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Nigeria

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Nigeria is a federal republic composed of 36 states and a capital territory, with a population of approximately 140 million. In April 2003 President Olusegun Obasanjo of the People's Democratic Party (PDP) was re-elected to a four-year term after being declared the winner in elections that were marred by what international and domestic observers characterized as fraud and serious irregularities, including political violence. The elections also resulted in the ruling PDP claiming 70 percent of the seats in the national legislature and 75 percent of the state governorships. An extended legal challenge to the 2003 election verdict ended in July 2005 when the Supreme Court upheld the election result. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law.

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; 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; infringement on 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 the purposes of prostitution and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life There were politically motivated killings by the government or its agents. National police, army, and other security forces committed extrajudicial killings and used excessive force to apprehend criminals and to disperse protesters during the year (see sections 1.c., 1.d., 2.b., and 2.c.).

Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta region. Multinational oil companies and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region. Freelance and former security forces accounted for a portion of the violent crime committed during the year.

On August 20, military security forces in the Niger Delta opened fire on a boat conveying suspected militants. Ten persons were killed during the attack, including a kidnapped Nigerian employee of Royal Dutch Shell who was being led out of captivity by alleged members of the Movement for the Emancipation of the Niger Delta, which vowed to avenge the killings.

In most cases police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see section 1.d.).

Abuses by poorly-trained, poorly-equipped, and poorly-managed police against civilians were common, and the police were rarely held accountable. During the year police, military, and anticrime personnel continued to use lethal force against suspected criminals.

For example, on January 10, police officers killed two suspected thieves in the Rivers State city of Port Harcourt. A police spokesperson said the suspects, dressed in fake army uniforms, robbed several persons before they were killed by police. The government had not opened an investigation into the incident by year's end.

On February 13, military and police officers stormed the Ariaria market in Aba, Abia State on the pretext of preventing vigilantes from operating there. A firefight ensued, and four persons were reportedly killed. No investigation had been opened by year's end.

In June the media reported that brothers Juth and Romanus Akpowbo were arrested in Kano State after having been accused of armed robbery of the staff quarters of Bayero University. Two weeks later, Juth Akpowbo died in the hospital without having been released from custody. Romanus Akpowbo was also in the hospital and said the two brothers had been severely beaten by police. The government did not open an investigation into the allegations by year's end.

In August police in Umuahia North Local Government Area killed 12 suspected robbers and left their bodies at a local mortuary. No charges were filed in the case.

There were no developments in the 2005 case of the youths who were held incommunicado for 17 days by Rivers State police.

One officer involved in the 2005 police shooting of Suleiyol Hiikyaa was charged with manslaughter, but the trial had not begun by year's end.

By year's end no trial date had been set in the March 2005 case of the police officer accused of shooting and killing a bus driver in Makurdi, Benue State. The officer remained in jail while authorities considered which charges to file against him.

There were no developments in the 2005 case in which Gabriel Agbane died after being beaten by police in Kubwa.

There were no developments in the May 2005 deaths of six men who were found dead in the mortuary of the University of Nigeria Teaching Hospital after police presented them as robbers to the media.

During the year the government did not act on the recommendations forwarded in March 2005 by an investigative panel that determined that Kaduna State police in 2004 had killed and secretly buried 12 persons who attempted a jailbreak.

Violence and lethal force at police and military roadblocks and checkpoints continued during the year, despite the January 2005 announcement by the acting inspector-general of police that police roadblocks would be eliminated. Police generally ignored the order, and a policy of establishing roadblocks was formally reinstated in December after a police commissioner was killed in Abuja. Security forces occasionally killed persons while trying to extort money from them.

For example, on June 13, Delta State police officers beat Peter Osimiri and left him for dead when he refused to pay a \$156 (20,000 naira) bribe demanded of him for carrying eight rolls of electrical cable they believed to be stolen. A passing motorist discovered Osimiri and attempted to take him for medical help, but police saw him en route and beat him again. He died shortly after arriving at the hospital. The officers involved reportedly were detained, but no information was available.

On December 25, police officers in the Federal Capital Territory outside Abuja shot and killed a driver who refused to pay a \$0.16 (20 naira) bribe. A retaliatory mob formed and killed an assistant superintendent of police who was driving past the area but had not taken part in the attack. The mob chased police officers away from the checkpoint and attempted to burn down the local police station before being dispersed. The government had made no arrests by year's end.

There were no developments in the January 2005 case in which Edo State police stopped a taxi to demand a \$0.30 (40 naira) bribe and killed a passenger after the driver reportedly paid only 20 naira.

The murder trial of a Delta State police officer in October 2005 who shot and killed a commercial bus driver who was unable to pay a bribe had not begun by year's end.

The trial of six police officers from the Apo area continued, although with frequent and extended breaks. The officers were charged with murder for allegedly killing six traders at a vehicle checkpoint in June 2005. Two persons involved in the case were granted bail in August on grounds of ill health, three were granted bail without claim of ill health, and one suspect was denied bail after failing to prove a claim of poor health.

There were no known developments in the trial of the police officer accused of killing taxi driver Malam Danjari in Zamfara State in May 2005.

The naval officer arrested in Lagos for the July 2005 shooting of a motorcycle taxi driver was dismissed from the navy and arraigned before a Lagos court during the year.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence (see sections 2.b., 2.c., and 5). There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta.

There were several killings by unknown assailants that may have been politically motivated. For example, on January 14, unknown gunmen killed Hajiya Saudatu Rimi, the wife of former Kano State Governor Alhaji Abubakar Rimi. Charges against Rimi's stepson, who had been charged with the crime, were dismissed in October, and no others were filed by year's end.

Plateau State gubernatorial aspirant Jesse Aruku of the Advanced Congress of Democrats party was abducted on June 30 or July 1 and killed on July 2. Police stated that the motive was assassination rather than robbery and arrested several persons. The trial had not begun by year's end.

On July 20, violence erupted between gangs controlled by rival political leaders in Rivers State, resulting in the deaths of four persons in Emohua and six in Gokana.

On July 27, Lagos State gubernatorial candidate Funsho Williams, who had been seeking the nomination of the ruling PDP, was tied up, stabbed several times, and strangled to death. The two police officers responsible for guarding Williams' home did not report for work on July 27. An investigation was ongoing at year's end.

In the early morning hours of August 14, Ekiti State PDP gubernatorial candidate Ayodeji Daramola was killed in the bedroom of his home by unknown assassins. On November 16, eight persons, including an advisor to former Ekiti State governor Ayo Fayose, were arraigned before an Ekiti high court on charges of conspiracy and the murder of Daramola. Their trial was ongoing at year's end.

The five men accused of killing PDP politician Alhaji Lateef Olani-yan in Ibadan, Oyo State in July 2005, were being detained at year's end, although no formal charges had been brought against them.

There were no known developments in the case of the man in Kogi State who was arrested and charged with murder in 2005 after confessing to the March 2004 killing of Bassa Local Government Area (LGA) chairman Luke Shigaba.

Killings carried out by organized gangs of armed robbers remained common during the year. In Oshodi, Lagos State, a group of armed robbers, popularly known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists. When Federal Road Management Agency officers attempted to stop them in July, the robbers responded by attacking them with homemade weapons. There were unconfirmed reports of two deaths. Six area boys were arrested, but no trial had begun by year's end.

