

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	173
Land:	Nigeria
Kilde:	Freedom House.
Titel:	Freedom in the World 2009 - Nigeria.
Udgivet:	16. juli 2009
Optaget på baggrundsmaterialet:	9. oktober 2009

Title	Freedom in the World 2009 - Nigeria
Publisher	Freedom House
Country	Nigeria
Publication Date	16 July 2009
Cite as	Freedom House, <i>Freedom in the World 2009 - Nigeria</i> , 16 July 2009, available at: http://www.unhcr.org/refworld/docid/4a645295c.html [accessed 6 October 2009]

Freedom in the World 2009 - Nigeria

Capital: Abuja

Population: 148,100,000

Political Rights Score: 5

Civil Liberties Score: 4

Status: Partly Free

Ratings Change

Nigeria's political rights rating declined from 4 to 5 due to the ruling party's increasing consolidation of power and marginalization of the opposition, as evidenced by the Supreme Court's rejection in December of opposition challenges to the results of the deeply flawed 2007 presidential election.

Overview

Despite an inundation of legal challenges to the results of the widely criticized 2007 elections, the ruling People's Democratic Party (PDP) retained its dominance of the political system in 2008. After a long delay, the Supreme Court in December rejected opposition appeals regarding the presidential election, confirming the victory of the PDP's Umaru Yar'Adua. Meanwhile, Nigerian media remained active despite government harassment and the detention of journalists, the anticorruption chief was dismissed from his post, and violence in the oil-rich Niger Delta region continued during the year.

The military has ruled Nigeria for much of its history since independence from Britain in 1960. Beginning with the first military coup in 1966, military officers have claimed that their intervention was necessary to control simmering tensions among the country's 250 ethnic groups, as well as between religious communities. Muslims, who live mostly in the north, make up 50 percent of the population, while Christians, who dominate in the south, account for most of the remaining 50 percent. Ethnic and regional tensions led to the attempted secession of Nigeria's oil-rich southeast as the Republic of Biafra in 1967, which touched off a bloody three-year civil war and a devastating famine that together caused more than one million deaths.

After several years of military rule under General Ibrahim Babangida, the country held a presidential election in June 1993. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but Babangida annulled the election. A civilian caretaker administration governed briefly until General Sani Abacha, a principal architect of

previous coups, took power in November 1993. Abacha dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was jailed in 1994 and ultimately died in detention, just weeks after the unexpected demise of Abacha in 1998.

General Abdulsalami Abubakar emerged as the new military leader and promised to oversee a transition to civilian rule. In 1999, Olusegun Obasanjo – a former general who had led a military regime from 1976 to 1979 and spent a number of years in prison under Abacha – won a presidential election on the ticket of the People's Democratic Party (PDP), which also captured the most seats in both the Senate and the House of Representatives.

Nigeria made its first transition from one elected government to another when Obasanjo won a second term in April 2003. The elections were preceded by violence, and observers documented widespread irregularities and fraud. Obasanjo, a southern Christian, took 62 percent of the vote, defeating 19 opposition candidates. His main competitor was former general Muhammadu Buhari, a northern Muslim and member of the All Nigeria Peoples Party (ANPP), who won 32 percent. Buhari filed a petition on behalf of the opposition to nullify the election results, but the Supreme Court in 2005 unanimously rejected the challenge, saying the documented fraud was not enough to have changed the vote's outcome.

Preparations for the 2007 presidential, gubernatorial, and legislative elections were tumultuous and occasionally violent. In May 2006, the legislature defeated a proposed constitutional amendment that would have allowed Obasanjo to run for a third term. Vice President Atiku Abubakar, who had publicly opposed the amendment, announced his intention to run for president, but his candidacy was threatened by corruption charges that he claimed were politically motivated. The opposition Action Congress (AC) party nominated him as its presidential candidate in December, and the Supreme Court cleared him to run just five days before the election. Umaru Yar'Adua, the Muslim governor of northern Katsina State who was widely perceived as Obasanjo's pick, overcame 21 opponents to win the PDP nomination, while the ANPP again chose Buhari as its candidate.

The final results from the April 2007 elections gave the PDP 29 out of 36 governorships in state elections amid eyewitness reports of massive vote-rigging and fraud. Presidential and legislative elections held a week later were marred by violence; at least 200 people were killed in election-related violence during the two polls, with victims including police and several candidates. International and local election monitors were scathingly critical of the vote, and opposition parties refused to accept the results, which gave Yar'Adua 70 percent of the presidential ballots, Buhari 19 percent, Abubakar 8 percent, and the Progressive People's Alliance candidate, Orji Uzor Kalu, 2 percent.

