



COUNTRY OF ORIGIN INFORMATION REPORT

NIGERIA

9 JUNE 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 May 2009. The 'Latest News' section contains further brief information on events and reports accessed between 2 May and 9 June 2009. This report was issued on 9 June 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

Country of Origin Information Service

UK Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

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

ADVISORY PANEL ON COUNTRY INFORMATION

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

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Latest News

EVENTS IN NIGERIA FROM 2 MAY TO 9 JUNE 2009

- 9 June BBC News Online reported that “Royal Dutch Shell has agreed a \$15.5m (£9.7m) out-of-court settlement in a case accusing it of complicity in human rights abuses in Nigeria. It was brought by relatives of nine anti-oil campaigners, including author Ken Saro-Wiwa, who were hanged in 1995 by Nigeria’s then military rulers. The oil giant denies any wrongdoing and says the payment is part of a ‘process of reconciliation’...[The case} was brought under a 1789 federal law which allows US courts to hear human rights cases brought by foreign nationals over actions that take place abroad.”
 BBC News Online – ‘Shell settles Nigeria deaths case’, 9 June 2009
<http://news.bbc.co.uk/1/hi/world/africa/8090493.stm>
 Date accessed 9 June 2009
- 8 June IRIN reported that “Amid deadly clashes with farmers and expulsion orders by state authorities, thousands of nomadic herders in Nigeria do not know where to turn...Tensions linked to pastoralist-farmer disputes have been mounting in recent months in several Nigerian states... Northern nomadic communities are increasingly moving southwards as climate change turns their grazing land into desert.”
 IRIN, Humanitarian News and Analysis – ‘Nomad-farmer clashes increase as pasture shrinks’, 8 June 2009
<http://www.irinnews.org/Report.aspx?ReportId=84761>
 Date accessed 9 June 2009
- 3 June BBC News Online reported that “over 150 inmates have broken out of an overcrowded prison in Nigeria’s south-east during a midnight escape bid. The police and army have returned all but 20 of the inmates...Enugu prison, one of Nigeria’s oldest, is overcrowded, authorities say...In Enugu prison, 724 prisoners out of the total population of 987 have not been convicted. Prisoners can be jailed for years without court sentences.”
 BBC News Online – ‘Mass break-out from Nigerian jail, 3 June 2009
<http://news.bbc.co.uk/1/hi/world/africa/8081819.stm>
 Date accessed 4 June 2009
- 28 May BBC News Online reported that “a Nigerian oil militant leader has been shot dead in police custody. The Movement for the Emancipation of the Niger Delta (Mend) claim Ken Niweigha known as ‘Daddy Ken’ was executed by the police. But the police say he was killed in a shootout after he took them to his hideout to surrender his weapons.”
 BBC News Online – ‘Nigerian militant leader killed, 28 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8071543.stm>
 Date accessed 29 May 2009
- 25 May BBC News Online reported that “the main militant group in Nigeria’s southern Niger Delta region has destroyed a major oil pipeline. The Movement for the Emancipation of the Niger Delta (Mend) said it had attacked pipes for a Chevron facility in response to a military offensive. The 10-day army assault has forced thousands of people from their homes in the remote region where militants say they want a

