hot line number when NAPTIP headquarters was relocated and the government’s inadequate effort to publicize the new number. During the year [2007] the government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families.

The Ministry of Labor and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. In 2006 the ministry used funding from the ILO International Program on the Elimination of Child Labor (IPEC) to repatriate 350 trafficked child laborers to their countries of origin; however, this funding was not available during the year [2007]. The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja, Benin City, Uyo, and Kano.

The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP outreach efforts were based on a series of ‘town hall’ meetings with community leaders, traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued strong efforts to protect victims. In Edo State Idia Renaissance operated a youth resource center, funded by UNICEF and foreign organizations that provided job-skill training and counselling to trafficking victims and other youths.” [3a] (Section 5)

- 31.10 The USSD 2008 Trafficking in Persons Report, published in June 2008, stated further:

“The Nigerian government continued steady efforts to protect trafficking victims during the last year. NAPTIP continued to operate seven shelters throughout the country - in Lagos, Abuja, Kano, Sokoto, Enugu, Uyo, and Benin City. However, due to inadequate funding, some shelters were not well-maintained, and they offered limited rehabilitation care and no reintegration services. Despite a documented significant trafficking problem in Nigeria, NAPTIP shelters were not used. In January 2008, for example, the Lagos shelter, with a capacity for 120 victims, housed only 15 victims. The government refers victims to NGOs on an ad hoc basis, but employs no formal, systematic procedures for referring victims to service providers. NAPTIP has agreements with hospitals and clinics, however, to provide care to victims with HIV/AIDS. NAPTIP reported rescuing 800 victims, and providing assistance to 695.” [3d]

- 31.11 A Danish Immigration Service Fact-Finding Mission report about the protection of victims of trafficking in Nigeria, published in April 2008, stated:

“Fapohunda (LRC) [Legal Resources Consortium] explained that NAPTIP does it[s] utmost to perform its duties and the agency is trying to be efficient and it is definitely more efficient that [sic] most other state institutions in Nigeria. NAPTIP lacks resources and even though some donors have supplied assistance to NAPTIP, this has not been followed up by sufficient government funds. The lack of resources means that it can be difficult for NAPTIP to provide protection for all victims of trafficking. However, Fapohunda (LRC) considered that NAPTIP is genuine in its fight against trafficking.

When asked why it can be difficult for NAPTIP to provide protection for all victims of trafficking even if such victims are returning on a case-by-case basis and not in plane loads, Fapohunda (LRC) explained that his comment was not based on any consideration of returns either on an individual scale or large scale, but on an appreciation on what is the reality on the ground. The reality of the criminal justice system is that it offers little or no protection for victims of crime. There is presently [September 2007] a bill before the parliament on this matter but this is not [a] priority. Also, it was Fapohunda’s (LRC) view that quite apart from legislative limitations, the resources allocated to the NPF and NAPTIP is neither sufficient or adequate to offer the kind of protection (even on an individual basis) that will, at the very least, meet minimum international standards. Nigeria has not invested in its justice system; the casualty of this lack of investment is essentially poor justice institutions. Fapohunda (LRC) added that NAPTIP is a government body within the Federal Ministry of Justice.

Olateru-Olagbegi (WOCON) considered that NAPTIP is committed to assisting victims of trafficking but it lacks personnel, and its staff lack training.

Olateru-Olagbegi (WOCON) expressed doubt as to whether NAPTIP is capable of protecting victims against traffickers, as NAPTIP might lack the resources and the technical know-how to protect victims. On the other hand, Olateru-Olagbegi (WOCON) had no doubt that NAPTIP has the will to try to do its utmost [sic] to protect victims in need of protection.

Olateru-Olagbegi (WOCON) considered that NAPTIP lacks facilities for mental health counselling which is much needed by the returnee victims, and which has greatly affected their results in the reintegration of victims. [5] (p35)

...it was explained by Rev. Sister Florence (COSUDOW) [Committee for the Support of the Dignity of Women] that many victims of trafficking living abroad would do all they can in order to get asylum in the country where they reside. However, very often their accounts are not based on realities but on made-up stories about their security situation in Nigeria should they be returned. Rev. Sister Florence (COSUDOW) pointed to the fact that many of those victims of trafficking that COSUDOW has assisted after their return to Nigeria have expressed their appreciation that they are back home in Nigeria. This even includes many of those that have been returned to Nigeria by force. [5] (p36)

...when informed that many victims of trafficking in European countries express fear of the prospect of being returned to Nigeria, WOTCLEF rejected that these victims have anything to fear upon their return to Nigeria. If the victims cooperate with NAPTIP and the NGOs available, they will be assisted and they have nothing to fear. In addition to this, Mrs. Umaru (WOTCLEF) stated that it is not fair to say that the victims have nothing to return to...the only thing that is demanded from the victims is that they cooperate so that it will be possible to identify and prosecute the trafficker and their affiliates. Investigation and prosecution will always take place as long as the victim cooperates and testifies against her traffickers. Any victims of traffickers can receive legal assistance from NAPTIP or any NGO in Nigeria that works against trafficking. [5] (p36-37)

...Ndaguba (NAPTIP Abuja Headquarters) stated that NAPTIP is able to offer victims full protection against physical violence from the agents of trafficking and this includes victims who have testified against traffickers abroad or in Nigeria or are indebted to their agents or Madams. It was added by M. Babandede, Director, Investigation & Monitoring (NAPTIP Abuja Headquarters) that NAPTIP is monitoring victims and it provides shelter and counselling to those who are in need of this. Babandede (NAPTIP Abuja Headquarters) emphasized that naturally NAPTIP can only offer protection to those who are ready to accept this. Babandede (NAPTIP Abuja Headquarters) also emphasized that NAPTIP has the capacity to support and protect returning victims of trafficking who have expressed fear of retaliation, acts of revenge or persecution by agents. However, Babandede (NAPTIP Abuja Headquarters) added that protection may be difficult if victims are returned in planeloads, i.e. in large groups. This would especially be the case if such returns take place without close cooperation and coordination with NAPTIP. On the other hand, victims returned on a case-by-case basis will always be able to enjoy protection by NAPTIP if the agency is notified in advance. This also includes victims who have testified against agents or Madams, or are indebted to them. [5] (p38-39)

...Mrs. Umaru (WOTCLEF) stated that NAPTIP is very competent and she expressed full confidence in NAPTIP. NAPTIP has shelters for victims and it has established a protection programme for victims of trafficking. It was added that NAPTIP is capable of protecting those victims of trafficking that might have a need for protection against traffickers, either because the victim is in debt, or if the victim has testified against traffickers or Madams abroad or in Nigeria. Furthermore, Mrs Umaru (WOTCLEF) emphasized that a victim can stay in the shelter of either WOTCLEF or NAPTIP for as long as necessary. Most victims stay in WOTCLEF's shelter for six weeks and some may stay for up to six months or more depending on their individual needs. WOTCLEF liaise with the police and they are available for WOTCLEF all the time." [5] (p39)

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PROTECTION PROVIDED BY NGOS FOR TRAFFICKING VICTIMS

- 31.12 The Danish Immigration Service FFM report about the protection of victims of trafficking in Nigeria stated:

“Mrs. Umaru (WOTCLEF) informed that WOTCLEF has a shelter for victims of trafficking and the NGO has in the past received financial support from different partners including UNICEF[,] ILO/PATWA [Action Programme Against Forced Labour and Trafficking in Forced Labour] and the World Bank.

It was added that WOTCLEF offers support to victims of trafficking in terms of skills training such as leather working, sewing and other handicrafts. WOTCLEF advises victims of the opportunities for micro credits and small-scale loans that exist either via other NGOs or from local banks. [5] (p43)

Furthermore, WOTCLEF provides for education of minors and even up to university level in some cases.

Mrs. Umaru (WOTCLEF) explained that in Abuja both WOTCLEF and NAPTIP each have a shelter for victims of trafficking and victims can receive assistance and counselling in both shelters. Furthermore, NACTAL [Network of Non-Governmental Organisations Against Child-Trafficking, Labour and Abuse] is about to open a new shelter in Abeokuta, Ogun State.

Mrs. Umaru (WOTCLEF) portrayed WOTCLEF’s shelter in Abuja ‘like a home’. The delegation visited the shelter and found it to be very much like a home, well equipped, and with a very positive and peaceful atmosphere.

The delegation was informed that at present WOTCLEF’s home accommodates 14 victims of trafficking, some of which [sic] are returned victims from abroad. Altogether the home can accommodate not more than 30 at a time, but to do so WOTCLEF would need additional funding. All victims in the home receive legal counselling and lawyers frequently visit the home to assist the victims. A majority of the minors are in the home on a voluntary basis. On average, the victims stay for a period up to six months, but some may stay even longer before it become[s] possible to have them reunited with their families. Some of the victims are attending primary and secondary schools by the assistance of WOTCLEF.

...Olateru-Olagbegi (WOCON) explained that WOCON does not have its own shelter, and victims of trafficking that are considered to be in need of protection are referred to NAPTIP’s shelter in Lagos by WOCON. This shelter is the only shelter for victims of trafficking in Lagos.