The PDP also won the legislative vote, taking 87 out of 109 Senate seats and 263 out of 360 House seats. The ANPP took 14 Senate seats and 63 House seats, while the AC took 6 Senate seats and 30 House seats; the remainder went to three smaller parties, the Progressive People's Alliance (one seat in the Senate, three in the House), the Accord Party (one Senate seat), and the Labour Party (one House seat).

The presidential and legislative results drew a raft of legal challenges that were adjudicated by election officials as well as the court system, with many appeals stretching well into 2008. On December 12, 2008, the Supreme Court delivered its final ruling on the presidential contest, repudiating the opposition complaints and upholding Yar'Adua's victory. Separately, in a rare instance of an opposition candidate unseating a PDP rival through the appeals system, an appeals court in November overturned the election of Edo state governor Oserheimen Osunbor of the PDP based on "voting irregularities," declaring the AC's Adams Oshiomhole the rightful governor.

Nigeria's economy is dominated by oil, which accounts for 95 percent of export revenues and almost all foreign investment. However, it is estimated that nearly \$400 billion in oil revenue has been stolen or squandered since Nigeria's independence in 1960.

Infrastructure projects often stall prior to completion as budgets are depleted by graft. Wealth and political power are concentrated in the hands of a narrow elite, and the majority of Nigerians are engaged in small-scale agriculture and other informal activities. Much of the regular violence in the oil-rich Niger Delta region stems from complaints about the unequal distribution of oil revenue, and oil "bunkering" (siphoning and selling crude oil on the black market) remains a common flashpoint.

Political Rights and Civil Liberties

Nigeria is not an electoral democracy. According to the constitution, the president is elected by popular vote for no more than two four-year terms. Members of the bicameral National Assembly, consisting of the 109-seat Senate and the 360-seat House of Representatives, are elected for four-year terms. The Brussels-based International Crisis Group found that the general elections of April 2007, "in the view of Nigerians and the many international observers alike, were the most poorly organized and massively rigged in the country's history." The Nigerian Centre for the Environment, Human Rights, and Development (CEHRD) and a coalition of other civil society organizations reported more than 110 incidents of political harassment and violence surrounding the elections in six Niger Delta states, with the majority of incidents committed by PDP supporters or criminal gangs acting on behalf of PDP politicians.

Nearly 50 parties participated in the 2007 elections. The three major political parties are the ruling PDP; the ANPP, which is the largest opposition party and draws its strongest support from the Muslim north; and the AC, an opposition party formed from smaller groups ahead of the 2007 elections. Three other parties are represented in the federal legislature: the Progressive People's Alliance, the Labour Party, and the Accord Party. Although political parties represent a wide array of policy positions and openly engage in debate, they continue to be marginalized by the PDP. In April 2008, the PDP chairman predicted that his party would be in power for another 60 years and said he did not "care if Nigeria becomes a one-party state." Many opposition parties have argued that the Independent National Electoral Commission (INEC) is effectively an extension of the PDP, and in October 2008, the ANPP called on the commission to train leaders of all parties on its election administration procedures and include opposition representatives in any electoral inquiries or rulings.

Corruption remains a serious problem, though the government has taken steps to improve transparency and reduce graft, including the reform of contracting and procurement rules. In September 2008, the former chief executive of U.S.-based contractor KBR admitted his role in channeling more than \$180 million in bribes to Nigeria to secure more than \$6 billion in contracts between 1994 and 2004. Seven former governors were charged with corruption in 2007 on orders from the Economic and Financial Crimes Commission (EFCC), the country's main anticorruption agency. However, EFCC chairman Nuhu Ribadu was removed from his post in December 2007, ostensibly to take a "one-year training course." In June 2008, he was demoted by his own police department, and while attending his graduation ceremony in November 2008, he was arrested for insubordination for not wearing the uniform pertaining to his lower rank (Ribadu was challenging the demotion in court). Ribadu was officially dismissed from the Nigerian Police force in December 2008. Many observers saw this continued harassment of the former EFCC chairman as retribution from those indicted under his supervision. Nigeria was ranked 121 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech and expression is constitutionally guaranteed and generally respected in practice. However, Nigerian State Security Service (SSS) agents occasionally arrest journalists, confiscate newspapers, and harass vendors, notably when journalists are covering corruption or separatist and communal violence. Local authorities sometimes target those who criticize them. In January 2008, after the offices of Abuja-based weekly *Fresh Facts* were ransacked, both the publication's chairman and a local distributor were detained for several days. The detention was reportedly ordered by the Akwa Ibom state governor due to an upcoming article on his involvement in a housing construction deal under investigation by the EFCC. A reporter and editorial board member with the daily *ThisDay*, Paul Abayomi Ogundeji, was killed outside his home in

Lagos in August, making him the second *ThisDay* board member to be murdered in as many years. Also that month, an American filmmaker shooting a documentary in the Niger Delta and his translator were interrogated and detained for 10 days by the SSS. A U.S.-based Nigerian online journalist who wrote frequently about the Delta was arrested by the SSS upon his arrival in Abuja in October 2008 and held for 11 days without charge. Sharia (Islamic law) statutes in 12 northern states impose severe penalties for alleged press offenses. A freedom of information law passed under former president Olusegun Obasanjo's administration continues to be weakened with amendments ranging from new permit requirements to the removal of a clause protecting whistleblowers. The government does not restrict internet access.