- greater share of resources. Chevron said it had shut down part of its output in response.”
 BBC News Online – ‘Nigeria rebels destroy pipeline’, 25 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8067031.stm>
 Date accessed 28 May 2009
- 21 May BBC News Online reported that “thousands of refugees from a remote area of a Nigerian oil-producing state have fled fighting between the military and oil rebels; sleeping in the swamps and too afraid to go home...The assault last Friday was the beginning of a six day campaign by the Nigerian military’s Joint Task Force (JTF), which is in charge of security in the Niger Delta, fighting oil militants...the military says it is determined to stop the sabotage of oil installations and kidnapping of oil workers but local civilians say they are paying the price.”
 BBC News Online – ‘Thousands flee Nigeria Delta carnage’, 21 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8062315.stm>
 Date accessed 22 May 2009
- 13 May BBC News Online reported that “Nigerian oil militants and security forces have clashed in the swamps of the southern Niger Delta region. Militants claimed to have repelled an attack and killed several troops in a ‘bloody battle’. [A] military spokesman ...said the army had been ambushed, but had lost no troops.”
 BBC News Online – ‘Gun battle in Nigeria oil swamps’, 13 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8048722.stm>
 Date accessed 14 May 2009
- 13 May BBC News Online reported that “angry Nigerians have taken to the streets of the commercial capital Lagos to protest at what they say is the poor performance of the government. Thousands walked to the government house in Ikeja to protest against rising fuel prices, low minimum wages and the slow electoral reform. Armoured cars were stationed on the route to guard against unrest.”
 BBC News Online – ‘Angry Nigerians take to the streets’, 13 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8047157.stm>
 Date accessed 14 May 2009
- 8 May Amnesty International reported that “a new bill passed by Imo State House of Assembly on Monday provides for the mandatory death penalty for anyone convicted of kidnapping. People whose premises are used by a kidnapper to hold someone hostage also face the death penalty.”
 Amnesty International – ‘Kidnappers face the death penalty in Nigeria’s Imo State’, 8 May 2009 <http://www.amnesty.org/en/news-and-updates/news/kidnappers-face-death-penalty-nigeria-imo-state-20090508>
 Date accessed 11 May 2009
- 6 May BBC News Online reported that “Nigerian soldiers have confronted opposition supporters demonstrating about an election result in south western Ekiti state. They fired shots and tear gas to disperse demonstrators...in the state capital, Ado Ekiti. The town is now quiet after politicians called for calm following a face-off. Nigeria’s governing People’s Democratic Party (PDP) narrowly won the disputed re-run election.”
 BBC News Online – ‘Soldiers quell Nigeria opposition’, 6 May 2009
<http://news.bbc.co.uk/1/hi/world/africa/8035176.stm>
 Date accessed 11 May 2009

REPORTS ON NIGERIA PUBLISHED OR ACCESSED BETWEEN 2 MAY AND 9 JUNE 2009

Amnesty International Report – The State of the World’s Human Rights, published 28 May 2009

<http://thereport.amnesty.org/sites/report2009.amnesty.org/files/documents/air09-en.pdf>

International Committee of the Red Cross Annual Report 2008, published 27 May 2009

http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_annual_report_2008?OpenDocument

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Background information

1. GEOGRAPHY

- 1.01 Nigeria is in West Africa and is bordered by Benin to the west, Niger to the north, Cameroon to the east and, to the south, the Atlantic Ocean. [2b] (Foreign and Commonwealth Office (FCO) Country Profile, 13th February 2008)
- 1.02 The US State Department (USSD) Background Note on Nigeria, published in April 2009, stated that the capital is Abuja. Other major cities include Lagos, Ibadan and Kano. Although less than 25 per cent of Nigerians live in urban areas, at least 24 cities have a population of more than 100,000. The country's main ports are at Lagos (Apapa and Tin Can Island), Port Harcourt and Calabar. Nigeria has four international airports - Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights. [3c]
- 1.03 The Central Intelligence Agency (CIA) World factbook, last updated on 23 April 2009, estimated the total population in July 2008 at 146,255,312. The country "is composed of more than 250 ethnic groups; the following being the most populous and influential: Hausa and Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%." In terms of religion followed in the country, the percentage split is Muslim 50%, Christian 40% and indigenous beliefs 10%. [52]
- 1.04 The Library of Congress (LoC) Country Profile of Nigeria of July 2008 recorded that "the official language [of Nigeria] is English. Other widely used languages are Edo, Efik, Fulani, Adamawa Fulfulde, Hausa, Idoma, Igbo (Ibo), Central Kunuri, Yoniba and Yoruba." [58]
- 1.05 The same LoC country profile noted that:
- "Nigeria is divided administratively into the Federal Capital Territory (Abuja) and 36 states, which are organized into the following six zones: South-West Zone – Lagos, Ekiti, Ogun, Ondo, Oshun and Oyo; South-South Zone – Akwa, Bayelsa, Cross River, Delta, Edo, Ibom, and Rivers; South-East Zone – Abia, Anambra, Ebonyi, Enugu, and Imo; North-West Zone – Kaduna, Kano, Katsina, Jigawa, Kebbi, Sokoto, and Zamfara; North-Central Zone – Benue, Kogi, Kwara, Nassarawa, Niger, and Plateau; and North-East Zone – Adamawa, Bauchi, Bornue, Gomber, Taraba, and Yobe." [58]
- (Please see sections on [religious groups](#) and [ethnic groups](#).)