...Rev. Sister Florence (COSUDOW) informed that COSUDOW runs a shelter in Benin City and that victims can seek protection there. So far COSUDOW have been able to accommodate the needs for assistance and protection to all the victims who have requested this. [5] (p44)

...in contrast to Rev. Sister Florence (COSUDOW)[,] Olateru-Olagbegi (WOCON) did not consider that COSUDOW's shelter in Benin City is capable to protect victims of trafficking in need of protection. Olateru-Olagbegi (WOCON) explained that the shelter was not yet functioning, as it had not been completed as of July 2007 when she last visited COSUDOW in Benin City. However, Olateru-Olagbegi (WOCON) considered that COSUDOW is in a better position to run a shelter than NAPTIP would. COSUDOW['s] Reverend Sisters' religious orientation give the victims a sentiment that they will be assisted and eventually be freed from their secret oath, and the victims will almost automatically have more confidence in the Reverend Sisters than in government employees at a NAPTIP shelter or even some NGOs.”
[5] (p44-45)

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TREATMENT OF RETURNED TRAFFICKED WOMEN BY TRAFFICKERS

- 31.13 The Danish Immigration Service FFM report about the protection of victims of trafficking in Nigeria stated:

“Rev. Sister Florence (COSUDOW) had no information as to whether a victim of trafficking had been severely persecuted or killed by traffickers in Nigeria. It was added that the trafficker’s objective is to get his money back, and that is why the involved family and the trafficker very often will see to it that the returned victim will be re-trafficked. Re-trafficking is a very common phenomenon.

In contrast to Rev. Sister Florence (COSUDOW), Jane Osagie (IRRRAG) [International Reproductive Rights Research Action Group] considered that returned victims of trafficking are vulnerable as they face serious dangers in Nigeria. Traffickers will persecute the returnees if they are still indebted to these traffickers and the victims are frightened, as they strongly believe that they are obliged by the oath that they took before leaving Nigeria. The victims fear for the consequences if they do not or cannot pay their debt, and at the same time, many victims are seriously traumatized from their experiences abroad.

Jane Osagie (IRRRAG) explained that she did not have any precise information on the level of maltreatment of returning victims by traffickers. On the other hand, there are reports confirming that traffickers expose their victims to various forms of intimidation.

When asked about the scope of persecution and reprisals on [the] victims of trafficking that have not paid their debt upon their return to Nigeria, Jane Osagie (IRRRAG) explained that NAPTIP would be the source of such information. IRRRAG does not have adequate information of the scale of persecution by traffickers.

Morka (NAPTIP Lagos Zonal Office) stated that since 2003, threats of reprisal[s] from traffickers have never resulted in the loss of the life of victims. Before NAPTIP was established in 2003, traffickers were able to operate more or less as they wished, but now they are aware of the fact that there is a law on trafficking in humans, and that NAPTIP has the will and capacity to investigate and prosecute them. Furthermore, in general there is much more focus on human trafficking in Nigeria now more than was the case some years ago, as a result of enlightenment campaigns and awareness raising activities.

Morka (NAPTIP Lagos Zonal Office) considered that the network of traffickers in Nigeria is strong. However, he discarded the view that victims of trafficking are at risk of persecution or killing by traffickers even if they have cooperated with [the] police abroad in identifying and prosecuting traffickers or Madams.

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that a returning or returned victim of trafficking and her family who have not yet paid the debt to the trafficker is at much more risk of retaliation than if the victim has testified against an [sic] trafficker or Madam abroad.

[5] (p26)

...Rev Sister Florence (COSUDOW) stated that regardless of whether the debt has been paid or the victim has given evidence in court, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria. However, Grace Osakue (GPI) [Girls' Power Initiative] considered that it would be an overstatement to say that any victim of trafficking who has given evidence against traffickers and/or Madams abroad would be able to attain ample protection against reprisals by traffickers if the victim returns to Nigeria.

Grace Osakue (GPI) added that the traffickers are desperate to get hold of the money they have invested. If a victim gives evidence against traffickers or Madams, the witness will be at serious risk of persecution by the traffickers if she returns to Nigeria. First of all, the witness or the witness' family will be threatened to pay back the debt and in addition to this the witness may be punished severely or even killed. [5] (p27)

However, Grace Osakue (GPI) had no evidence that victims of trafficking that have given evidence against traffickers or Madams abroad have been killed on return to Nigeria. Grace Osakue (GPI) added that she did not have any evidence that even persons that have given evidence against traffickers in local court cases in Nigeria have been victims of revenge killings. On the other hand, Grace Osakue (GPI) emphasized that in general returning or returned victims of trafficking are very insecure in Nigeria and she added that those who have testified in local court cases in Nigeria must be considered to be in real danger. Grace Osakue (GPI) added that GPI does not have any evidence of specific danger, as all court cases known to GPI - which victims in Nigeria are giving evidence against traffickers - are still pending. It was explained by Grace Osakue (GPI) that trials abroad and local trials in Nigeria against traffickers are two very different things as the consequences for victims that have been witnesses are dissimilar; as traffickers and Madams abroad may have a better opportunity to take revenge against such a victim, if she returns to Nigeria. [5] (p27-28)

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) did not consider that persecution of victims of trafficking by traffickers occurs in Nigeria. Reprisals from traffickers or Madams might take place in Europe but this is not the case in Nigeria and there are no official records about threats or reprisals from traffickers against victims. However, Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) added that if persecution or retaliation takes place in Nigeria it has got to be in a very subdued manner. The Catholic Secretariat of Nigeria/Caritas Nigeria has never heard of this taking place and Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) could confirm NAPTIP's assertion that victims of trafficking in Nigeria are not victims of violent persecution or killings by traffickers." [5] (p28)

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TREATMENT OF RETURNED TRAFFICKED WOMEN BY RELATIVES

- 31.14 The Danish Immigration Service FFM report about the protection of victims of trafficking in Nigeria, stated:

“Regarding reactions from the victims['] own families, Jane Osagie (IRRRAG), could not give specific examples of cases in which a returning victim had been the victim of physical violence from her own family. However, returning victims are exposed to psychological and emotional violence/pressure from their families and it is common that victims who have returned before the debt has been paid are re-trafficked. If the family rejects a victim because it considers that she has spoiled its chances to become wealthy this victim will most likely be re-trafficked back to Europe by her family.

Grace Osakue (GPI) stated that returning victims of trafficking face a very complex and cruel situation, as their relation to their family is very difficult. Some victims may be excluded from their own family if they have returned or have been returned before the debt to the trafficker has been paid. There is also a genuine risk that returning victims will be re-trafficked to allow the family to pay back it's [sic] debt to the trafficker. The victim has returned to a situation that is no less difficult than when she left Nigeria and she will have even more reason to try to leave for Europe again because she still has to pay the debt. The debt to a trafficker can be as much as US\$50,000 to US\$70,000. When asked why a family would accept to enter a burden of this magnitude, Grace Osakue (GPI) explained that the families involved in trafficking have been told that this amount can easily be earned by the victim during two or three years abroad. Therefore, the expectations are very high among the families that their trafficked family member will earn huge amounts of money for the family in Nigeria when the debt to the trafficker has been paid. [5] (p31)

According to Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria), the family of a returned victim often consider that the victim is the reason why the investment failed and this could easily result in the victim being excluded from her own family or even killed.

According to Morka (NAPTIP Lagos Zonal Office), most traffickers have family ties to their victims and they are therefore less willing to persecute or kill victims as a reprisal or deterrent, even if the victims cooperate with foreign police in a criminal case against the Madam or trafficker abroad. The local traffickers will keep a low profile and they would rather try to continue their trafficking business than risk being exposed and prosecuted for attempting to take revenge against a victim that has testified against them.

Roland Chigozie (Idia Renaissance) explained that a victim of trafficking who has cooperated with police abroad in order to prosecute Madams or traffickers face a very difficult situation when they return to Nigeria, and some may prefer a life in prison or to stay abroad, instead of being disowned by the family and the humiliation of being considered a failure because the family has lost its investment, that is the money paid to the trafficker in order to send the girl or woman abroad.” [5] (p32)

INTERNAL RELOCATION

- 31.15 The Danish Immigration Service FFM report about the protection of victims of trafficking in Nigeria stated:

“Regarding internal relocation Olateru-Olagbegi (WOCON) considered that it would be difficult for a victim to relocate to another location in Nigeria in order to avoid reprisals from traffickers. Ethnic groups tend to cluster in groups even in Lagos and it is difficult for a person to settle in a place where he or she has no network. Olateru-Olagbegi (WOCON) suggested that such victims should have the opportunity to live in communities that are set up for them (half way home).

Olateru-Olagbegi (WOCON) explained that it is difficult for anyone to settle in a place where that person’s ethnic group is not present as it would be difficult to speak the local language and to sustain a livelihood. In the south, anyone who has his or her origin in the northern part of Nigeria is called ‘stranger’ and even in Lagos there are special quarters for northerners and in the north there are special areas for non-northerners known as ‘Sabongari’ literally meaning ‘the place for strangers.’

Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) stated that it is very correct to say that victims of trafficking who feel threatened can relocate to other places in Nigeria if they feel insecure or are threatened but they would require resources to settle in these new places.