Soldiers arrested 62 suspected area boys and remanded them to police for prosecution on charges related to a May 2005 clash between soldiers and area boys. The incident followed the killing of a soldier near a military command in the Ikeja suburb of Lagos. Twelve of the area boys were arraigned before a magistrate's court and placed in custody to await trial. The remaining 50 were released due to insufficient evidence.

In Anambra, Abia, Imo, and Ebonyi in the southeast, state governments provided funding to vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes detained and killed suspected criminals rather than turn them over to police. On June 30, Attorney General Bayo Ojo pledged to seek justice for the families of 32 persons who died in August 2005 while being detained by the Bakassi Boys, but no arrests were known to have been made.

Other organized vigilante groups continued to detain and kill suspected criminals.

Police generally did not have a significant impact upon vigilante groups. They sometimes detained members of these groups during the year, but those arrests were sporadic, and none was known to result in prosecution. Initiatives announced to control the vigilante groups were not successful during the year.

There continued to be numerous reports of street mobs apprehending and killing suspected criminals during the year. There were no arrests reported from these mob actions, and there were no developments in cases from previous years. The practice of "necklacing" suspected criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it to burn the victim to death) by street mobs continued.

Lethal societal violence (including interethnic, intraethnic, and interreligious violence) continued (see section 2.c.). For example, on February 18 and 19, riots broke out in Maiduguri and Katsina in the north in response to the publication of

Danish cartoons depicting the Prophet Mohammed; in Maiduguri rioters burned churches and the homes and businesses of some local Christians.

In oil-producing areas, tensions remained high between members of resident ethnic groups and employees and contractors of oil companies. Local groups frequently kidnapped oil company employees, but most of these kidnappings did not result in death (see section 1.b.). However, on November 22, a British national was killed in crossfire between the military and kidnappers.

On May 10, a foreign oil-service contractor was shot and killed by unknown persons in Port Harcourt, Rivers State.

There were no developments in the case of two students who died in April 2005 clashes between rival cult groups at the Federal University of Technology in Minna, Niger State.

b. Disappearance

Unlike in the previous year, there were no reports of politically motivated disappearances. The government still had not responded to a court order to release a Kaduna central mosque imam detained since May 2003. It was not known whether the imam was still alive, and there were no updates on his case during the year.

Numerous hostage situations occurred during the year. In oil producing areas, tensions remained high between members of resident ethnic groups and employees and contractors of oil companies. Local groups frequently kidnapped oil company employees during armed attacks on oil company facilities. Kidnappings generally were related to longstanding disputes between ethnic groups and the government over resources. Some kidnappings were conducted for financial gain; others, perpetrated by militant groups, sought to force the government to develop local economies, increase local control of oil revenues, or release prisoners. These kidnappings sometimes resulted in the deaths of oil facility guards and of military personnel. The government responded to the poor security situation by implementing Operation Restore Hope, a military operation whose forces often used excessive force during the year, resulting in an escalation of violence on both sides and an overall degradation in security in the southern region.

On January 10, militants kidnapped four oil workers from an offshore Shell Company platform. The workers were freed 20 days later. Bayelsa State government and the federal government were active in negotiating with the militants to secure the hostages' release.

On June 2, eight foreign oil workers were kidnapped from a rig operated by Dolphin Oil; they were released two days later.

On June 7, five South Koreans were abducted from a natural gas facility run by Shell after a gun battle between militants and the military in which five military personnel reportedly were killed. The abductors demanded the release of the jailed leader of their militant group, Alhaji Asari Dokubo, but released the hostages after an unconfirmed plea from the leader to reach their goals through peaceful means. Asari Dokubo was not released from prison as a condition of the hostage's freedom.

On or about August 3, a group calling itself the Movement of the Niger Delta People kidnapped a German citizen and demanded the release of Alhaji Asari Dokubo and Diepreye Solomon Peter Alamiyeseigha in exchange for the hostage. Dokubo, the leader of the Niger Delta People's Volunteer Force, remained in detention at year's end following his October 2005 arrest on charges of treason. At year's end Alamiyeseigha was in detention while awaiting trial on money laundering charges. Dokubo released a statement saying he had no hand in the kidnapping and that the hostage should be released unconditionally. The hostage was released without incident.

Between August 1 and 17, 16 persons representing 10 nationalities were abducted in six separate incidents; all were released.

From October through year's end, there was a series of kidnappings of expatriate and local oil workers. Most were released by year's end. However, on November 22, of the seven expatriates taken hostage from an Agip vessel, one Briton was killed during an exchange of gunfire between the hostage-takers and a military patrol boat that succeeded in freeing the other six hostages.

Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region.

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

Although the constitution and law prohibit such practices and provide for punishment of such abuses, police, military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police physically mistreated civilians regularly in attempts to extort money from them. The law prohibits the introduction into

trials of evidence and confessions obtained through torture.

Unlike in the previous year, there were no reports that persons died from torture in custody.

Different formulations of Shari'a (Islamic law) were in place in 12 northern states (see section 2.c.). Shari'a courts delivered hudud sentences such as caning for fornication and public drunkenness, and death by stoning for adultery during the year, but it was unknown if any of the sentences was carried out by year's end. The term hudud refers to those crimes mentioned explicitly in the Koran, but which do not necessarily carry a specific punishment. Sentences of amputation were handed down in some cases for offenses other than theft, but no sentences were carried out. Several other stoning or amputation sentences were pending appeal or sentence implementation, but no such sentences were carried out during the year. Numerous sentences under Shari'a were not carried out by year's end because of the lengthy process for appeals. No death sentences were carried out in cases originating in earlier years. Because no applicable case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution (see section 1.e.); stoning and amputation sentences previously had been 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.

There were no known developments in the May 2005 case in which a Shari'a appeals court in Kaduna overturned amputation sentences that had been passed in 2003 against six Zaria men who had been accused of stealing a cow and a motorcycle.

There were fewer reports than in previous years that security forces tortured persons and used excessive force during the year. For example, on July 18, the newspaper Vanguard reported that on April 17, police in Delta State arrested Segun Pioko, tortured him, and killed him in May.

On October 23, at the Durbar festival outside the Emir's Palace in Kano, police beat unruly youth with sticks and whips to clear the way for the motorcade of the governor of Kano State. Although the crowd was unruly, participants were peaceful and posed no serious threat to public order.

In April police in the Njaba local government area of Imo State carried out reprisal attacks after youths rioted outside the local police station to protest police roadblocks in the area. Police arrested 50 persons, and at least four protestors died. Villagers reported that police were responsible for burning property in the area, resulting in damage estimated at over \$11.7 million (1.5 billion naira). The government did not announce formal prosecution proceedings against the arrested youths, who were believed to remain in detention at year's end.

There were credible reports during the year that security forces carried out rape and other forms of sexual violence on women and girls with impunity. Police officials acknowledged that rape was a problem.

No prosecution was expected in the November 2005 incident in which bodyguards for the Kebbi State governor beat and robbed a diplomat's driver at the Abuja airport.

There were no developments in the November 2005 case in which Abuja police attacked, beat, and arrested a diplomatic driver, allegedly for driving his vehicle too soon after the vice president's motorcade had passed through the area.

Unlike in the previous year, there were no reports that security forces beat journalists during the year.

There were numerous ethnic or communal clashes during the year (see section 5). Police in rural areas generally lacked the resources to control societal violence.

Vigilante groups such as the Bakassi Boys held detainees in informal detention centers, and detainees died during the year (see section 1.a.).