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MAP

1.06



<http://www.un.org/Depts/Cartographic/map/profile/nigeria.pdf>

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2. ECONOMY

2.01 The CIA World Factbook, updated on 23 April 2009, stated

“Oil-rich Nigeria, long hobbled by political instability, corruption, inadequate infrastructure, and poor macroeconomic management, has undertaken several reforms over the past decade. Nigeria’s former military rulers failed to diversify the economy away from its overdependence on the capital-intensive oil sector, which provides 95% of foreign exchange earnings and about 80% of budgetary revenues...Since 2008 the government has begun showing the political will to implement the market-oriented reforms urged by the IMF, such as to modernize the banking system, to curb inflation by blocking excessive wage demands, and to resolve the regional disputes over the distribution of earnings from the oil industry...Based largely on increased oil exports and high global crude prices, [Gross Domestic Product] GDP rose strongly in 2007 and 2008. President Yar’Adua has pledged to continue the economic reforms of his predecessor with emphasis on infrastructure improvements. Infrastructure is the main impediment to growth. The government is working toward developing stronger public-private partnerships for electricity and roads.” [52]

2.02 The CIA World Factbook also recorded a GDP growth rate of “6.1% (2008 est.)”, an inflation rate of “10.6% (2008 est.)” and industries of “crude oil, coal, tin, columbite; palm oil, peanuts, cotton, rubber, wood; hides and skins, textiles, cement and other construction materials, food products, footwear, chemicals, fertilizer, printing, ceramics, steel, small commercial ship construction and repair.” [52]

2.03 No information has been found regarding the real average wage. The Economist Intelligence Unit (EIU) estimated that GDP per head in 2007 was US\$988 (Country Profile – Main Report, 1 January 2009) [10c] but, citing UNDP figures, that 70% of the population lived on less than one US dollar a day. (Country Profile – Main Report, 7 March 2008) [10a] A national minimum wage, which is patchily implemented, is set at 8,625 naira (\$68.45) per month. (US State Department Country Report on Human Rights Practices, published 25 February 2009) [3a] (section 6e)

2.04 Oanda.com recorded an exchange rate at 1 May 2009 of 221.87 Nigerian Naira to £1 and 149.77 Naira to 1 US Dollar. [62]

See section 18: [Corruption](#)

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3. HISTORY

- 3.01 The Foreign and Commonwealth Office (FCO) Nigeria Country Profile, updated 13 February 2008 stated:

“Nigeria was a British colonial creation. It came into being in January 1914 with the amalgamation of the Colony of Lagos, the Southern Protectorate and the Northern Protectorate...Nigeria was granted its independence on 1 October 1960, originally with Dominion status. In 1963, Nigeria broke its direct links with the British Crown, and became a Republic within the Commonwealth. [2b]

- 3.02 Freedom House in its Freedom in the World Report 2008, Nigeria, covering events in 2007, published 2 July 2008, recorded:

“The military has ruled Nigeria for much of its history since independence from Britain...Beginning with the first military coup in 1966, generals and their backers argued that they were the only ones who could keep a lid on simmering tensions among the country’s 250 ethnic groups, as well as between religious communities; the north is largely Muslim, while the south is mainly Christian. Ethnic and regional tensions led to the attempted secession of Nigeria’s oil-rich southeast as the Republic of Biafra in 1967, which touched off a bloody three year civil war and devastating famine.

“Nigeria appeared to be emerging from several years of military rule under General Ibrahim Babangida in 1993, when a presidential election was held. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but the military annulled the results. A puppet civilian administration governed briefly until General Sani Abacha, a principal architect of previous coups, took power in November 1993. Abacha dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was arrested in June 1994 after declaring himself Nigeria’s rightful president. He died in detention, having suffered from a lack of medical care, just five weeks after Abacha himself died suddenly in June 1998.

“The departure of the two most significant figures on Nigeria’s political landscape opened possibilities for democratic change. General Abdulsalami Abubakar, the army chief of staff, emerged as the PRC’s consensus choice to be the country’s next leader, and he promised to oversee a transition to civilian rule in 1999. Olusegun Obasanjo – a former general who had led a military regime from 1976 to 1979 and spent three years in prison under Abacha – won the February 1999 presidential poll on the ticket of the People’s Democratic Party (PDP). The PDP also won the most seats in both the Senate and the House of Representatives in legislative elections...The PDP swept state elections held on April 14, 2007, amid eyewitness reports of massive vote rigging and fraud, winning 28 out of 36 governorships. Presidential and legislative elections on April 21 were marred by chaos in voting centers, deadly violence in the Niger Delta region, and an attempted truck bombing aimed at the electoral commission headquarters. At least 200 people were killed in election-related violence during the two polls, with victims including police and several candidates. International and local election monitors were

scathingly critical of the vote, and opposition parties refused to accept the results, which gave Yar'Adua 70 percent of the presidential ballots." [30]