Grace Osakue (GPI) considered that with economic support, victims of trafficking can relocate to anywhere in Nigeria. In the long run however, Nigerian communities are known to consider offspring of non-indigenes as not eligible to entitlements such as political positions, scholarships, job placements or such rights claimed by indigenes. This explains why people continue to identify with and feel most comfortable in their home states.

With regard to reintegration, De Cataldo (IOM) noted that this is possible, including relocation.” [5] (p51)

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32. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 32.01 The 'Nigeria - Access to Health Care for People Living with HIV and AIDS' report, published in 2006 by the Physicians for Human Rights (PHR), stated:

"Responsibility for health care in Nigeria is split between the different levels of government. The Federal government is responsible for establishing policy objectives, training health professionals, coordinating activities, and for the building and operation of Federal medical centers and teaching hospitals. The States are responsible for the secondary health facilities and for providing funding to the Local Government Areas (LGAs), which are responsible for primary health care centers. In addition to government-run public facilities, there are also private health facilities, most of which are secondary level facilities. Many Nigerians do not go to government facilities first but rather seek health care from traditional healers, patent medicine stores, lay consultants and private medical practices and facilities owned by faith-based organizations.

The health care system in Nigeria is inadequately funded and understaffed, and suffers from material scarcity and inadequacy of infrastructure which may contribute to overall discriminatory behaviour. The blood transfusion system is inadequate and access to quality health care is limited. There are regional disparities in education, health status, poverty level, and other aspects of human development." [11] (p12)

- 32.02 The British-Danish 2008 FFM report stated that:

"The FFM delegation interviewed a Nigerian medical doctor at the National Hospital in Abuja to obtain information about health care services in Nigeria. Additional information was obtained from another Nigerian doctor in March 2008 who also corroborated the information obtained from the first doctor consulted.

The doctor at the National Hospital stated that, in general, Nigerian hospitals suffer from poor funding, a lack of qualified medical staff, a lack of drugs and a lack of medical equipment. The federal government and state governments do not provide free medical services, but the new national health insurance system which started in January 2007, will help to take care of health expenses for many people. Under the scheme, employers pay in money on behalf of their employees, while the self-employed are expected to take out their own health insurance. Nigeria has 250,000 doctors serving a nation of 140 million people (2006 Nigerian Census). Doctors and nurses, and other medical professionals, are poorly paid and many accept postings abroad where they can earn a lot more than they do in Nigeria.

The doctor added that there are teaching hospitals which train all kinds of medical staff, and federal and state nurse training schools. There are training centres for laboratory and radiology staff, and staff who deal with medical records. There are also two post-graduate medical colleges which train and certify specialists. The federal government runs some public hospitals, which it maintains and funds, and also pays the salaries of the medical staff who work in them. Some public hospitals in Nigeria are run by state governments which maintain and fund them. In the Federal Capital Territory area, the federal government runs several general hospitals. There are no restrictive health care control measures in Nigeria which means that patients are free to go to any hospital in any state for treatment. Despite the limitations of Nigeria's health care system, a large number of diseases and conditions can be treated including heart conditions, high blood pressure, polio, meningitis, HIV/AIDS, hepatitis, sickle cell anaemia, diabetes, cancer and tuberculosis.

The doctor added further that medical care provided in public and teaching hospitals, including investigations and any drugs prescribed or administered, have to be paid for, even in medical emergencies. If a person, however, arrives at a hospital and requests or needs medical treatment but does not have the money to pay for it in advance, it is possible that medical treatment will still be provided but only on condition that the person concerned or his relatives makes a payment as soon as possible after the first 24 hours, or provides an acceptable guarantor. If no payment or guarantor can be provided at all by the person concerned or his relatives, medical treatment is refused. Private hospitals exist in Nigeria and provide a higher standard of medical care than public sector hospitals, but charge their patients a lot more money. All the Nigerian teaching hospitals and a few specialist and private hospitals have intensive care units but not all of them are well equipped. [20] (p38)

The doctor stated that food is provided in some public sector hospitals but has to be paid for. Public sector hospitals usually include the cost of food and water in the fees they charge to their patients. In the parts of the country where public sector hospitals do not provide food and water, the relatives of the patient are expected to provide them with these provisions. According to another Nigerian doctor, consulted in March 2008, water provided in public sector hospitals is usually given free of charge.

The doctor stated that road traffic accidents are common in Nigeria and can result in serious injuries and death for the people involved. General ambulance services for medical emergencies and people who are acutely ill are few and far between in Nigeria. Also, there are very few general public mobile paramedic services available to treat people at the location where they happen to be ill or injured. In general, people who have sustained serious injuries at home, at their place of employment or at a road traffic accident, have to arrange for their own transport to hospital, or rely on other people to arrange this for them. Some general, teaching, specialist and private hospitals, however, have ambulance services and often respond to requests from the general public for a small fee. Ambulance and paramedic services are mostly provided by private companies, the armed forces for military personnel, and by foreign embassies for their staff." [20] (p39)

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HIV/AIDS - ANTI-RETROVIRAL TREATMENT

- 32.03 The PHR 2006 report on access to health care for people living with HIV and AIDS stated:

“With an estimated 3.6 million people with HIV/AIDS, Nigeria is home to 1 of every 11 of the 40 million people with HIV/AIDS worldwide. The HIV prevalence among adults in Nigeria has increased from 1.8% in 1991 to an estimated 5.4% in 2003. Unofficial estimates range as high as 10%, which represents 4 to 6 million people infected. Prevalence ranges from 2% to 14.9% in the country’s 36 states and Federal Capital Territory. According to official estimates, Nigeria faced 200,000 new infections in 2002 and approximately 310,000 people died from AIDS related deaths in 2004. These numbers are expected to increase each year.

Nigeria has been listed as one of the populous ‘next wave’ countries where HIV prevalences is expected to explode if action is not taken. These populous countries are all in the early-to-mid-stage of the epidemic, together they comprise over 40% of the world’s population and, according to the National Intelligence Council (NIC), do not show sufficient sustained governmental commitment to combating the epidemic. According to NIC estimates, by 2010 Nigeria is expected to have as many as 10 to 15 million HIV positive people, which will constitute about roughly 18-26% of the adult population. [11] (p15)

...poor health as a result of malnutrition, limited health care, and other infectious diseases such as TB may contribute to the rapid progression and spread of HIV. High prevalence of infections of the reproductive tract, and sexually-transmitted diseases (STD) may contribute to the spread of HIV. Often, people are co-infected with HIV and other conditions. Other factors likely contributing to HIV in Nigeria include the lack of blood product safety, drug use and associated behaviors, and traditional practices. Current challenges to addressing HIV/AIDS in Nigeria include funding constraints; a lack of trained personnel; the absence of a reliable data collection system; the lack of knowledge in the general population; the low status of women, and the stigma attached to HIV/AIDS.” [11] (p15-16)

- 32.04 A report about HIV/AIDS in Nigeria, published by Avert, an international AIDS charity, dated 8 October 2007, stated:

“The first case of AIDS was identified in Nigeria in 1986 and HIV prevalence rose from 1.8% in 1988 to 5.8% in 2001. Since 1991, the Federal Ministry of Health has carried out a National HIV/syphilis sentinel seroprevalence survey every 2 years. The 2003 survey estimated that there were 3,300,000 adults living with HIV/AIDS in Nigeria, and 1,900,000 (57%) of these were women.

In the 2003 survey, the national HIV prevalence had dropped to 5% from 5.8% in 2001. However, it found that state prevalence rates varied from as low as 1.2% in Osun state to as high as 12% in Cross River state. Overall, 13 of Nigeria’s 36 states had an HIV prevalence over 5%. These figures give support to the claim that there are explosive, localized epidemics in some states.

At 5.6%, HIV/AIDS prevalence is highest among young people between the ages of 20 and 24 compared with other age groups. Nigeria's STD/HIV Control estimates that over 60% of new HIV infections are in the 15-25 year old age group.

In 2005 it was estimated there were 220,000 deaths from AIDS, and 930,000 AIDS orphans living in Nigeria. There has been an alarming increase in the number of HIV positive children in recent years, 90% of whom contract the virus from their mothers.

Currently very few Nigerians have access to basic HIV/AIDS prevention, care, support or treatment services.

Some 80% of HIV infections are transmitted by heterosexual sex. Factors contributing to this include a lack of information about sexual health and HIV, low levels of condom use and high levels of sexually transmitted infections (STIs) such as chlamydia and gonorrhoea, which make it easier for the virus to be transmitted.

Blood transfusions are responsible for about 10% of all HIV infections. There is a high demand for blood because of road traffic accidents, blood loss from surgery and childbirth, and anaemia from malaria. As there is no coordinated national blood supply system, blood isn't routinely tested for HIV, and a recent study found that 4% of blood donors in Lagos were HIV positive.