Prison and Detention Center Conditions

Prison and detention conditions remained harsh and life threatening. Most 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. 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 (see section 1.d.). A working group assigned by the attorney general to investigate prison conditions in the country released its report in March 2005. The group found that 64 percent of inmates were detainees awaiting trial, and only 25 percent of those

detainees had legal representation. Nearly two-thirds of the country's prisons were more than 50 years old. All of the prisons were built of mud brick, and their sewers, food, health care, education, and recreational facilities were well below standard. In June President Obasanjo appointed Olusola Adigun Ogundipe comptroller general of prisons. Although Ogundipe pledged to introduce reforms, improvements in prison conditions did not materialize by year's end. The government continued interagency discussions on how to reduce prison overcrowding.

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 pre-existing infections were exacerbated by the substandard living conditions imposed on inmates. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. The International Committee of the Red Cross (ICRC) continued to provide health and hygiene items to prisoners during the year.

Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the nongovernmental organization (NGO) Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates were promptly buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who died in the country's prisons was difficult to obtain because of poor record-keeping by prison officials.

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

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

d. Arbitrary Arrest or Detention The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices.

Role of the Police and Security Apparatus

The National Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the State Security Service (SSS), which reports to the president through the national security advisor. Police were unable to control societal violence on numerous occasions during the year, and the government continued its reliance on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The law prohibits state and local-level governments from organizing their own police forces. The NPF committed human rights abuses and did not noticeably decrease the incidence of violent crime nationwide (see section 1.a.). Police 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 press (see section 1.a.).

Corruption was rampant, most often taking the form of bribes at highway checkpoints. Police in Abuja routinely stopped drivers who had committed no traffic infraction. The police officers typically waved down the motorist or stepped in front of the car to compel the driver to stop. Police then entered the car and did not leave until the driver agreed to pay a bribe. Police often worked in groups and stepped in the middle of a slow moving traffic flow to stop several vehicles picked at random.

Although citizens could report incidents of police corruption to the National Human Rights Commission, this agency was not empowered to act in response to such complaints.

In January Lagos State police chief Emmanuel Adebayo announced "Operation Keep Moving," a directive under which police were not to impede traffic flow by extorting money or making unnecessary demands of drivers. In early January five Lagos police officers were arrested for extorting money from motorists at checkpoints. Police did not release the names of those arrested, and it was not known whether they were being prosecuted.

Arrest and Detention

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. Under the law police may detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, 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 police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded additional payment.

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 were frequently asked to return repeatedly for further questioning.

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 states as its prime tenets, initiated frequent violent clashes with the government, particularly in Onitsha and Anambra states. Police sometimes reacted by arresting large numbers of MASSOB members. For example, in June police in Anambra State suspected MASSOB of kidnapping four police officers and responded by arresting 69 people. Two others were killed in the arrest sweep. Formal charges against the 69 arrested persons were not announced by year's end.

MASSOB leader Ralph Uwazurike and six of his deputies, who were arrested in October 2005 on treason charges, remained in detention as they awaited trial. Public pretrial hearings were conducted in the case, but no announcements were made about the progress of the trial, which had been scheduled for September. There were no reports that the trial had begun by year's end.

Unlike in the previous year, there were no politically motivated arrests of members of the Oodua People's Congress (OPC), a militant Yoruba group operating in the southwest that claims its objective is to protect the collective rights of the Yoruba within the federation.

Several OPC members continued to be detained for most of the year on charges stemming from October 2005 clashes between rival OPC factions, but OPC leader Fredrick Fasehun was released in April on bail for medical reasons. In December charges were dismissed against Fasehun, Gani Adams, and four others, and all of those who had been detained were released from prison.

Mujaheed Asari Dokubo, the leader of the Niger Delta People's Volunteer Force, remained in detention at year's end following his October 2005 arrest on treason charges.

The treason trial against Hamza Al Mustapha and two other defendants did not begin by year's end, and the defendants remained in a military prison in Lagos. Al Mustapha was accused of plotting to shoot down President Obasanjo's helicopter.

There were no developments in the pending trial of Hamza Al Mustapha and four codefendants charged with the 1996 attempted murder of Alex Ibru, the minister of internal affairs under the Abacha regime. One defendant, Ishaya Bamaïyi, was granted temporary bail at the end of the year to seek medical treatment abroad.

The Economic and Financial Crimes Commission (EFCC) arrested and detained numerous government officials on corruption charges during the year, but critics charged that some arrests were politically motivated (see section 3).

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

During the year police arrested numerous demonstrators (see sections 2.b. and 2.c.).

Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see section 1.e.). In March 2005 a working group assigned by the attorney general to investigate prison conditions in the country found that 64 percent of inmates were detainees awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The National Human Rights Commission (NHRC) reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for significant periods of time without trial. 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 for years to gain access to the courts.

Amnesty

Despite the federal government's announcement in early January 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 during the year. On November 30, President Obasanjo again 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, those in ill health, or those over 60.

In August a judge granted 22 prisoners in Adamawa State amnesty for good behavior.

e. Denial of Fair Public Trial 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. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.

The Ministry of Justice implemented strict requirements for levels of education and length of service for judges at the federal and state level; however, there were no requirements or monitoring body for judges at the local level, leading to corruption and miscarriages of justice.

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 in the Federal Capital Territory (Abuja). 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.

The nature of the case usually determined which court had jurisdiction. In principle customary or Shari'a courts had jurisdiction only if both plaintiff and defendant agreed on this; however, delays, distance to alternative venues, community pressure, fear of legal costs, and individual preference caused many litigants to choose the customary and Shari'a courts over other venues. In some states, cases involving only Muslims must be heard by a Shari'a court. The return to the Shari'a courts that had existed in precolonial times in the north of the country stemmed at least in part from a failure of governance on the part of the federal government. State organs, including judicial bodies, were notorious for an extreme lack of responsiveness as a result of widespread graft and corruption.

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

Trial Procedures

According to the constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for trial within three months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see section 1.d.). The law did not provide for juries to be used in trials. Most detainees were poor and could not afford to pay the informal costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and in many cases used bribes to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting or progressing.

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 a trial does not go forward without counsel. However, there was a widespread perception that judges were easily bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other source of income, and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation.

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

There were no legal provisions barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some kadis (Muslim judges) subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed to these crimes (see section 1.c.). However, Shari'a courts did provide women with some benefits, including increased access to divorce, child custody, and alimony, because it was significantly easier, faster, and cheaper to get an audience in a Shari'a court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, persons arrested in previous years for alleged treason remained in detention at year's end.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters; however, the executive and the legislature also exerted undue influence and pressure in civil cases. A widespread lack of will to implement court decisions interfered with due process even when the executive branch did not attempt to compel a civil court to make a particular decision. The law provides for access to the courts for the redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were extremely difficult to enforce.

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

The law prohibits such actions, but authorities at times continued to infringe on these rights. Police raided homes without warrants during the year.

The Federal Capital Development Authority (FCDA) continued to demolish homes and businesses in the Federal Capital Territory in spite of multiple court injunctions prohibiting further demolitions. The government typically claimed that the homes or offices that were demolished lacked proper permits and consequently did not provide compensation to the owners, who were sometimes able to produce paperwork indicating the structures were built legally. There was no transparent legal process for deciding which homes would be bulldozed, and those who had their homes bulldozed had no recourse to appeal and received no compensation. The FCDA maintained the public position that the homes and offices did not comply with the master plan for the city. Hundreds of thousands of persons had been left homeless by demolitions that occurred over the past two years, and estimates of the number of homes and offices destroyed varied widely.