- 3.03 The CIA World Factbook recorded that "the government continues to face the daunting task of reforming a petrol-based economy, whose revenues have been squandered through corruption and mismanagement, and institutionalizing democracy. In addition, Nigeria continues to experience longstanding ethnic and religious tensions." [52]

For further information on the history of the country please refer to http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1064557.stm;
http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1067695.stm;
<http://www.fco.gov.uk/en/about-the-fco/country-profiles/sub-saharan-africa/nigeria?profile=history&pg=3>;
<http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf>;
<http://www.state.gov/r/pa/ei/bgn/2836.htm>

See section 6: [Political System](#)

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4. RECENT DEVELOPMENTS

- 4.01 In August 2008, the Nigerian government formally handed over the Bakassi peninsula to Cameroon, bringing an end to a long-standing dispute over the territory. The majority of the people who live in Bakassi consider themselves to be Nigerian but an international court deemed the territory to be Cameroonian in 2002. The Nigerian government challenged the legal ruling but agreed to give the territory to Cameroon in 2006. (BBC News Online report - "Nigeria cedes Bakassi to Cameroon" - 14 August 2008). [8h]
- 4.02 Nigerians started fleeing Bakassi following the 14 August 2008 ceremony that officially handed over administration of the disputed Bakassi peninsula to Cameroon. In September 2008, up to 100,000 displaced Nigerians from Bakassi in southern Nigeria sheltered in makeshift camps 10 kilometres away in the state of Akwa Ibom. The influx of the displaced people overwhelmed Akwa Ibom's local authorities who struggled to feed, shelter, clothe and medicate the returnees, most of whom arrived empty-handed. Aniekan Umanah, Akwa Ibom's information commissioner warned IRIN that there was no way the local authorities could cope with the situation. Umanah told IRIN they had received no assistance from the federal government, and relied on non-governmental organisations for assistance. The Nigerian National Boundary Commission pledged more than US\$7 million in federal funds to resettle Nigerian nationals from the disputed territory into the neighbouring Cross River State, but none of this funding was allocated for Akwa Ibom, according to Florence Ita-Giw, head of the presidential task force on Bakassi returnees. (United Nations IRIN report - "Bakassi returnees overwhelm authorities" - 11 September 2008). [21c]
- 4.03 In November 2008, violence broke out in the town of Jos in central Nigeria, following a local election. A Human Rights Watch report, 'Nigeria: Prevent Further Bloodshed in Jos', dated 1 December 2008, observed

"Violence in Jos, the capital of Plateau State in central Nigeria, began early on the morning of November 28, 2008, following a disputed local election in which supporters of the opposition All Nigeria People's Party accused the governing People's Democratic Party of rigging the election results. Over the next three days, clashes between rival Muslims and Christians, some of whom on both sides were armed with firearms and machetes, left several hundred people dead, according to local sources in Jos. There was also widespread destruction in the town as mobs burned down homes, mosques, and churches. Thousands of residents have been forced to flee their homes. The Plateau State Governor issued a 'shoot-on-sight' order to security personnel and ordered a 24 hour curfew in the worst-affected areas. Journalists and civil society leaders reported several instances in which people were killed by members of security forces responding to the violence...Nigeria is deeply divided along ethnic and religious lines. More than 12,000 people have died in religious or ethnic clashes since the end of military rule in 1999...Government policies that discriminate against 'non-indigenes' – people who cannot trace their ancestry to the original inhabitants of an area – underlie many of these conflicts." [22f]

See section 19: [Freedom of religion](#)

- 4.04 In December 2008, the Supreme Court gave a ruling on the conduct of the previous year's Presidential elections. BBC News reported on 12 December 2008 that

"Nigeria's Supreme Court has rejected the final challenge to last year's election of President Umaru Yar'Adua. Opposition leaders had asked the court to annul the election, saying there had been widespread violence and fraud. Local and foreign poll observers condemned the elections in April last year as flawed. But the Supreme Court has upheld the findings of lower courts that lawyers had not provided strong enough evidence to overturn the official result." [8i]

- 4.05 In January 2009 The Movement for the Emancipation of the Niger Delta (MEND) announced that it was ending its ceasefire. Afrol News reported on 30 January 2009 that