The remaining 10% of HIV infections are acquired through other routes such as mother-to-child transmission, homosexual sex and injecting drug use. The rate of mother-to-child transmission in Nigeria has gone up in recent years as the number of HIV positive women has increased." [28]

- 32.05 According to information published on the Drugs for AIDS and HIV Patients (DAHP) website (accessed June 2008), the ARV drugs, Zidovudine, Lamivudine, Nevirapine and Stavudine are available in Nigeria to treat people suffering with HIV/AIDS. [37]

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GOVERNMENT EFFORTS TO TACKLE HIV/AIDS

32.06 The 2007 Avert report stated:

“It wasn’t until the restoration of democracy in 1999 that a serious national effort was made in Nigeria to tackle HIV/AIDS. Since then, the Olesugun administration has placed high priority on prevention, treatment, care and support activities. It has established two key institutions – the Presidential Committee on AIDS and the National AIDS Action Committee on AIDS (NACA) to coordinate the various HIV/AIDS prevention, treatment and care activities in Nigeria.

NACA’s main responsibility is the execution and implementation of activities under the HIV/AIDS Emergency Action Plan (HEAP), introduced in 1996 as a bridge to [a] long-term strategic plan. HEAP had two main components: firstly to break down barriers to HIV prevention and support community based responses, and secondly to provide prevention, care and support interventions directly. HEAP has now been replaced with the National HIV/AIDS Strategic Framework, which will run until 2009.

So far there has been some progress towards the goals of HEAP but there are still huge gaps in HIV prevention, treatment and care services, particularly at community level.

...in 2002 the Nigerian government started an ambitious antiretroviral (ARV) treatment programme to get 10,000 adults and 5,000 children onto ARVs within one year. An initial \$3.5 million worth of ARVs were imported from India and delivered at a subsidized monthly cost of \$7 per person.

In 2004 the programme suffered a major setback when it was hit by a shortage of drugs. This meant that some people didn’t receive treatment for up to three months. Eventually, another \$3.8 million worth of drugs were then ordered and the programme resumed. However, it took a long time to achieve the 2002 goal because of poor infrastructure and management.” [28]

32.07 The American Project for Supply Chain Management System has been successful in supplying Nigeria with anti-retroviral drugs as its website (accessed in July 2008) explains:

“As of June 2008, out of the estimated 3.2 million adults and children in Nigeria living with HIV/AIDS, 270,000 were receiving antiretroviral therapy (ART), up from just 67,000 in 2006. The government of Nigeria has set up an ambitious goal to provide antiretroviral (ARV) treatment to 350,000 recipients by the end of 2008. Strengthening the country’s supply chain system for ARVs is essential to making this happen.

Nigeria's HIV/AIDS supply chain is made up of multiple supply chains - many of which include separate procurement, warehousing, and distribution systems - owned and operated by various federal, state, nongovernmental, and faith-based stakeholders with oversight from the Federal Ministry of Health (FMOH) and the National Agency for the Control of AIDS (NACA). To improve visibility across these disparate supply chains, the FMOH recently created a Logistics Unit to collect and distribute supply chain data. However, to succeed, the Logistics Unit must be supported by systems that provide accurate data; understand how the data can be used to improve logistics and planning; and identify ways to integrate or coordinate the disparate supply chain systems. In this context, SCMS has identified information sharing, capacity building, and procurement and distribution as key focus areas.

...since April 2006, SCMS has procured \$2.3 million in antiretrovirals (ARVs), \$3.2 million in HIV test kits and more than \$900,000 in other commodities for our clients in Nigeria, including the US Centers for Disease Control and Prevention, the US Department of Defense, University of Maryland and Harvard University. In June [2008], SCMS conducted an assessment of the information sharing system currently used by the Federal Ministry of Health and found that technology solutions could significantly improve data flow and reduce the considerable duplication that exists within the system.” [49]

DISCRIMINATION AGAINST PEOPLE WITH AIDS

32.08 The PHR 2006 report about health care for people living with HIV and AIDS stated:

“People living with HIV/AIDS [PLWA (people living with AIDS)] in Nigeria have been found to be subject to discrimination and stigmatization in the work place, as well as by family and communities. They may be evicted from their homes and shunned in the streets. Although President Obasanjo’s government has shown leadership on HIV/AIDS, there is still little legal protection for the human rights of people living with HIV/AIDS (PLWA) in Nigeria. Nigerian health professionals, as members of their society, are influenced by the stigma and moral judgement associated with HIV/AIDS. Ideally these health professionals should ‘play an indispensable role in the promotion and protection of the right to health.’ However, PLWA may also face discrimination from those employed in the health care sector. According to one policy maker, in Nigeria, there is a ‘tendency even for health workers to treat HIV patients differently from other patients’.” [11] (p17)

...the stigma associated with HIV/AIDS is also an important contributory factor to the spread of HIV/AIDS. Discouraged by stigma from seeking out their status, people may unknowingly infect their sexual partners. Those individuals who are HIV positive may engage in unsafe behaviours in an effort to hide their status from others.” [11] (p18)

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TREATMENT FOR CANCER

- 32.09 A 'Vanguard' (Nigerian newspaper) article, dated 16 June 2008, about cancer in Nigeria, stated that:

"Prof. Clement Adebamowo of the Division of Oncology, Department of Surgery, University of Ibadan, discloses that while infectious diseases such as HIV & AIDS are the most significant contributors to disease burden in Nigeria, complex diseases such as cancer are fast emerging as an important health care priority for the future. Adebamowo states that, ironically, while improvements in public health and increased funding for health care initiatives are leading to a decrease in incidence of communicable diseases, the attendant increase in life expectancy is precipitating an increase in the incidence of all cancers, as a higher proportion of the population reached the complex diseases-bearing age.

...worse still, clinical services for cancer are grossly inadequate and poorly distributed. Only a few centers have functioning radiotherapy equipment. Radiologic services are generally available, but access is seriously limited by high cost. The same argument of high cost goes for chemotherapy. Pathology services are generally available, but the scope of services is limited. Molecular diagnostic methods are not widely available. Surgery is often performed by surgeons whose primary clinical practice is not oncology, and there is a very limited scope for multidisciplinary cancer care.

There is increasing awareness of modern palliative care and pain management, which is particularly useful as patients often present [themselves] with advanced disease, and physicians have limited access to treatment that offer the prospect of prolonged survival.

But it's not all gloom. A Consultative Committee on National Cancer Control exists to formulate policy guidelines relating to the prevention and management of cancer in Nigeria. But even with [the] existence of professional bodies such as the Nigerian Cancer Society, the Society of Oncology and Cancer Research in Nigeria, and several other local and international bodies actively promoting cancer control and prevention, the incidence of cancer has continued to escalate. So there is ongoing cancer research in Nigeria.

Essentially, the most common cancers documented in Nigeria to date are cancers of the uterus and breast for women and liver and prostate cancers for men.

...investigations showed that only very few hospitals operate screening programmes for cervical cancer, even then, they are poorly funded, unsystematic, and incomprehensive. The country lacks an established national mammographic screening programme and available mammographic services are hard to come by. The pattern is that most breast and cervical cancer patients present [themselves] at a younger age than in developed countries. Problems of impeded access to health care, ignorance, poverty and a general lack of coordination of issues of health education complicate matters." [29]

- 32.10 A 'Punch' (Nigerian newspaper) report, dated 24 September 2008, about cancer in Nigeria, stated further:

"Regrettably, Nigeria's health care system is not adequately prepared to respond to the emerging epidemic of cancer, in terms of facilities and expertise. For example, only six hospitals - the Lagos University Teaching Hospital, University College Hospital, Ibadan, National Hospital, Abuja, Ahmadu Bello University Teaching Hospital, Zaria, University of Maiduguri Teaching Hospital, and the University of Nigeria Teaching Hospital, Enugu - have some facilities to treat cancer. Tertiary hospitals in Benin, Sokoto and Gombe are still struggling to develop facilities for the ailment."

Besides [a] lack of facilities, there is the dearth of adequately trained personnel in the field of oncology. Oncologists are doctors who specialise in cancer treatment. Less than 13 surgical oncologists serve the country's 140 million population.

...it is said that no fewer than 100,000 new cases of cancer are diagnosed annually in the country. This is expected to increase to 500,000 in 2010. More worrisome is the fact that 80 to 90 per cent of these cases are diagnosed at [a] very advanced stage, when it is too late to render any meaningful help than offer palliatives to reduce the pains of the ailment.