On February 14, the FCDA demolished three houses in the Asokoro District of Abuja. A former president of the Senate owned one of the houses, and the former governor of Anambra State owned another.

Soldiers also destroyed homes to avenge killings of military personnel. For example, on August 24, soldiers burned a slum outside of Port Harcourt following the killing of an army sergeant by militants in the area. An estimated 3,000 persons were displaced. The military denied responsibility, and the government was not expected to pay compensation to the victims.

Unlike in the previous year, there were no known reports that police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest.

Purdah, the Islamic cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. Although women's movement was restricted during daylight hours, many women pursued economic and social activities outside the home in the evening. As a result of decades of cultural mixing, purdah was also widely practiced by many non-Muslims in the north.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. While there were numerous private presses that published freely, there also were numerous attacks carried out by security forces during the year. Some journalists practiced self-censorship.

At year's end the trial had not yet begun in the case of seven university students who were arrested in May 2005 and charged with sedition for distributing leaflets critical of Jigawa State Governor Saminu Turaki.

There was a large and vibrant private domestic press that was frequently critical of 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 are more than 14 major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. 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 national television station, Nigerian Television Authority, was federally owned. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent; however, the government did not restrict access to, or reception of, international cable or satellite television.

International broadcasters, including Voice of America, BBC, and Deutsche Welle, broadcast in English and Hausa and were an important source of news in the country.

The NBC's 2004 ban on live broadcast of foreign news and programs continued throughout the year.

Unlike in the previous year, there were no known reports that security forces beat journalists.

There were no further known developments in the several instances in which security forces beat or detained journalists in 2005.

Security forces detained journalists during the year. For example, on June 14, in a case that drew substantial nationwide attention, SSS officers detained journalists Gbenga Mike Aruleba of Africa Independent Television and Rotimi Durojaiye of the Daily Independent newspaper in Lagos, who had reported earlier in the month that President Obasanjo had purchased a secondhand airplane. The journalists were charged with sedition and released on bail during a June 29 hearing. Observers noted that attendance at a June 25 hearing was closely monitored by SSS. At an October 10 hearing, the charges against Aruleba were dismissed, but those against Durojaiye and his newspaper were not. At year's end Durojaiye remained free on bail while an appeals court considered the constitutionality of the sedition charge.

The government suspended radio stations or confiscated newspapers during the year. In March the government restricted Freedom Radio in Kano from broadcasting between 5:00 and 10:00 PM for several days after the station aired a live call-in show in which callers criticized the government.

There were no known developments in the 2005 cases in which the government suspended radio stations or confiscated newspapers.

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

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 can rely on the defense of "fair comment on matters of public interest" and restricts the right to freedom of expression. Penalties for libel ranged from one to seven years' imprisonment (seven years, if the libelous material was published to blackmail a person).

There were no developments in the October 2005 case in which Chief Owei Sikpi, publisher of the Weekly Star newspaper, was detained for alleged libel against the federal government and the Rivers State government. At year's end Sikpi remained in custody, and no trial date had been announced.

There were no developments in the December 2005 case in which an editor and a presenter at privately-owned radio station Rhythm FM were arrested and charged with intent to cause public panic and fear. They remained in custody at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including

by electronic mail. A 2006 survey revealed that only 1.3 percent of households owned a personal computer and that 1.5 percent of households had fixed line telephone service. However, these limits were tied to poverty rather than government restriction. Cybercafes were widely available and unmonitored by the government.

Academic Freedom and Cultural Events

State governments continued to restrict academic freedom by controlling curriculum at all levels, including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism on campuses, particularly in the south, continued to hamper educational progress.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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 June 2005 decision to strike down the Act, which required a police permit to be issued for all public rallies and processions. Although the acting inspector general of police announced following the court's decision that the police would appeal the ruling, he also stated that police would respect the court's injunction prohibiting police from interfering with peaceful rallies.

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, which resulted in numerous injuries and at least one death. Police and army units used force to quell widespread ethnoreligious violence in February (see section 2.c.).

In January police in Oyo State used tear gas to disperse a high profile demonstration protesting Governor Ladoja's impeachment and removal from office. Police claimed to have broken up the demonstration, which was peaceful, because no permit had been issued.

In the spring police disbanded meetings protesting a proposed constitutional amendment to allow the president a third term in office.

There were major riots in northern states from February 18 to 19 after police used tear gas and live ammunition to break up peaceful demonstrations to protest the constitutional amendment to allow the president to run for a third term. In Maiduguri a riot ensued after police fired tear gas and live ammunition to disperse a demonstration organized ostensibly to protest Danish cartoons of the Prophet Mohammad. In Katsina police shot into a rally of 20,000 persons, reportedly shooting and killing the demonstration's leader.

On February 21, police arrested and detained 24 civil society representatives protesting the president's proposed third term agenda during a zonal constitutional review conference held in Oshogbo, Osun State. Police arraigned the protestors before an Oshogbo magistrate court under charges of unlawful assembly. The court granted all 24 persons bail, and the matter was pending before the court at year's end.

In July SSS agents in Abuja sealed off the intended venue of a meeting called to protest the firing of Bukhari Bello as chair of the NHRC.

On November 27, police disrupted a meeting of opposition politicians and activists in a multipurpose hall in Kaduna State. While former governor Alhaji Balarabe Musa was addressing a crowd of several hundred persons, police entered the building and arrested the meeting organizers, who were informed at police headquarters that the summit was "confrontational" and should be disbanded peacefully or the police would halt it by force.

There were no developments in the 2005 cases of security forces using excessive force against protesters. No action was taken against security forces who killed or injured persons while forcibly dispersing protesters in 2005 or 2004.

Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 46 parties registered with the Independent National Electoral Commission (INEC) at year's end, with the majority of those parties formed during the year to contest the 2007 elections.

c. Freedom of Religion The constitution and law provide for freedom of religion; although the federal government generally respected religious freedom, there were instances in which limits were placed on religious activity to address security and public safety concerns.

The law prohibits state and local governments from adopting an official religion. Some Christians alleged that Islam has been adopted as a de facto state religion in several northern states, citing criminal law aspects of Islamic law (Shari'a) and the continued use of state resources to fund the construction of mosques, the teaching of kadis, and pilgrimages to Mecca (hajj). However, several states, including northern states, used government revenues to fund Christian pilgrimages to Jerusalem. States, whether dominated by Christians or Muslims, generally favored the faith practiced by the majority of residents.

The law provides that states may elect to use Islamic laws and courts. Twelve northern states had adopted at least parts of Shari'a Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe. Adherence to Shari'a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required in any state to submit to Shari'a jurisdiction, although in some states they have the option to do so, which may work to a defendant's advantage when the penalty under Shari'a is less severe than under civil law. For example, some crimes carry a punishment of a fine under Shari'a but would receive a prison sentence under civil law.

Although several northern state governments continued to ban public proselytizing to avoid ethnoreligious violence, some Christian proselytizing groups remained active despite these formal bans, which generally were enforced on a case-by-case basis.

The law does not require students to receive instruction in a religion other than their own; however, the Ministry of Education requires public school students throughout the country to undergo either Islamic or Christian religious instruction. State authorities claimed that students were permitted not to attend classes taught in a religion other than their own, and that students may request a teacher of their own religion to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools nor those of "Muslim Religious Knowledge" in some southern schools.