"a fierce clash between government forces and Nigeria's main militant group in the oil rich southern region cost the country the hard earned unilateral truce declared in September last year. The Movement for the Emancipation of the Niger Delta (MEND) said today that it is ending the ceasefire it declared in September after a spade (sic) of deadly attacks against military and oil industry installations. MEND said in an e-mail that its decision was incited by an attack earlier today by government forces on a camp run by one of its members. It said it would retaliate with attacks against Nigeria's oil industry...Responding to MEND reports, the Nigerian military said they were fired on first. 'The firing was from a distance in the surrounding creeks and our own troops responded,' [a] military spokesman said, indicating that one soldier had been wounded in the attack. The militants declared a cessation of hostilities in late September after attacks on troops and the infrastructure that carries oil from wells to export terminals in the southern Niger Delta, where Nigeria's petroleum is found. The upsurge of violence slashed crude output in Nigeria's daily crude production below two million barrels a day, about 20 per cent under Nigeria's estimated capacity...MEND, emerged about three years ago, claiming to be fighting for the fair share of oil proceeds to the locals in the Niger Delta. The militants say their campaign of sabotage against the oil industry is meant to force the federal government to release more funds to the southern crude-producing states. However, the government said militants are gangsters who are using political agitation to mask their criminal activities." [9b]

(See section 25.07 on [Movement for the Emancipation of the Niger Delta \(MEND\)](#))

For further news developments please see [BBC News online](#), [IRIN](#), [All Africa \(http://allafrica.com/\)](#) and [UNHCR \(http://www.unhcr.org/cgi-bin/texis/vtx/home\)](#) websites.

5. CONSTITUTION

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

5.02 The EIU's 2008 Country Profile, published 7 March 2008, on Nigeria stated that:

“...the new constitution has been a source of tension. Critics claim that it concentrates too much power in the central government, contrary to the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria's 36 states, it is also argued that the constitution hamstring the president and promotes mediocrity by emphasising origin rather than ability. The problem for the administration is that, while many of these claims are valid, the executive is fearful that changing the current constitution could prove more problematic than living with it. Various efforts to change the constitution have failed(p9-10)...whatever its weaknesses, the constitution does guarantee personal freedom, which was absent during the years of military rule. It also stipulates that Nigeria is a secular state, but seems to allow the operation of Sharia (Islamic law) for consenting Muslims. In January 2000 the north-western state of Zamfara became the first state in the federation formally to adopt Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that that is unlikely to be resolved quickly.” [10a] (p10)

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6. POLITICAL SYSTEM

- 6.01 Europa World, accessed in June 2008, stated that Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the President, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by universal suffrage for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by universal suffrage for four years. The House of Representatives comprises 360 members, who are also elected by universal suffrage for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. [1]
- 6.02 The Library of Congress' (LOC) country profile of Nigeria, updated 15 August 2008, stated:
- “The constitution provides for a separation of powers among the three branches of government. General elections held in February 1999 marked the end of 15 years of military rule and the beginning of civilian rule based on a multiparty democracy. General elections were held for the third consecutive time in April 2007. The victor was Umaru Musa Yar’adua, who assumed the presidency on May 29, 2007. In May 2006, the Nigerian Senate rejected a constitutional amendment that would have permitted President Olusegun Obasanjo to run for a third term.” [58]
- 6.03 The same LoC country profile recorded:
- “Each of Nigeria’s 36 states has an elected governor and a House of Assembly. The governor is elected to a maximum of two four-year terms. The number of delegates to the House of Assembly is based on population (three to four times the number of delegates each state sends to the federal House of Representatives) and therefore varies from state to state within the range of 24 to 40. Nigeria’s states are sub-divided into 774 local government areas, each of which is governed by a council that is responsible for supplying basic needs. The local government councils, which are regarded as the third tier of government below the federal and state levels, receive monthly subsidies from a national ‘federation account’. Critics contend that the division of the country into so many districts is a vestige of military rule that is arbitrary, wasteful, and inefficient.” [58]
- 6.04 The LoC country profile noted that “the most successful opposition party in the [2007] legislative elections was the ANPP (All Nigeria People’s Party). Also participating were the All Progressives Grand Alliance (APGA), the Alliance for Democracy (AD), the National Democratic Party (NDP), the People’s Redemption Party (PRP), and the United Nigeria People’s Party (UNPP).” [58]
- 6.05 On 21 April 2007, Irin News reported, the 2007 federal legislative (National Assembly) and presidential elections were held. On 23 April 2007, National Election Commission declared that Umaru Musa Yar’Adua of the People’s Democratic Party had won the election with 24.6 million votes (72% of the votes cast). Muhammadu Buhari of the ANPP won 6.6 million votes (19% of

the votes cast), and Atiku Abubakar won 2.6 million votes (7% of the votes cast). Other candidates won far fewer votes than Buhari and Abubakar. Buhari and Abubakar rejected the outcome of the election and vowed to pursue their grievances through the courts. Local and international observers stated that the election was seriously flawed. [21a]