...the World Health Organisation has warned that by 2020 death rates from cancer in men may hover around 72.7 per every 100,000 population and 76 per 100,000 women." [51]

- 32.11 The British-Danish 2008 FFM report added that:

"Surgical procedures and operations [in cancer cases] can be carried out if necessary but are not widely done in Nigerian hospitals. Radiotherapy for the treatment of bone cancer can be done but bone grafting can only be carried out abroad. Tumours in the brain can be removed, mostly in private hospitals, but this type of operation is not widely available." [20] (p40)

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TREATMENT FOR HEART CONDITIONS AND CARDIOVASCULAR DISEASES

32.12 The British-Danish 2008 FFM report stated that:

“The doctor stated that the most common type of cardiovascular disease that Nigerians suffer from is hypertension (high blood pressure), with 8%-10% of Nigerians suffering from the condition. Drugs that can reduce blood pressure are available but are very expensive and are not affordable by the majority of the population. There are no specialist cardiovascular or cardiothoracic centres in Nigeria, but treatment is available for a wide variety of cardiovascular conditions and diseases, including congenital heart conditions. People suffering from coronary heart disease or people who have had heart attacks can be treated, in general, but coronary artery by-pass and angioplasty operations are not available in Nigerian hospitals. In general, invasive heart operations are not available but heart valve defects, atrial septal defects, and aneurysms can be treated. Pacemakers can be installed and therefore patients with certain types of arrhythmias (abnormal heart rhythm) can be treated. There is inadequate treatment available in Nigerian hospitals for people suffering from primary cardiomyopathy (enlargement of the heart cavity). This condition in its end-stage can be cured through the use of a heart transplant but heart transplant operations are not yet available in Nigerian hospitals.” [20] (p40)

TREATMENT FOR SICKLE CELL ANAEMIA

32.13 The British-Danish 2008 FFM report stated that:

“The doctor stated that no cure exists for sickle cell anaemia, but people with the condition can be monitored and managed effectively in Nigerian hospitals. Blood transfusion services are available in most hospitals in Nigeria if needed by people suffering from sickle cell anaemia. Some hospitals, however, suffer from a lack of blood available for transfusions. According to another Nigerian doctor, consulted in March 2008, bone marrow transplants are available in hospitals where trained haematologists exist.” [20] (p40)

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TUBERCULOSIS AND OTHER LUNG DISEASES

32.14 A 'This Day' (Nigerian newspaper) report dated 20 March 2007 stated:

"According to the World Health Organisation (WHO) Tuberculosis Report for 2005, TB is a major public health problem in the country. Nigeria is one of the 22 countries of the world with the highest burden of the disease with an estimated 380,000 cases occurring annually out of which more than 50 per cent are smear positive.

...the HIV epidemic in Nigeria has a significant impact on the TB epidemic as evidenced by a shift to the younger age groups (15-35 years), who have higher HIV sero-prevalence too. Experts warn that the public health burden posed by TB has become more important today than ever before particularly as the country's HIV/AIDS epidemic is unfolding. Statistics by WHO indicates that 27 per cent of TB patients in Nigeria are HIV positive.

It was as a result of these and other facts that WHO identified tuberculosis as a global health emergency over a decade ago even though it was in April, 2006 that the Federal Ministry of Health declared TB a national emergency with the inauguration of the National TB-HIV Working Group much later.

Nigeria adopted the Directly Observed Treatment Scheme (DOTS) strategy for TB control since 2004 with [the] assistance of [the] German Bank for Reconstruction (KfW), members of the International Federation of anti-leprosy Associations (ILEP), The Union and WHO. Until 2000, only 50 per cent of states in the country were implementing the DOTS strategy, which necessitated the development of a five year strategic plan for DOTS expansion by the National Tuberculosis and Leprosy Control Programme (NTBLCP) of the Federal Ministry of Health, covering the period 2001-2005. The plan received [the] support of [the] Canadian International Development Agency (CIDA) and [the] United States Agency for International Development (USAID), which resulted into increased DOTS coverage and TB case detection and treatment.

However, programme implementers say a significant funding gap still remained if 100 per cent DOTS coverage is to be achieved and if Nigeria has to attain the global targets for TB control and to abide by the new policy of giving TB treatment to Nigerians free of charge.

...against this background, to address the big vacuum of funding to effectively treat TB patients in the country, the NTBLCP has had to intensify efforts to generate resources by partnering with international agencies like WHO, USAID, CIDA, and others in [an] attempt to scale up the diagnosis and treatment of TB in the country.

...USAID's assistance and support have helped address TB prevention and control in Nigeria. USAID's programme include supporting the expansion, since 2003, of DOTS services to 17 states in northern Nigeria that previously had no TB diagnostic and treatment services and to 43 new LGAs, bringing the number of LGAs providing DOTS by the end of 2005 to 548 (71 per cent) nationwide.

Others are that it increased the national case detection rate for new SS+ cases from 23 percent in 2004 to 27 percent in 2005, 43 percent of which were in USAID-supported states and it established 86 new DOTS centres in the USAID-supported states by the end of 2005, thus increasing the number of centres from 1,929 to 2,015, among others.” [43b]

32.15 The British-Danish 2008 FFM report stated further:

“The doctor stated that treatment for tuberculosis, emphysema and asthma is available in Nigerian hospitals, and all the drugs needed to treat these diseases are also available. Invasive lung surgery operations, however, are not carried out in Nigerian hospitals.” [20] (p40)

TREATMENT FOR DIABETES

32.16 The British-Danish 2008 FFM report stated:

“The doctor stated that all the drugs needed for the treatment for diabetes are available, including the drugs needed to reduce blood-sugar levels and insulin, which can be injected by doctors, if needed, as there are no facilities in Nigeria for self-injection. Nigerians with diabetes tend to see a doctor about their condition when the disease has reached an advanced stage, due to a lack of regular medical check-ups and knowledge of the symptoms. Nevertheless, these people can still be treated, and related peripheral conditions such as eye disease, neuropathy, kidney disease (nephropathy), and vascular ulcers can also be treated.” [20] (p39)

ORGAN TRANSPLANTS

32.17 The British-Danish 2008 FFM report stated:

“The doctor stated that lung, liver and heart transplant operations are not available in Nigerian hospitals. In a few hospitals, however, kidney transplant operations can be carried out but these operations are not widely available in Nigerian hospitals.” [20] (p41)

TREATMENT FOR EYE DISEASES

32.18 The British-Danish 2008 FFM report stated:

“When asked about treatment for eye diseases in general, the doctor stated that a wide variety of eye diseases and conditions, such as glaucoma and cataracts, can be treated in Nigerian hospitals.” [20] (p41)

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TREATMENT FOR MALARIA

- 32.19 A 'Daily Champion' (Nigerian newspaper) report dated 14 September 2006 stated:

"No fewer than one million persons die annually from malaria in Africa and over 300 thousand from Nigeria in particular according to the 2006 World Malaria report released by the World Health Organisation (WHO). 'At present, malaria remains the key infectious disease that takes more lives of persons especially children in Africa than any other ailment even HIV/AIDS,' the report stated.

Collaborating [with] the WHO report, the Centre for Communication Programmes Nigeria (CCPN), a non-governmental organization, [this] weekend in Lagos told health reporters that halting and reversing the high incidence of malaria in Nigeria is the key goal of [the] Roll Back Malaria project [but the project is] being hindered by [a] lack of adequate funds.

The chairman/project Director of CCPN, Dr. Afolabi Bamgboye noted that pregnant women and children are mostly those very vulnerable to malaria attack because of their reduced immune system.

He explained that the use of Artemisin Combination Therapy (ACTs) as first line treatment drugs for malaria as recommended by WHO will go a long way in reducing the incidence of malaria in Nigeria.

...moreover speaking at the occasion, the National Malaria Programme Co-ordinator, Dr (Mrs.) Titilope Sofola stated that the federal government has distributed 2.5 million doses [sic] of ACTs free of charge to pregnant women and children aged under 5 years.

Sofola added that more batches of ACTs (Coartem drug) were expected for distribution to other remaining states of the federation. She pledged government's continuous commitment towards halting the burden of malaria by the year 2010 in the country." [25]

TREATMENT FOR HEPATITIS

- 32.20 The British-Danish 2008 FFM report stated:

"Many Nigerians suffer from hepatitis, especially type A and B, according to the doctor. The other types of hepatitis - C, D and E are not common in Nigeria. There is treatment available for all five types of hepatitis in Nigerian hospitals. The doctor believes that more people need to be vaccinated against the disease as this will help the Nigerian health care system manage the problem better." [20] (p41)

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MENTAL HEALTH

32.21 The WHO 2005 Mental Health Atlas stated:

“Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level. However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each state has a school of Health Technologists for [the] training of primary care professionals including health care workers.

There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers.

...the following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, phenobarbital, phenytoin sodium, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, biperiden. Benzhexol (5mg) is [also] available.” [32]

32.22 The British-Danish 2008 FFM report stated:

“The FFM delegation interviewed a leading consultant psychiatrist, based in Lagos, to find out about mental health care services in Nigeria. According to the psychiatrist, psychiatric treatment is available throughout Nigeria with about 35 psychiatric hospitals, teaching hospitals and university departments of psychiatry offering treatment for mental conditions. Eight of these are run by the federal government and the others are run by individual states. There are also a few private clinics. Nigerian psychiatric hospitals are able to treat all psychiatric illnesses, including severe or clinical depression, suicidal tendencies, paranoia, post-traumatic stress disorder, schizophrenia and other psychotic conditions.

The psychiatrist added that hospitals are well staffed and their staff are well qualified. Doctors are offered fellowship training, and all nurses must have a qualification in mental health as well as in general nursing. Some hospitals are not as well equipped as others. For example, the Psychiatric Hospital at Yaba, in Lagos can offer electroconvulsive therapy and electroencephalogram (EEG) investigations which other psychiatric facilities may not.

The psychiatrist added further that whilst treatment in some state hospitals is free, any drugs have to be paid for. When considering treatment the patient's financial situation is taken into account, and this can influence which drugs are prescribed, the older drugs being cheaper than the newer drugs. Where a patient is unable to afford to pay for any drugs then the Social Welfare Unit, which may be found in the hospitals, will carry out a social assessment and report back to the Medical Director of the hospital for a decision on the next line of action. In the case of Yaba, some funds are available for paupers. The Association of Friends of the Hospital also sponsor treatment for some patients and there may be similar arrangements at other psychiatric hospitals.