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

Although Shari'a technically does not apply to non Muslims, the non-Muslim minority has been affected by certain social provisions of Shari'a, such as the separation of the sexes in public schools and in the health and transportation services. Many social provisions associated with Shari'a have roots in the country's pre-Islamic societies and were in practice before the states adopted Shari'a. Although most states had not criminalized alcohol consumption by non-Muslims, in 2004 Kano State announced that non-Muslims would be fined approximately \$380 (50,000 naira) or sentenced up to one year in prison for drinking or selling alcohol in certain public places. There were no reports of non-Muslims in Kano State being penalized under this restriction during the year, and alcohol was available in some restaurants and hotel bars. Some states continued to offer only gender segregated transportation (see section 5).

A number of states with expanded Shari'a have long sanctioned private vigilante Shari'a enforcement groups (hisbah); in some cases these groups had authority to make arrests. The hisbah groups were not very active during the year, although they often served as traffic wardens, especially in Kano.

Unlike in the previous year, no Shari'a death sentences generated controversy, and there were no reports of persons being sentenced under Shari'a law for fornication or adultery, regardless of their religious affiliation.

There were no updates in the 2005 case of Saleh Dabo, who was sentenced to death by stoning for adultery, even though he was not married. The appeal had not yet been heard by year's end.

There were numerous Shari'a cases pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. Many of these cases had been delayed continuously for various reasons.

Societal Abuses and Discrimination

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

religious groups.

Religious differences often mirrored regional and ethnic differences. For example, persons in the North and in parts of the Middle Belt were overwhelmingly Muslim and from the large Hausa and Fulani ethnic groups that tended to dominate these areas. Many southern ethnic groups were predominantly Christian. In many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tended to be farmers or to work in urban areas. Consequently ethnic, regional, economic, and land use competition and confrontations often coincided with religious differences between the competing groups (see section 5). It was not unusual for two ethnic groups with a long history of conflict to have adopted different religions, with the effect of exacerbating existing tensions.

Ethnoreligious violence resulted in numerous deaths and the displacement of thousands of persons.

In February the Nigerian Red Cross reported that up to 50,000 persons were displaced and approximately 150 killed by a wave of sectarian violence sparked by protests over caricatures of the Islamic Prophet Muhammed. The special assistant to the country's president of Migration and Humanitarian Affairs estimated that at least 500,000 persons, and perhaps millions of persons, were displaced within the country. The Nigerian Red Cross reported that approximately 8,600 Internally Displaced Persons (IDPs) had sought protection in an army barracks in Anambra State, and an additional 2,000 persons remained in refuge in army barracks in Niger State. The majority of deaths occurred in the mainly Christian southeast city of Onitsha, where groups of armed youths attacked Muslim Hausa-speakers from the north in revenge for the killings of Christian Igbos several days earlier in the north of the country. Spiraling violence spread across at least six states, with thousands of IDPs taking temporary refuge in police and army barracks or churches. Widespread destruction of property took place, with numerous churches, mosques, and houses burned down. State governments in the affected areas dispatched police and army reinforcements and imposed curfews in an attempt to contain the situation. The curfews were later lifted.

On February 18, rioting in Maiduguri, Borno State, left more than 50 persons dead in six hours of attacks against Christians and their property. Approximately 40 churches also were destroyed.

Also in February Muslim students at a secondary school in Bauchi State reportedly threatened a Christian teacher for handling the Koran when she took it from a student who was reading it during class. A subsequent demonstration resulted in the burning of two churches and the killing of approximately 20 Christians; approximately 25 persons reportedly were arrested. The government handled the case as a state security matter and had released little information publicly by year's end. There were reports that some of the defendants were taken to Jos in Plateau State, where they were granted bail, and that others were taken to Abuja. Christian religious leaders in Bauchi have been unable to make contact with the teacher, who was reportedly transported out of the state for her protection.

In February unidentified Muslim students at a nursing school in Sokoto threatened a female Christian student after she used inflammatory language denigrating the prophet Muhammed. A riot ensued, and the school was closed for a few weeks for security reasons. The female student was given refuge at a local police station. A police investigation had not located the perpetrators by year's end.

On September 10, churches in Jigawa State were burned during an interreligious conflict that reportedly developed when a Christian student and a Muslim student exchanged comments denigrating each other's religious figures.

During the year local authorities in Abia State were presented with a petition by members of Jehovah's Witnesses who were victimized in June 2005 when their worship center and the homes of 24 families were destroyed. The petition requested aid in rebuilding and the arrest of the perpetrators. The government took no action on the request.

There were no known developments in the February 2005 case in Numan, Adamawa State, in which police killed at least two persons and arrested at least 30 others who were protesting the appointment of the new Bachama ethnic group traditional leader.

There were no arrests or prosecutions in the 2004 case in which Muslim students at a major university in Bauchi State abducted and killed the head of a Christian campus organization in retaliation for perceived insults to Islam by Christian students.

There were no reports of anti-Semitic acts during the year.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and while the government generally respected them, police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence.

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

Kano State's 2005 ban prohibiting commercial motorcycle taxis from taking female passengers continued during the reporting period (see section 5).

The law prohibits the expulsion of citizens, and the government did not use forced exile. Ismaila Gwarzo, national security advisor to former president Abacha, remained restricted to his hometown in Kano State after President Obasanjo issued the informal injunction to prevent Gwarzo from allegedly plotting against him.

The FDCA continued to demolish homes and businesses in the Federal Capital Territory, which left numerous persons homeless (see section 1.f.).

Internally Displaced Persons (IDPs)

Ethnoreligious violence in February resulted in numerous deaths and the displacement of thousands of persons during the year (see sections 2.c. and 5).

Protection of Refugees

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 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 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.

Government forces withdrew from the Bakassi Peninsula near the border with Cameroon in August after a June agreement between the presidents of Cameroon and Nigeria. Cameroon was given administrative control of the region following an extended legal dispute that resulted in the 2002 decision by the International Court of Justice to award the Bakassi to Cameroon. Some citizens remained in what became Cameroonian territory, and others were offered resettlement within the country.

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

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 elections in 2003. The political system remained in transition. The three branches of the government acted somewhat independently, although the executive branch dominated the other two branches.

Elections and Political Participation

The 2003 legislative elections were marred by widespread fraud. The turnout was significantly low for the 2003 presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the 2003 national assembly elections, and 19 parties fielded candidates in the presidential election. The European Union observer mission categorized the quality of the presidential election as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, issued negative statements about the fairness of elections and cited problems throughout the country. Problems included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those other parties.

Although in 2004 an election tribunal voided part of the 2003 presidential election results, including the entire result of Ogun State, President Obasanjo's home state, and found that there was significant rigging, the tribunal declined by a three to one vote to overturn the election. The opposition appealed the verdict to the Supreme Court, which in 2005 not only upheld the election results, finding that the 2003 election had been "substantially" in compliance with the election law, but also reinstated the results that had been voided by the tribunal. The justice delivering the dissenting opinion in the appeals court was dismissed from the judiciary and continued to live without retirement benefits in the east. On August 12, following a two-year court battle, the Anambra State Elections Tribunal overturned the 2003 gubernatorial election results and declared the All People's Grand Alliance candidate Peter Obi the winner. The previously recognized winner, Chris Ngige, who had run as a member of the ruling PDP but was later expelled from the party, appealed the ruling and refused to leave office pending his appeal.

The government took steps to prepare for elections scheduled to be held in April 2007. The slow pace of these preparations, however, caused widespread concern about the ability of the INEC to support the election. The media issued conflicting reports as to whether the INEC had actually received the funding allotted to it to prepare for the elections, though the INEC continued to insist that it had adequate funds to proceed. The government did not complete voter registration by the December 14 deadline mandated by law when an effort to electronically register voters fell far short of completion. At year's end the government was discussing whether to address the situation by continuing to register voters electronically, by substituting manual registration for electronic registration, or by revalidating the 2003 voter rolls, which were widely held to be seriously flawed.