- 6.06 Regarding the 2007 elections, the Human Rights Watch report 'Criminal Politics - Violence, "Godfathers" and Corruption in Nigeria', published in October 2007, stated:

"Elected officials, alongside the very government agencies charged with ensuring the credibility of the polls, reduced the elections to a violent and fraud-riddled farce. Across much of the country armed gangs in the employ of politicians raided polling stations and carried off ballot boxes. Electoral officials reported massive turnout figures in areas where no voting took place at all. In many areas ballot boxes were openly stuffed or results fabricated out of thin air. The final results bore little resemblance to the realities reported by all credible election observers, domestic and foreign, but the Independent National Electoral Commission (INEC) reported a landslide victory for the ruling PDP." [22e] (p15)

- 6.07 The Economist Intelligence Unit, Nigeria, Main report, updated 16 April 2009, noted

"The Economist Intelligence Unit's 2008 democracy index ranks Nigeria 124th out of 167 countries, placing it among the 49 countries considered 'authoritarian', the most common category in Sub-Saharan Africa. Nigeria has repeatedly faced accusations of holding 'flawed' and 'neither free nor fair' elections. As a result, Nigeria fares especially poorly in the electoral process and political culture categories. Disillusionment with the political system and the slow pace of reform mean that a fair proportion of Nigerians have come to resent the democratic process, with the score for political participation consequently low." [10b]

See section 3 on [History](#) and section 15 on [Political affiliation](#).

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Human Rights

7. INTRODUCTION

- 7.01 The US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009 (USSD 2008 Human Rights Report) stated that:

“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; extrajudicial killings by security forces; the use of lethal and excessive force by security forces; vigilante killings; impunity for abuses by security forces; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center 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; trafficking in persons for the purpose of prostitution and forced labor; and child labor.” [3a]

- 7.02 The Nigeria section of the Human Rights Watch (HRW) World Report 2009, published 14 January 2009, stated that during 2008:

“The government of President Umaru Yar’Adua – now in its second year – has done little to address deeply-entrenched human rights problems. Despite record oil revenues in 2008, government corruption and mismanagement robbed Nigerians of their right to health and education. State security forces continued to commit extrajudicial killings, torture, and extortion. Intercommunal and political violence, often fomented by powerful politicians, claimed hundreds of lives.

“Although many of these problems were inherited from the previous administration, the Yar’Adua administration has undermined fledgling anti-corruption efforts, taken inadequate steps to address violence and poverty in the Niger Delta, and failed to investigate or hold to account government officials and security forces responsible for serious human rights abuses. The National Assembly held public hearings into allegations of corruption but failed to pass progressive legislation including the Freedom of Information Bill.

“Nevertheless, free speech in Nigeria remains robust and the judiciary continues to exercise a degree of independence. Nigeria’s election tribunals annulled several of the state gubernatorial elections, but in February 2008 upheld the election of president Yar’Adua.” [22c]

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8. SECURITY FORCES

OVERVIEW

- 8.01 With regard to internal security, the US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009 (USSD 2008 Human Rights Report) stated that:

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

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

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

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POLICE

- 8.03 An Immigration and Refugee Board of Canada Response to Information Request of 31 July 2008, ‘Structure and size of the police force...’, stated:

“As outlined in section 214 of the Constitution of the Federal Republic of Nigeria, the Nigeria Police Force (NPF) is a federal police force; state and local governments are not permitted to establish their own police forces. The NPF is headed by by an inspector general of police (IGP), who is appointed by the country’s president, after consultations with the Nigeria Police Council. A deputy inspector general, who is second in command, assists the IGP in his or her work. Assistant inspector generals are responsible for supervising staff operations in the various departments at the NPF’s Lagos-based headquarters. NPF police commands within each state are under the authority of a commissioner of police... Since 1999 the Nigerian Police Force has reportedly doubled in size from approximately 160,000 to over 300,000 officers... However, the NPF is still reportedly under-staffed, and is faced with

shortages in other resources and equipment required to function effectively.” [38d]