Religious freedom is guaranteed by the constitution, but many Nigerians, including government officials, discriminate against adherents of religions other than their own. Religious violence, frequently reflecting regional and ethnic differences and accompanying competition for resources, is common, especially in the more ethnically mixed "Middle Belt" region. Evangelical churches are reportedly growing rapidly in the country.

Academic freedom is guaranteed and generally honored in practice, although government officials frequently pressure university administrators and faculty to ensure special treatment for their family and associates. Nigeria's public education system is dismal; more than a third of the population is illiterate, and less than 60 percent of school-aged children are enrolled.

Freedoms of assembly and association are generally respected in practice. However, protests are often suppressed by state and private security forces, especially demonstrations organized by youth groups or in the Niger Delta. In February 2008, the military issued a warning to discourage protests in the wake of an election appeal decision in favor of the president. Human rights groups report that dozens of pro-secession activists have been killed in the past seven years and hundreds have been detained.

With the exception of members of the armed forces and those employed in essential services, workers may join trade unions and have the right to bargain collectively. A minimum of 50 workers per enterprise is required to form a trade union, and about 10 percent of the workforce is unionized. Public health workers struck in 9 of the last 10 years, and a large teachers' strike occurred in August 2008. In late 2008, lawmakers were finalizing a new labor law that proponents said would protect employees from discrimination and harassment.

Nigeria's higher courts are relatively competent and independent, but the judiciary remains subject to political influence and is hampered by corruption and inefficiency, especially at the lower levels. Defendants frequently lack legal representation and are often ill-informed about court procedures and their rights. According to a 2008 Amnesty International report that found systematic human rights abuses in the prison system, 65 percent of inmates are pretrial detainees, with many held for several years, and less than one in seven detainees have had access to a court-appointed lawyer. Human rights groups have alleged that Islamic courts in the 12 northern states with Sharia statutes fail to respect due process rights, which leads to harsh and discriminatory sentences.

Nigeria continues to suffer from abuses by security forces and a climate of impunity. In 2007, a UN special rapporteur on extrajudicial, summary, or arbitrary executions found that "torture and ill-treatment is widespread in police custody." In November 2007, Human Rights Watch pointed out that police "killed half as many 'armed robbery suspects' as they managed to arrest" during a three-month period. The trafficking of drugs and small arms is reportedly on the rise.

The constitution requires government offices to reflect the country's ethnic diversity. The Hausa-Fulani from northern Nigeria generally dominated the military and government from independence until 1999. Although the constitution prohibits ethnic discrimination, societal discrimination is widely practiced, and clashes frequently erupt

among the country's many ethnic groups. The results of the 2006 census, the first since 1991, were denounced by southerners for maintaining what they alleged was a false northern majority.

Ethnic minorities in the Niger Delta feel particular discrimination, primarily with regard to distribution of the country's oil wealth. For example, the Ogoni, whose traditional lands hold vast quantities of oil, are among Nigeria's poorest people. Dozens of armed groups and several unaffiliated warlords are active in the region. Militants loyal to former Niger Delta militia leader Mujahid Dokubo-Asari claim to be fighting for political autonomy and a bigger slice of oil revenues for the Delta region, particularly the communities of the Ijaw ethnic group. Kidnappings of oil workers, often for ransom payments that are said to be shared with local government officials, continued throughout 2008. The region's regular oil spills are frequently ignored by oil companies and the authorities.

Nigerian women face societal discrimination, although their educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and spousal rape is not considered a crime. Many women are subjected to female genital mutilation (FGM), though the precise incidence is unknown. While the federal government publicly opposes FGM, it has taken no action to ban the practice. Women's rights have suffered serious setbacks in the northern states governed under Sharia statutes. Human trafficking to, from, and within the country for purposes of labor and prostitution is reported to be on the rise. The government in 2004 outlawed human trafficking and set up an agency to deal with offenders, but existing provisions are insufficient. According to UNICEF, there are 15 million child laborers in Nigeria, with 40 percent of them at risk of being trafficked. Several organizations have reported on an illegal trade in which pregnant teenagers are promised abortions, only to be held until their babies are delivered and sold for an average price of 350,000 Naira (US\$2,400).

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