On November 18, violence marred PDP local government congresses in several states. Fourteen persons were believed to have been killed in Rivers State, and at least five PDP members were wounded during gun battles in Akwa Ibom after armed police were brought to PDP headquarters to quell protests over allegedly doctored lists of delegates for the State Assembly primary election.

From December 8 to 10, approximately six persons in Benue State were killed during riots that broke out after a gubernatorial primary was delayed and the PDP selected an unpopular candidate for the State House of Assembly. No prosecutions were announced in the case.

In November there were reports that at least five persons in Enugu State were mutilated and killed for ritual purposes by perpetrators who worked for local politicians.

Internal pressure, including threats, was exerted on members of the ruling PDP to limit their ability to select the party's leadership. Party leadership was imposed from the presidency, and Obasanjo was given a lifetime party leadership post. The process for selecting party candidates was not transparent, and rifts between President Obasanjo and Vice President Atiku Abubakar led to the disenfranchisement of a number of persons in the party's internal political processes. Most party candidates were pressured to step down, and those who remained were not allowed to campaign at the party convention in December. The PDP required persons interested in running for president on the party's ticket to pay \$39,060 (five million naira) for a PDP nomination form. The PDP offered the forms to female candidates for an "expression fee" of \$78 (10,000 naira).

The country's electoral law allowed those who felt they had been disenfranchised to leave their existing party and form a new one.

In March the SSS detained and questioned Alhaji Lawal Kaita, leader of the Advanced Congress of Democrats, a political party that had recently been formed by former members of the ruling PDP. The minister of information defended the SSS action and called the 74-year-old Kaita a threat to public safety and national security for allegedly recruiting thugs for political activities.

On April 4, eight leaders of the Turaki Vanguard, a campaign group supporting the vice president, were charged with belonging to an unlawful society. No further hearings were announced in the case by year's end.

The EFCC continued a strong anticorruption campaign during the year, arresting a number of federal, state, and local officials and seizing millions of dollars in assets. Some observers lauded the commission's actions as a centerpiece of the Obasanjo 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 criminal procedure. During the year the EFCC brought or threatened criminal charges against several persons intending to run as presidential candidates.

Although there were more than 500 ministerial and National Assembly positions, there were only eight female ministers, three female senators, and 12 female representatives at the end of the year.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the vice president is a Fulani from the northeast, and the senate president is an Igbo from the southeast. The government also

attempted to balance other key positions among the different regions and ethnic groups. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the government (see section 5).

Government Corruption and Transparency

Corruption was massive, widespread, and pervasive, at all levels of the government and society (see section 1.e.). The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors.

During the spring debate over a constitutional amendment allowing a third term for President Obasanjo, many members of the National Assembly were offered bribes in return for their votes on the amendment. Credible reports indicated that at least some of the members accepted the payments.

At year's end 31 of the country's 36 governors had been or were being investigated, most on suspicion of corruption. Three governors were impeached during the year, although the Supreme Court later ruled that one governor should be returned to office because of procedural flaws in his impeachment. Although allegations of gubernatorial corruption were generally credible, some observers believed that persons were targeted for investigation for political reasons.

On January 12, the Oyo State House of Assembly impeached Governor Rasheed Ladoja on charges of corruption and abuse of office. Underlying the impeachment was a political feud pitting the governor against the state's traditional political strongman, whom the president reportedly supported. On December 7, the Supreme Court upheld the decision of the Ibadan appeals court to nullify Ladoja's impeachment.

In October the governor of Ekiti State, Ayo Fayose, was impeached following an investigation that determined that he and others had embezzled \$9.4 million dollars (1.2 billion naira) from the state. At year's end a court case was pending to prevent the EFCC from pressing charges against Fayose.

In November Plateau State Governor Joshua Dariye was impeached for corruption. Dariye skipped bail in London on money laundering charges and was widely reported to have embezzled money intended for the Plateau State treasury. Observers found the charges against him both credible and politically motivated.

The EFCC and the Independent Corrupt Practices Commission (ICPC) won no convictions of high-level officials during the year, although numerous investigations and arrests were conducted. In November 2005 former inspector-general of police, Tafa Balogun, pled guilty to minor obstruction charges and received a six-month prison sentence.

On September 26, the Senate adopted a resolution to launch an investigation into allegations of high-level corruption at the Petroleum Technology Development Fund (PTDF). In December the courts dismissed charges against the vice president because of his immunity while from prosecution while in office. The president and the vice president continued to publicly trade accusations of PTDF-related corruption against one another through the end of the year.

Complicit prison and hospital officials reportedly forged death certificates for convicted drug offenders to aid their escape from prison. In the 18-month period between January 2005 and August, approximately 200 convicted drug offenders escaped in this manner. In some cases drug offenders paid other persons to serve their prison sentences. President Obasanjo reportedly ordered the attorney general to form a commission to further investigate these preliminary findings.

Bayelsa State Governor Diepreye Alamieyeseigha, who in September 2005 was arrested in the United Kingdom and charged with money laundering, had been denied bail and was in jail pending trial. At year's end the court was considering a motion to allow him to leave prison to seek medical treatment abroad. His case was adjourned until 2007 due to his failing health.

There were no known developments in the June 2005 arrests of Bauchi State government employees for their role in embezzling \$2.1 million (281 million naira) of state government funds.

There were no known developments in the June 2005 case in which the EFCC arrested five Kebbi State government employees for embezzling up to \$22 million (three billion naira) of state government funds through schemes involving fake vouchers and the private sale of state bonds.

There were no developments in the 2003 prosecution of the former labor minister and other senior government officials on corruption charges. The former officials remained free as the trial, which began in 2004, continued to be delayed.

There were no laws providing for access to information, and the government provided limited access in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the government's human rights record was abundant in various media. Human rights activists reported that their interactions with the federal government were acceptable, but should be more frequent. However, the environment for interaction was still tense, and human rights groups were reluctant to form a close relationship with the government.

Numerous domestic and international NGOs were active in the country. Significant NGOs included Amnesty International (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. The NGOs were generally independent of the government although some, such as WOTCLEF, which the vice president's wife chaired, had close government ties.

The government met with NGOs, and civil society organizations facilitated government/NGO communications.

There were no known developments in the 2004 case in which the customs service did not comply with a court decision against it. Although CLEEN won its September 2004 lawsuit against the government over the 2002 seizure of its human rights reports and was awarded \$69,230 (9 million naira), the customs service neither paid the award nor returned the seized books.

International NGOs actively addressed human rights issues in the country during the year. The ICRC in Abuja and Lagos provided assistance to victims of interethnic violence in the north and conducted presentations and trainings on human rights for police and military personnel. HRW also reported on a protest against the firing of the executive secretary of the NHRC, Niger Delta violence and abuses, and discrimination against non-indigenes.

The NHRC, which the government tasked with monitoring and protecting human rights, strove to improve its credibility with the general public and NGO community as an independent monitoring body. The NHRC had zonal 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.

In June the government removed NHRC Executive Secretary Bukhari Bello. There was widespread condemnation of the move, which observers believed was intended to punish the NHRC for its previous protests against unfair detentions.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially those of 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, courts and 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.