- 8.04 An IRIN article of 22 January 2009, ‘Nigeria: Policing Africa’s most populous city’, noted that:

“...with 370,000 officers the Nigerian police force is the largest on the continent, and equals one officer per 371 Nigerians, better than the 1:400 UN benchmark. A recruitment drive has attracted 40,000 new officers to posts every year since 2005. But the officers are not efficiently deployed, officials say. Lagos, despite its size, has just 27,000 police officials...many of these are deployed to protect public officials or do administrative work, leaving just half the force to tackle street crime.” [21d]

- 8.05 The USSD 2008 Human Rights Report observed

“Corruption was rampant, most often at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow a car to continue until the driver paid a bribe. The Inspector General of Police (IGP) made efforts to strengthen the Police Monitoring Unit which was supposed to visit police stations and search police officers for signs of accepting bribes. During the year, the unit visited six police stations in the [Federal Capital Territory] FCT and reportedly arrested eight officers for extorting bribes from the public. In November, the IGP arrested seven officers for mounting illegal checkpoints at the border between Ogun and Oyo States.

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

“On January 8 [2008], the federal government inaugurated a 16-member Police Reform Committee to examine the [Nigerian Police Force] NPF and identify measures to enhance its effectiveness. However, no action had been taken by year’s end.” [3a] (Section 1d)

See section 18: [Corruption](#)

ARBITRARY ARREST AND DETENTION

- 8.06 Regarding arbitrary arrest and detention, the USSD 2008 Human Rights Report stated:

“The constitution and law prohibit arrest and detention; however, [the] police and security forces continued to employ these practices...[the] police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power...persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, they frequently were asked to return for further questioning.” [3a] (Section 1d)

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TORTURE

- 8.07 As regards the use of torture and other inhuman or degrading treatment by the police, the USSD 2008 Human Rights Report stated:

“Although the constitution and law prohibit such practices and provide for punishment of such abuses, security services personnel, including [the] police, military, and State Security Service (SSS) officers regularly beat demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians regularly to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions.” [3a] (Section 1c)

- 8.08 The Human Rights Watch World Report 2009 – Nigeria, published 14 January 2009, recorded:

“The police routinely use torture as a tactic of interrogation and as a tool of extortion. Woefully under-equipped to carry out criminal investigations, the police often rely on confessions extracted by torture as the sole method of gathering evidence. Police also routinely extort bribes from ordinary Nigerians through the threat of arrest or violence, most commonly at checkpoints set up along Nigeria’s roads....Lack of political will to hold the police to account remains the single biggest obstacle to ending abuses by the Nigerian police force“ [22c.

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

“The Special Rapporteur was told by government officials that torture is prohibited by law, though it may occur from time to time, in an unfortunate isolated circumstance, and that the sternest measures are taken against perpetrators, including dismissal and criminal charges. However, these observations appear divorced from the realities prevailing in criminal investigation departments (CID) and police stations in the country, at least those visited by the Special Rapporteur. In fact, at CID detention facilities, it was a challenge to find a detainee that had not been ill-treated. The high number of consistent and credible allegations received from speaking with various detainees, corroborated by forensic medical evidence, in facilities visited in different parts of the country and obtained within the span of a one-week mission, speaks volumes...suggestions by officials that ‘torture’ is only isolated or merely amounts to rough handling of suspects, are contradicted by evidence the Special Rapporteur found of dedicated rooms in CIDs for torture and equipment used for such purposes, and by the testimony from numerous detainees...on the basis of a thorough analysis of the legal system, visits to detention facilities, interviews with detainees, the support of forensic medical evidence, and interviews with government officials, lawyers and representatives of NGOs, the Special Rapporteur concludes that torture and ill-treatment are widespread in police custody, and particularly systemic at CIDs. Torture is an intrinsic part of how the police operate within the country.” [26c] (p12-13)