The psychiatrist stated that among the older and therefore cheaper drugs available, are Chlorpromazine, Haloperidol, Imipramine and Amitriptyline. Among the more modern drugs available are Olanzapine, Risperdal, Fluoxetine and Sertraline. It should be noted that the cost of drugs, listed at Annex C in the report, is per tablet, capsule or injection, and it should also be noted that these costs at Yaba hospital are the minimum prices in May 2007, and that drugs may be dearer at other hospitals, or may rise at Yaba depending on the cost of drugs in the market.

The psychiatrist stated that the hospital in Yaba treats 300 patients that have been admitted, and also treats 300-400 at each outpatients clinic (OPC) a day. There are four OPC days in a week. The initial deposit for admission of patients to Yaba is 32,400 Naira (rate of exchange £1=245.59 Niara as at 16 September 2007) for the General Ward and 36,900 naira for the Drug Unit. This covers accommodation and food for two months of which 5,000 Naira is for drugs. Patients will be requested to pay more money for drugs as soon as the deposit is exhausted, even if he/she has not yet stayed two months. The deposit does not include the cost of registration which currently stands at 1,700 Niara, and that of investigations which depend on the requests by the managing doctor. [20] (p42)

The psychiatrist further stated that the Drug Unit has 80 beds. The majority of patients have been using cannabis, although some have been using cocaine, heroin and other drugs. The psychiatrist also stated that they did not treat patients with HIV/AIDS at his hospital but referred patients with these conditions to the Teaching Hospital in Lagos, which was equipped to deal with HIV positive patients." [20] (p43)

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33. FREEDOM OF MOVEMENT

- 33.01 Regarding the right to travel within the country, to travel abroad and to return to Nigeria, the USSD 2007 report stated that:

“The constitution and law provides for these rights, and while the government generally respected them, [the] police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence.” [3a] (Section 2d)

34. EXIT-ENTRY PROCEDURES

- 34.01 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response, dated 16 August 2005, about exit and re-entry procedures for Nigerian nationals, and the maximum length of stay to which a foreign national would be entitled, and whether such an individual would be allowed to work in Nigeria. According to the research response, a minister from the Nigerian High Commission in Ottawa and the UNHCR in Lagos both stated that there are no exit and re-entry regulations for Nigerian nationals wishing to leave and re-enter Nigeria. Nigerian nationals can leave and re-enter Nigeria freely and as many times as they wish. Individual Nigerian nationals returning to Nigeria who are wanted by the Nigerian authorities, however, will be arrested or detained. [38b]

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35. TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 35.01 Regarding how returned failed asylum seekers are treated by the Nigerian authorities, the British-Danish 2005 FFM report stated that:

“The delegation was able to hear first hand from two returned failed asylum seekers who were separately attending the BHC in connection with visa applications to return to the UK. The first applicant had been returned to Nigeria with a certificate of identity issued by the UK authorities. The applicant said that he was questioned by the immigration authorities on return and held for about two or three hours while his identity was confirmed; he was not questioned by the SSS or anyone else. As soon as the applicant’s identity was confirmed the person in question was admitted to Nigeria. The applicant said that he had not encountered any problems or difficulties subsequently and has been issued a replacement passport through normal channels.

The second applicant had been returned to Nigeria on an emergency travel document issued by the Nigerian High Commission in London. The applicant said that he had passed through immigration control at Murtala Mohammed International Airport in Lagos without being questioned and had not experienced any problems from any government body since returning to Nigeria. The applicant had also been issued a full replacement passport in the usual way.” [15] (p66)

- 35.02 The more recent British-Danish 2008 FFM report stated:

“The FFM delegation interviewed Jason Ivory, Head of the Visa Section at the British High Commission in Abuja, about the treatment of returned failed asylum seekers by the Nigerian authorities. He stated that it is not illegal for Nigerians to travel abroad and apply for asylum. Therefore, the Nigerian Immigration Service and the police would have no legal basis to detain and arrest a returned failed asylum seeker. Officials at the British High Commission in Abuja have regular contact with Nigerian NGOs and none of these NGOs have reported to them that returned failed asylum seekers have suffered human rights abuses. He was also not aware of any reports in the Nigerian media to indicate that returned failed asylum seekers have been ill-treated or suffered from any form of persecution from the Nigerian authorities.

The Head of the Visa Section explained that Nigerian failed asylum seekers return back to Nigeria with temporary travel documents. These documents are checked by immigration officials and the person concerned is then interviewed. The purpose of the interview is to verify the person’s identity and nationality and to ascertain why the person arrived back in Nigeria with a temporary travel document. This is simply a formality and part of the standard procedures carried out by immigration officials. Once the immigration officials have verified the person’s identity and nationality, he is then let through the immigration control section of the airport and is free to continue his journey.” [15] (p45)

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36. INTERNALLY DISPLACED PEOPLE (IDPs)

- 36.01 The Internal Displacement Monitoring Centre (IDMC) published a report in September 2006 about the problems and difficulties faced by Nigerians who have become internally displaced. The report stated that:

“Ethno-religious conflict is endemic in Nigeria, with at least 14,000 people killed and hundreds of thousands displaced since military rule ended in 1999. Since internal displacement in Nigeria is often short-term, and most IDPs seek refuge with host families, data on the scope of the problem is scarce and no accurate estimates of the current number of IDPs exist.

While conflict often breaks out along religious or ethnic lines, poverty and unequal access to power and resources – be they land or oil wealth – are often at the heart of the conflict. Underlying tensions are never far from the surface, and may indeed be encouraged by scheming politicians seeking gain from social division. The high death toll and internal displacement resulting from a wave of sectarian violence across the country triggered by Danish caricatures of the Prophet Mohammed in February 2006, coinciding with a dramatic increase in militant violence in the oil-rich Delta region, were clear warning signs that once violence erupts it can quickly take on a momentum of its own.

...while some of these conflicts may appear to be caused by a single factor, such as religion or ethnicity, the reality is usually more complex. The introduction of Islamic Sharia law in a total of 12 of Nigeria's states in recent years has caused tensions, but when Muslims and Christians have clashed this has usually been caused by other factors – such as pressure on land or unequal access to social services. However, the polarisation that follows is often along religious lines, and the conflict is easily stereotyped as a ‘religious war’. The same dynamic is often observed with regard to ‘ethnic conflicts’.

[7] (p1)

Perhaps the most significant cause of communal violence in Nigeria is the entrenched divisions throughout the country between people considered indigenous to an area, and those regarded as settlers. Even though settlers may have lived in an area for hundreds of years, they are consistently discriminated against in terms of land ownership, control of commerce, jobs and education.

Displacement has also been closely linked to oil production in the Niger Delta ...armed militia groups used increasingly violent means in their attempt to gain greater control of oil wealth, clashing with the Nigerian army, kidnapping numerous foreign oil workers and destroying oil installations, reducing the country's oil exports by at least 20 per cent. Violence between local militia and security forces as well as inter-militia fighting in the Delta region has frequently forced people to flee their homes and widespread destruction of property has occurred. [7] (p3)

...the vast majority of displaced people in Nigeria seek refuge with family, friends or host communities where their ethnic group is in the majority. Others seek shelter in major towns. Many appear to return to their homes or resettle in the proximity of their home areas soon after the violence has subsided, but an unknown number also resettle in other areas of the country. It is therefore difficult to distinguish between movements of people forced to flee by violence and those moving for economic reasons.” [7] (p5)

- 36.02 The federal government and state governments have put measures in place to assist IDPs, but these are to a large extent inadequate, as the IDMC report states:

“The National Emergency Management Agency (NEMA), established in 1999, is responsible for overall disaster management in Nigeria – including the coordination of emergency relief operations as well as assisting in the rehabilitation of the victims when necessary. It has [a] presence in most states and often supports IDPs in the emergency phase of a crisis, but it does not have the necessary resources to assist people displaced for a longer period of time, or to assist returnees to reintegrate. State Emergency Management Agencies (SEMA) also exist in some states, but with varying performance levels.

The national response is generally constrained by lack of experience in dealing with IDP issues, which has resulted in inefficiencies and support gaps to affected populations, but also by competing mandates. Confusion exists at the federal level over who has the mandate to respond to and assist IDPs – especially between NEMA and the National Commission for Refugees (NCR, informally mandated in 2002 to also cover IDPs) – which results in competition for resources. [7] (p6)

Such tension and competition has been partly responsible for hindering the drafting of a national IDP policy, which has been in the pipeline since the creation of the Nigerian Presidential Committee on IDPs in January 2004. [7] (p6-7)

...in the wake of the 2005 Plateau state crisis, international donors criticised the overall national response on various grounds, including: a lack of a proper registration system for IDPs; inefficient use of resources despite adequate financial capacity; lack of proper planning, monitoring and evaluation; and the politicisation of humanitarian assistance.

...the UN system in Nigeria – headed by a Resident Coordinator who is also Resident Representative of the UN Development Programme – consists of numerous agencies, and has since 2000 been organised around a Development Assistance Framework. So, with a firm focus on development needs, UN assistance to IDPs in Nigeria has been fairly ad hoc. The Red Cross movement as well as a few international NGOs has also been involved in IDP response, albeit in a rather uncoordinated fashion.