AI estimated that two-thirds of the women in certain communities in Lagos State experienced physical, sexual, or psychological violence in the family, with husbands, partners, and fathers responsible for most of the violence. Discriminatory laws exacerbated the problem. For example, the penalty for sexual assault of a man is more severe than the penalty for the same offense against a woman.

The law criminalized rape and provided for substantial penalties for convictions, but societal pressures and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in

court, and no such prosecutions were reported during the year. Rape and sexual harassment continued to be problems. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common, and rape continued to be epidemic in universities. In November AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.

The NDHS estimated that approximately 19 percent of the female population had been subjected to FGM, although the incidence had declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the south. Women from northern states were less likely to undergo the most 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 delivered 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 included 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 that they had to convince the local government area 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 their contact with health care workers on the medical effects of FGM.

During the year there were no known prosecutions resulting from a 2005 Osun State law intended to punish persons who encourage FGM. The law criminalizes the removal of any part of a sexual organ from a woman or a girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; and any person who other than for medical reasons performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of \$385 (50,000 naira), one year's imprisonment, or both for a first offense, and doubled penalties for a second conviction.

Prostitution was a serious problem, particularly in urban areas. There are statutes at both the federal and state levels criminalizing prostitution. All states that had adopted Shari'a had criminalized prostitution, and this ban was enforced with varying degrees of success. The police frequently used the antiprostitution statutes as tools for harassment, arresting offenders and holding them until they paid a bribe, but rarely prosecuting the cases in court.

Trafficking in women was a problem (see section 5, Trafficking).

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

Women also experienced considerable economic discrimination. 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.

The NDHS survey showed that women had significant control over the income they generated (73.4 percent made sole decisions on how such income was to be used), but that men largely controlled decisions regarding areas such as children's and women's own health care.

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 recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property.

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.

Polygyny is legal and continued to be practiced widely among many ethnic and religious groups.

Women in the 12 northern states were affected to varying degrees by Shari'a. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. Kano State's 2005 ban prohibiting commercial motorcycle taxis from taking women as passengers continued during the reporting period. The state government did not cite any specific Koranic references in announcing the ban. Both Muslim and non-Muslim women were affected by the ban.

The testimony of women was not given the same weight as that of men in many criminal courts (see section 1.e.).

Children

The government seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be 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; however, compulsory primary education rarely was provided. The 2004 NDHS EdData survey showed primary school net attendance rates of 64 percent for boys and 57 percent for girls, with approximately 96 percent of those attending completing five years of primary education. Secondary school net attendance was considerably lower, at 38 percent for males and 33 percent for females. 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 enroll in secondary and elementary schools. The literacy rate was 58 percent for men but only 41 percent for women.

While most schools in the north traditionally separated children by gender, the law required this practice in Zamfara, Sokoto, and Kebbi state schools (see section 2.c.).

The UN Children's Fund (UNICEF) collaborated with the government on a Strategy for Acceleration of Girls Education in the country to produce a smaller gap between boys' and girls' access to education. Donor governments undertook similar initiatives.

Girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunizations from childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.

FGM was commonly performed on girls in southern areas of the country (see section 5, Women).

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

Numerous children were homeless and lived on the streets. According to the Consortium for Street Children, there were no known statistics on numbers of street children in the country. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community. AIDS also had a tremendous impact on the numbers of orphaned street children.

Trafficking in Persons

Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for trafficked persons during the year. 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 majority of trafficking victims rescued by NAPTIP came from Akwa Ibom and Edo states. In August 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 street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, Norway, Belgium, the Netherlands, Cote d'Ivoire, Benin, and Niger. 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.

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. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were threatened by juju practitioners. 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).

The National Agency for Prohibition of Trafficking in Persons (NAPTIP), a 200-employee agency with 60 investigators and 30 prosecutors dedicated to trafficking, bears primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also have antitrafficking units. In addition the president had a special assistant for human trafficking and child labor.

The government devoted more resources to curb trafficking during the year and took several steps to address the problem more effectively. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and record-keeping 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 NAPTIP investigated 65 new cases and prosecuted 25 cases. At year's end, many of these cases were pending, and eight convicted traffickers were serving prison sentences. Observers attributed the low conviction rate to witnesses' reluctance to testify and the slow progress of cases through the courts.

Charges were dismissed in the 2005 case in which an alleged trafficker and a truck driver were awaiting trial on charges of trafficking 40 children between the ages of seven and 19. Parents of the girls testified that they were going to Lagos to work as domestic employees in order to save money for their marriage ceremonies.

The NPF Antitrafficking Task Force was established in 2005 and staffed 22 units in states with the worst trafficking problems. Officials complained of inadequate resources, citing insufficient funding to support investigative field work.

The government increased collaboration on investigations with concerned law enforcement agencies in France, Spain, Italy, and Benin. Officials attended international workshops on trafficking, and the government collaborated with Benin to arrest traffickers and repatriate trafficking victims. In May the government participated in a Libreville summit hosted by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) at which a regional multilateral agreement and action plan to combat trafficking was developed. In July ECOWAS and ECCAS hosted a follow-up conference in Abuja at which the multilateral agreement and action plan were adopted by 24 countries, including Nigeria.

At the institutional level, government authorities did not facilitate or condone trafficking; however, reports continued to surface 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. On August 21, the Ministry of Foreign Affairs closed its authentication unit which provided falsified seals in exchange for bribes greatly exceeding the official rate. Credible reports indicate that much of the authentication was for young women who were being trafficked out of the country. The majority of instances were attributed to ignorance of the trafficking law and difficulties overcoming traditional practices. 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 NPF had found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges. One police inspector was arrested in Abuja for releasing two trafficking suspects after receiving specific orders to hold them. The inspector was not suspected of collaborating with the traffickers and their activities.

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; 500 victims passed through the agency during the year. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received an estimated 500 calls during the year. During the year the government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families. NAPTIP also conducted a sensitization exercise to increase awareness of the risks of trafficking.

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

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 organized in conjunction with NGOs to bring together 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 counseling to trafficking victims and other youths.

The government increased efforts and substantially increased funding to prevent trafficking in persons during the year. The stakeholder forum, established by NAPTIP in 2003, met monthly in each state, conducted training of security and immigration officials and held meetings with local government leaders to raise awareness of trafficking issues. NAPTIP officials met with several major traditional leaders to raise their awareness regarding trafficking and the antitrafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. The government continued implementing the ILO International Program on the Elimination of Child Labor (IPEC) West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in commercial agriculture, especially cocoa production.

NAPTIP led the establishment in 2005 of state-level antitrafficking committees that consisted of immigration officials, civil society organizations, law enforcement agents, and federal ministries in 22 states. These groups were charged with coordinating action in trafficking cases among their respective organizations. During the year these committees were established in 11 northern states established such committees following the establishment of 11 committees in 11 southern states in 2005 and 2004.

The government established economic and education programs to improve economic conditions and indirectly prevent trafficking. Despite these and other programs, poverty, lack of access to education, and lack of economic opportunities remained pervasive problems that fueled the trafficking problem.

Several state governments continued to make significant prevention efforts during the year, including awareness campaigns among at-risk populations. NAPTIP's Public Enlightenment Unit also conducted several awareness events throughout the country.

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

International organizations worked closely with the government and the community during the year to prevent child trafficking. UNICEF continued a children's parliament program that discussed civil rights and the dangers of human trafficking. A foreign government worked with NAPTIP on an antitrafficking program to strengthen local capacity to arrest and prosecute traffickers, and to provide assistance to victims through the Lagos shelter.

The ILO continued to support information coordination and monitoring by providing internet connectivity to the national monitoring center. UNICEF continued to provide additional funding for NAPTIP zonal officers.

Persons with Disabilities

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 person with disabilities.

Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame by their own families. 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 begged on the streets. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women.

The federal government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs such as the Kano Polio Victims Trust Association.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Ibos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt. Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private-sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a low rate of intermarriage across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see section 2.c.).

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. Middle Belt and Christian officers dominated the military hierarchy, and some persons in the North believed that the northern Hausa were underrepresented in the military. Northern Muslims accused the government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional relationships continued to be used to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

In April HRW published a report describing discrimination against non-indigenes. 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.

In Plateau State, the Hausa and Fulani, most of whom were Muslim and considered non-indigenes, claimed to face significant discrimination from the local government in scholarships and government representation.

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

Religious difference often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year (see section 2.c.). There were no developments in previous years' incidents of ethno-religious violence.

Interethnic fighting has long been a problem in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. Despite a ceasefire in Warri that was negotiated in 2004, fresh violence broke out during the year.

Interethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. In 2004 militia groups operating in Port Harcourt and other areas around the Delta region carried out violent operations that ended when officials from the presidency negotiated directly with militant leaders and reached a cease-fire agreement. Following

the October 2005 arrest of Dokubo, leader of the Niger Delta People's Volunteer Force (see section 1.d.), tensions remained high for several weeks with increased threats and instances of crime, particularly against foreign interests, that could have been politically motivated. However, these threats also may have resulted from groups taking advantage of the heightened tensions for monetary gain. The situation remained largely unchanged from the previous year.

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

No charges were expected in the case of 20 persons arrested in a February 2005 land-use dispute between farmers and herdsmen in Demsa, Adamawa State.

Other Societal Abuses and Discrimination

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

During the year the National Assembly considered an antigay 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.

There was widespread discrimination against persons living with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons living with HIV/AIDS often lost their jobs or were denied health care services. However, public education campaigns were implemented to reduce stigma and change perceptions of the disease.

Section 6 Worker Rights

a. The Right of Association

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, some statutory limitations 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 establishment of the enterprise (see section 6.b.).

According to figures provided by the two largest union federations, the Nigeria Labor Congress (NLC) and Trade Union Congress (TUC), total union membership totaled between 7 and 7.5 million during the year. Less than 10 percent of the total workforce was organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

The March 2005 Trade Union (Amendment) Act eliminated the previously mandated single-labor-federation structure for workers, organized under the NLC. Trade union federations, now called "central labor organizations," must be registered formally by the government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union. All unions and federations officially recognized prior to the law's passage were allowed to retain their status. The government formally recognized two union federations: the NLC, whose 29 formally recognized member unions represented lower-level and unskilled employees; and the TUC, whose 21 formally recognized member unions represented senior staff and managers. The TUC also had three additional member unions that the government had not recognized by year's end. The government did not formally recognize the Congress of Free Trade Unions (CFTU), which represented senior-level employees in certain sectors, although its member unions were recognized. Individual member unions can participate in collective bargaining and represent their members.

The TUC was recognized as a central labor organization under the new law, while the CFTU was not because it lacked the requisite number of affiliate unions. While lifting some restrictions on freedom of association by allowing more labor centers, the new law weakened the NLC, previously the country's only labor federation, by allowing the

recognition of other labor federations representing groups of unions. Unlike in the previous year, abuses of labor standards did not increase during the year.

On July 10, dock workers disrupted a meeting between the Nigerian Port Authority and the Bureau of Public Enterprises held at Apapa port in Lagos. The dock workers reportedly protested both employer and union actions in ongoing privatizations. The police, whose presence was requested by union leaders, used tear gas on the crowd of over 500 persons and made several arrests.

The law prohibits antiunion discrimination.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, the law also narrowly defines what union activity is legal. The law provides for the right to both organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. However, collective bargaining in the private sector was restricted. The new law limits the right to strike to matters pertaining to breach of contract or wages and conditions of work, thereby prohibiting strikes over matters of national economic policy.

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. While strikes continued to occur in localized areas after the law passed in 2005, no national strike was called. Instead a new strategy of organizing peaceful protest rallies was implemented by the Labor and Civil Society Coalition to solicit the government's response to and settlement of labor issues. A few rallies took place during the year and received favorable responses from the Ministry of Employment, Labor, and Productivity.

In June at least four representatives of the National Association of Telecommunications Employees were arrested when employees of the national telephone company, NITEL Nigerian Telecommunications Limited, went on strike because they had not been paid in months. The workers were later released without charge.

Unlike in the previous year, there were no reports that unions used threats against members and their families to force them to stay at home during planned strikes.

During the year there were no reports of deaths or injuries related to strikes. No action was taken against security forces who killed or injured strikers in 2005.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to Industrial Arbitration Panel (IAP), with the approval of the labor ministry. The IAP's decisions were binding on parties but could be appealed to the National Industrial Court. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

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

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that it occurred (see sections 5 and 6.d.). Enforcement of the law was not effective in many parts of the country. During the year the government undertook training and sensitization programs in several regions to improve enforcement.

d. Prohibition of Child Labor and Minimum Age for Employment

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

Apprenticeship of youths at the age of 13 is allowed under specific conditions.

Awareness of the problem increased throughout civil society, and the government demonstrated its commitment to the issue of child labor throughout the year. The Ministry of Employment, Labor, and Productivity drafted a National Policy on Child Labor as well as a National Plan of Action for the Elimination of the Worst Forms of Child Labor in Nigeria. By year's end both drafts had been submitted to the Federal Executive Council for approval.

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 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. 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 (see section 5).

Economic hardship resulted in high numbers of children working to enhance meager family income. Children frequently were employed as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Little data was available to analyze the incidence of child labor. The National Modular Child Labour Survey Nigeria, 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 ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws, though it primarily rehabilitates trafficking victims and child labor victims. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children (see section 5). The ministry repatriated 350 trafficked child laborers to their countries of origin during the year.

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

UNICEF continued a program to remove young girls from the street peddling trade and relocate them to informal educational settings.

e. Acceptable Conditions of Work

The law sets a minimum wage, which was reviewed infrequently by a tripartite committee which provides recommendations to the National Assembly. Real wages greatly exceeded the minimum wage. The minimum wage was \$41.70 (5,500 naira) per month (with a 13 month year as the law mandates an extra month's pay for the Christmas holiday). The national minimum wage did not provide a decent standard of living for a worker and family. The government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage. Some federal ministries, states, and private sector companies raised their minimum wage to \$56.70 (7500 naira) for all employees. The Ministry of Employment, Labor, and Productivity is responsible for enforcing the minimum wage which was strictly enforced for companies with more than 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it was capable of paying the minimum wage and then issued a ruling.

The law mandates a 40-hour workweek, two to four weeks' annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees. Labor leaders reported that the law can be interpreted as prohibiting some forms of excessive, compulsory overtime; however, workplace health and safety conditions were not properly patrolled, and enforcement was irregular due to insufficient police and the small number of factory inspectors. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the inspectorate division of the Ministry of Employment, Labor, and Productivity inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety oversight at many enterprises, particularly construction sites and other nonfactory work locations. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, the law was not strictly enforced. The Factories Law provides for the protection of employees in hazardous situations, including the right to remove themselves from such situations; however, the law did not provide similar provisions for other workers.

The labor laws apply to legal foreign workers, but not all companies respected these laws in practice.