...although the Nigeria[n] government may have the financial capacity to respond to emergencies, it lacks the necessary institutional capacity and expertise to deal effectively with acute situations of internal displacement. And although the current situation of internal displacement in the country may not amount to an 'emergency', there is clearly potential for increased violence that could quickly spread and cause major population movements." [7] (p7)

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37. FOREIGN REFUGEES

37.01 The USSD 2007 Human Rights report stated:

“The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. The government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government cooperated with [the] Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.

Refugee camps, which housed approximately 9,000 refugees, were generally overcrowded, and refugees’ requests for police and judicial assistance generally received little attention. Refugees had poor access to the courts, but observers noted that it was no worse than that of [Nigerian] citizens.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to a small number of persons during the year [2007].”
[3a] (Section 2d)

37.02 The United Nations IRIN Humanitarian Country Profile on Nigeria (February 2007 update) stated:

“According to the United Nations High Commissioner for Refugees (UNHCR), there are approximately 11,800 refugees in Nigeria, mostly from Chad, Liberia, the Republic of Congo and Sudan. Nearly half live in refugee camps, while the other half live in urban areas. The UNHCR has supported initiatives aimed at voluntary repatriation and helping with local integration.” [21b]

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38. CITIZENSHIP AND NATIONALITY

- 38.01 Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent. [6]
- 38.02 The Constitution states that Nigerian citizenship can be acquired by any person:
- born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria
 - born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen
 - born outside Nigeria provided one parent is a Nigerian citizen. [6]
- 38.03 The Constitution states that Nigerian citizenship can be obtained by registration by any person provided:
- he is of good character
 - he has shown a clear intention of his desire to be domiciled in Nigeria
 - he has taken the oath of allegiance as prescribed in the Constitution
- These provisions also apply to any woman who is or has been married to a Nigerian citizen and any person of full age (over 18) and capacity born outside Nigeria, with any grandparent who is a Nigerian citizen. [6]
- 38.04 The Constitution states that Nigerian citizenship can be obtained by naturalisation by any person provided:
- he is of full age (over 18)
 - he has resided in Nigeria for at least 15 years and plans to remain in Nigeria
 - he is of good character
 - he is familiar with Nigerian culture and customs and can support himself
 - he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the Constitution. [6]

39. EMPLOYMENT RIGHTS

39.01 The USSD 2007 Human Rights report stated that:

“The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, several statutory restrictions on the right of association and on trade unions restricted this right. Some of these restrictions were put in place to curb the practice of forming thousands of small unions with as few as three or four employees each.

Workers, except members of the armed forces and employees designated as essential by the government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. The government’s application of the ‘essential worker’ designation was broad compared to the ILO definition. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise.” [3a] (Section 6a)

39.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2007 Human Rights report:

“Workers outside the legally defined category of ‘essential’ had the right to strike, although they were required to provide advance notice of a strike. A worker under a collective bargaining agreement cannot participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the government. Workers can bring labor grievances to the judicial system for review; however, the courts were of limited utility in ensuring due process in the protection of workers’ rights. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed on law-breakers.” [3a] (Section 6b)

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Annex A: Chronology of major events

- 1914** The British dependencies of Northern and Southern Nigeria are merged into a single territory. [1]
- 1922** Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate. [8d]
- 1947** The UK introduces a new Nigerian constitution which establishes a federal system of government based in three regions. [1]
- 1954** The Federation of Nigeria becomes self-governing. [1]
- 1960** On 1 October, Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government. [8d][17a]
- 1963** On 1 October, a revised constitution is adopted and the country is renamed the Federal Republic of Nigeria but the country remains a part of the British Commonwealth. [1]
- 1964** In December, the first national House of Representatives election after independence is held. [1]
- 1966** **January:** Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration. [1]
July: Aguiyi-Ironsi is killed in a counter-coup, and is replaced by Lieutenant-Colonel Yakubu Gowon. [1]
- 1967** **May:** Gowon institutes 12-state system, six in the north and six in the south. [17a]
July: Three eastern states secede as the Republic of Biafra, which sparks off a civil war called the Biafran War. [8d][17a]
- 1970** **January:** Biafran leaders surrender. Former Biafran regions reintegrate into the country. [8d][17a]
- 1975** Gowon is overthrown and flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja. [8d]
- 1976** Mohammed is assassinated in a coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution. [8d]
- 1979** Elections bring Alhaji Shehu Shagari to power. [8d]
- 1983** **August - September:** Local government, state and federal elections take place. Shagari wins the presidential election and begins a second presidential term. [1]
December: Major-General Muhammad Buhari seizes power in bloodless coup. The government is replaced by a Supreme Military Council; the National Assembly is dissolved, and all political parties are banned. [1]

- 1985** In August, Ibrahim Babangida seizes power in a bloodless military coup and curtails political activity. [8d]
- 1989** **May:** New constitution is promulgated. Babangida announces the end of the prohibition of political parties. [1]
- 1990** **April:** A coup attempt led by Major Gideon Orkar is suppressed. Some 160 members of the armed forces are subsequently arrested. [1]
July: Following their conviction by a military tribunal on charges of conspiring to commit treason, 69 prisoners, including Orkar, are executed. [1]
- 1991** In December, the seat of the federal government is formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place. [1]
- 1992** **July:** National Assembly elections take place. [1]
 December: National assembly is formally convened. [1]
- 1993** **June:** The military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola. [1]
November: Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha. [1]
- 1994** Chief Moshod Abiola is arrested after proclaiming himself president. [8d]
- 1995** **March:** Olusegun Obasanjo and others are jailed for alleged coup plotting. [17a]
November: Ken Saro-Wiwa, writer and campaigner against oil industry damage to his Ogoni homeland, and eight other activists from the Movement for the Survival of the Ogoni People (MOSOP), are executed following a trial. In protest, the European Union imposes sanctions until 1998, and the British Commonwealth suspends Nigeria's Commonwealth membership until 1998. [8d][17a]
- 1998** Abacha dies and is succeeded by Major-General Abdulsalami Abubakar. [8d]
- 1999** **February:** National legislative elections are held on 20 February. In those elections, the PDP wins 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election is held on 27 February, which is won by Olusegun Obasanjo. [1]
May: Obasanjo is formally inaugurated as President of Nigeria on 29 May. A new constitution was formally promulgated on 5 May, and comes into force on 29 May. [1]
- 2000** Adoption of Shari'a law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims. [8d]
- 2001** In October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers. [8d]

- 2002** **February:** Some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly Islamic north and ethnic Yorubas from the predominantly Christian south west. [8d]
March: An appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death. [8d]
October: The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. [8d]
November: More than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain. [8d]
- 2003** **12 April:** First legislative elections since end of military rule in 1999. Polling marked by delays and allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority. [1]
19 April: First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 per cent of the vote. Opposition parties reject result. [1]
September: An Islamic appeals court in the northern state of Katsina acquits a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. [1]
- 2004** **April:** Suspected coup attempt. President Olusegun Obasanjo's Government announce that some 20 army officials had been arrested following the discovery of a conspiracy to seize power, believed to be instigated by Major Hama al-Mustapha. [1]
May: Communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor is suspended. [9]
October: Major Hama al-Mustapha and three senior military officers, are charged in connection with a coup attempt that reportedly took place in March 2004. [1]
November: State of emergency lifted in Plateau State. The suspended state governor is reinstated. [1]
- 2006** **February:** More than 100 people are killed when inter-religious violence flares in mainly Muslim towns in northern Nigeria and in the southern city of Onitsha. [8d]
May: The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third presidential term in 2007. [8d]
August: Nigeria hands over the disputed Bakassi peninsula to Cameroon under the terms of a 2002 International Court of Justice ruling. [8d]
December: The National Population Commission publishes provisional results of the 2006 national census which indicates that the national population was 140 million. [43a]
- 2007** **April:** Gubernatorial, National Assembly and presidential elections take place. [46]
May: On 29 May 2007, Umaru Yar'Adua is formally inaugurated as President of the Federal Republic of Nigeria. The new President, in his inaugural address, declares that he will be a servant leader to the Nigerian people. He also makes many pledges, amongst these is to improve the standard of education and the country's infrastructure, and strengthen the rule of law. [43c]

- 2008** **February:** A tribunal upholds the 2007 presidential election results following a challenge by political rivals who wanted the vote annulled. President Yar'Adua remains president. [8d]
- April:** Two former health ministers and a daughter of former president Olusegun Obasanjo, as well as other government officials, are charged with embezzling around 470m Naira of government funds. [8d]
- August:** The Nigerian government formally hands over the Bakassi Peninsula territory to Cameroon, in accordance with an international court ruling, ending a long-standing dispute over the territory. [8h]
- September:** Up to 100,000 Nigerians from Bakassi become displaced and shelter in makeshift camps in the state of Akwa Ibom. The influx of the displaced people overwhelms Akwa Ibom's local authorities. [21c]

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Annex B: Political organisations

(This list consists mainly of registered political parties but also includes the names of other political organisations that have political objectives or are political in nature)

Accord [18]

Registered political party. National Chairman – Ikra Aliyu Bilbis

Action Alliance [18]

Registered political party. Based in Abuja. National Chairman – Suleiman Salawu.

Action Congress [18]

Registered political party. Based in Abuja. National Chairman – Hassan Zurmi.

Action Party of Nigeria [18]

Registered political party.

Advanced Congress of Democrats [18]

Registered political party. National Chairman – Chief Alexis Anielo.

African Democratic Congress [18]

Registered political party. National Chairman – Chief Ralph Okey Nwosu.

African Political System [18]

Registered political party.

African Renaissance Party [18]

Registered political party. Based in Abuja. National Chairman – Yahaya Ndu

All Nigeria's People's Party [18]

Registered political party. Based in Abuja. National Chairman – Modu Sherif.

All People's Liberation Party [18]

Registered political party. Based in Abuja. National Chairman – Chief E.O Okereke.

All Progressives Grand Alliance [18]

Registered political party. Based in Abuja. National Chairman – Chief Victor C. Umeh.

Alliance for Democracy [18]

Registered political party. Based in Abuja. National Chairman – Mojisoluwa Akinfewa.

Allied Congress Party of Nigeria [18]

Registered political party.

Better Nigeria Progressive Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Iheanyichukwu Nnaji.

Citizens Popular Party [18]

Registered political party. National Chairman – Barr. Maxi Okwu.

Community Party of Nigeria [18]

Registered political party. Based in Abuja. National Chairman - Musa Bukar Sawi.

Congress for Democratic Change [18]

Registered political party. National Chairman – Edozie Madu.

Democratic Alternative [18]

Registered political party. National Chairman – Dr. Abayomi Ferreira.

Democratic People's Alliance [18]

Registered political party. National Chairman – Chief O. Falae.

Democratic People's Party [18]

Registered political party. Based in Abuja. National Chairman – Umaru Ahmed.

Fresh Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Rev. Chris Okotie.

Hope Democratic Party [18]

Registered political party.

Justice Party [18]

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Labour Party [18]

Registered political party. Based in Abuja. Chairman – Barr Dan Nwanyanwu.

Liberal Democratic Party [18]

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria [18]

Registered political party. Chairman - Major Mojisola Obasanjo njo (rtd).

Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) [1]

Formed in 1999. Leader - Ralph Uwazurike.

Movement for Democracy and Justice [18]

Registered political party. Based in Abuja. National Chairman – Chief J.O. Osula.

Movement for the Restoration and Defence of Democracy and Justice [18]

Registered political party. Based in Abuja. National Chairman – Mohammadu Gambo.

Movement for the Survival of the Ogoni People (MOSOP) [1]

Formed in 1990 to organise opposition to petroleum production in the Ogoni territory.
Leader - Ledum Mitee.

National Action Council [18]

Registered political party. Based in Abuja. National Chairman – Dr. Olapede Agoro.

National Advance Party [18]

Registered political party. National Chairman – Dr. Olatunji Braithwaite.

National Conscience Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Osagie Obayuwana.

National Democratic Party [18]

Registered political party. National Chairman – Alh. Habu Fari.

National Majority Democratic Party [18]

Registered political party. National Chairman – Prince Solomon Akpona.

National Reformation Party [18]

Registered political party. Based in Abuja. National Chairman - Chief Anthony Enahoro.

National Solidarity Democratic Party [18]

Registered political party. National Chairman – Dr. Chinwoke Mbadinuju.

National Union Party [18]

Registered political party. National Chairman – Chief Perry Opara.

New Democrats [18]

Registered political party. Based in Abuja. National Chairman – Professor Isa Odidi.

New Nigeria People's Party [18]

Registered political party. National Chairman - Dr B.O. Aniebonam.

Nigeria Elements Progressive Party [18]

Registered political party. National Chairman – Amb. Y. Mamman.

Nigeria People's Congress [18]

Registered political party. Based in Abuja. National Chairman – Ngozi Emioma.

O'odua People's Congress (OPC) [1]

Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

People's Democratic Party [1][18]

Registered political party. Based in Abuja. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election, and was re-elected as President at the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections. The 2007 presidential election was won by the PDP's presidential candidate, Umaru Yar'Adua.

People's Mandate Party [18]

Registered political party. Based in Abuja. National Chairman – Professor Edward Oparaoji.

People's Progressive Party [18]

Registered political party.

People's Redemption Party [18]

Registered political party. Based in Abuja. National Chairman – Abdulkadir Musa.

People's Salvation Party [18]

Registered political party. Based in Abuja. National Chairman – Lawal Maiturare.

Progressive Action Congress [18]

Registered political party. Based in Abuja. National Chairman – Chief Agadenyi Charles Nwodo.

Progressive Peoples' Alliance [1]

Registered political party. Based in Abuja. National Chairman – Suleiman Ahmed.

Republican Party of Nigeria [18]

Registered political party. National Chairman – Shittu Mohammed.

United Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United Nigeria People's Party [18]

Registered political party. Based in Abuja. National Chairman – Mallam Selah Jambo.

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Annex C: Prominent people: past and present

Abacha, General Sani [1]

Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

Abubakar, Abdusalam [1]

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

Aguiyi-Ironsi, General Johnson [1]

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

Asari, Alhaji Dokubo [22d]

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

Babangida, Ibrahim [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Balewa, Abubakar Tafawa [1]

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Buhari, Muhammadu

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 presidential election, and came second, winning 32.19 per cent of the votes. [1]. He was a presidential candidate in the April 2007 presidential election and gained second place with 19 per cent of the votes cast. [46]

Gowon, General Yakubu [1]

He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Obasanjo, Olusegun [1] [8d]

Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. [8d]. Obasanjo won the 1999 presidential election, and took office on 29 May 1999. He was subsequently re-elected as president in the 2003 presidential election and was president for a further four years. [1]

Odumegwu, Ojukwu Chukwuemeka [1]

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 presidential election, and came third, winning 3.29 per cent of the votes.

Oshiomhole, Adams [3a]

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Saro-Wiwa, Ken [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). He was arrested in May 1994 in connection with the murder of four Ogoni chiefs. In November 1995, he was executed along with eight other MOSOP members.

Shagari, Alhaji Shehu [1]

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major-General Muhammad Buhari.

Tom, Ateke [22d]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger Delta region.

Yar'Adua, Umaru Musa [8g]

He was the PDP candidate in the April 2007 presidential election, which he won, becoming Nigeria's new President in May 2007.

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Annex D: List of abbreviations

The following abbreviations have been used in the Nigeria COI Report. The abbreviations of political parties and political organisations are contained in Annex B.

BHC	British High Commission (Abuja)
CBN	Central Bank of Nigeria
CLEEN	Centre for Law Enforcement Education
ECO	Entry Clearance Officer (British High Commission official)
EFCC	Economic and Financial Crimes Commission
FCO	Foreign and Commonwealth Office (UK government department)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
GPI	Girls' Power Initiative
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGLHRC	International Gay and Lesbian Human Rights Commission
IGP	Inspector General of the Police
ILO	International Labor Organization
INEC	Independent National Electoral Commission
LACVAW	Legislative Advocacy Coalition on Violence Against Women
LEDAP	Legal Defence and Assistance Project
MEND	Movement for the Emancipation of the Niger Delta
NACTAL	Network of NGOs against Child Trafficking, Labour and Abuse
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NDLEA	National Drug Law Enforcement Agency
NDPVF	Niger Delta People's Volunteer Force
NDV	Niger Delta Vigilante
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIS	Nigerian Immigration Service
NLC	Nigeria[n] Labour Congress
NPF	Nigerian Police Force
NPS	Nigerian Prisons Service
PRAWA	Prisoners Rehabilitation and Welfare Action
SSS	State Security Service
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USSD	United States State Department
WACOL	Women's Aid Collective
WHO	World Health Organization
WOCON	Women's Consortium of Nigeria
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation
WRAPA	Women's Rights Advancement and Protection Alternative

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Annex E: List of the states and state capitals of Nigeria

[1]

Federal Capital Territory – national capital: Abuja

<u>Name of state</u>	<u>State capital</u>
Abia	Umuahia
Adamawa	Yola
Akwa Ibom	Uyo
Anambra	Awka
Bauchi*	Bauchi
Bayelsa	Yenogoa
Benue	Makurdi
Borno*	Maiduguri
Cross River	Calabar
Delta	Asaba
Ebonyi	Abakaliki
Edo	Benin City
Ekiti	Ado-Ekiti
Enugu	Enugu
Gombe*	Gombe
Imo	Owerri
Jigawa*	Dutse
Kaduna*	Kaduna
Kano*	Kano
Katsina*	Katsina
Kebbi*	Bernin Kebbi
Kogi	Lokoja
Kwara	Ilorin
Lagos	Ikeja
Nassarawa	Lafia
Niger*	Minna
Ogun	Abeokuta
Ondo	Akure
Osun	Oshogbo
Oyo	Ibadan
Plateau	Jos
Rivers	Port Harcourt
Sokoto*	Sokoto
Taraba	Jalingo
Yobe*	Damaturu
Zamfara*	Gusau

*state that has adopted parts of shari'a law into its penal code [3b] (Section 2)

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