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EXTRA-JUDICIAL KILLINGS

- 8.10 The USSD 2008 Human Rights Report stated that extra-judicial killings were reported to have been committed by the security forces during 2008 “The government or its agents did not commit any politically motivated killings; however, national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and to disperse demonstrators during the year [2008].” [3a] (Section 1a)
- 8.11 The Amnesty International 2008 Report on Nigeria, published in May 2008, added
- “Members of the police and security forces extrajudicially executed hundreds of people [in 2007]. These included killings by [the] police during routine road checks or for refusing to pay a bribe, shootings of suspected armed robbers on arrest, and extrajudicial execution of detainees in police stations. The military were also frequently involved in extrajudicial executions, especially in the Nigeria Delta. On 27 March [2007], the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated at the Human Rights Council that Nigeria must end extrajudicial executions by [the] police.
- “The acting IGP [Inspector General of Police] stated that in the first 100 days he was in office, 1,628 armed robbers were arrested and 785 were killed by [the] police. NGOs alleged that the number of killings were higher. Despite the alarming number of such killings, the government took very little action to address the problem. On the contrary police were encouraged to shoot armed robbers. On 23 October [2007], the Commissioner of Police of the Federal Capital Territory, for example, ordered his men to shoot on sight armed robbers caught in the act of committing a crime.” [12e]
- 8.12 The Human Rights Watch World Report 2009 – Nigeria, published 14 January 2009, recorded that “Nigeria’s poorly trained and under-resourced police force was in 2008 responsible for serious and persistent abuses, including extrajudicial killings of criminal suspects, torture, and extortion...More than 10,000 Nigerians have been killed by the police since 2000.” [22c]

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AVENUES OF COMPLAINT

- 8.13 A report on Nigeria by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, published in November 2007, stated:
- “Oral or written complaints of police misconduct by members of the public can be made to any superior police officer about acts of misconduct involving his or her subordinates, and if the complainant is dissatisfied with the response, he or she could complain in writing to higher officers, including the IGP [Inspector General of Police]. Complaints could also be sent to the Police Complaints Bureau (PCB) located in the police public relations department of every state police command, or to the police Provost Department at the Force

headquarters. In addition, Human Rights Desks for receipt of complaints have been established in recent years for each state command.

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

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

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

“On paper, the system for investigating police misconduct is impressive. In practice, it is too often a charade. The outcome of investigations usually seems to justify inaction or to ensure that complaints are dealt with internally through ‘orderly-room hearings’ or the like. While police officers are certainly disciplined and some dismissed, the system has rarely worked in cases in which [the] police are accused of extrajudicial executions. In these instances genuine investigations are rare and referrals to the DPP for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity (p15)...in terms of *internal accountability* [italics in document] the Nigeria Police system is weak. What few statistics were made available to the Special Rapporteur in response to repeated requests indicate that few serious disciplinary measures are taken except against rogue individuals. Indeed the single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police force itself. Evidence indicates that it systematically blocks or hampers investigations and allows suspects to flee...in terms of *governmental accountability* [italics in document], the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission’s mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns.” [26b] (p16)

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ARMED FORCES

- 8.15 The Economist Intelligence Unit 2008 Nigeria Country Profile, dated 7 March 2008, observed:

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

- 8.16 Jane’s Sentinel Nigeria Country Risk Assessment on the armed forces (updated on 22 January 2009), noted that the armed forces combined strength was 87,500 personnel: 70,000 in the army, 9,500 in the airforce and 8,000 in the navy. The same source commented:

“While relatively small in relation to its own population or by global standards, Nigeria’s military is currently undergoing a transformation process aimed primarily at fostering greater efficiency and professionalism. With a history of coup-making, the military has traditionally been highly politicised. As part of a wider policy move to promote democratic principles, the government has designated broad-spectrum changes for the military, focusing on improving salaries, living and training conditions for military personnel and eliminating corrupt practices. President Yar’Adua also announced changes to the command structure in August 2008, replacing the chief of defence staff and the heads of the three armed services, who were said to have reached retirement age.” [42]

(For information about abuses by the armed forces see subsections on [torture](#) and [extra-judicial killings](#) above)

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9. MILITARY SERVICE

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

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10. JUDICIARY

ORGANISATION

- 10.01 With regard to the legal system, the US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that:

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

INDEPENDENCE

- 10.02 Regarding the independence of the judiciary, the USSD 2008 Human Rights Report stated:

“Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling. Judges frequently failed to appear for trials, often because they were pursuing other sources of income, and sometimes because of threats [made] against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with [the] lack of motivation primarily due to inadequate compensation. During the year [2008] Supreme Court judges called for a more independent judiciary” [3a] (Section 1e)

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

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

FAIR TRIAL

10.04 As regards fair trials, the USSD 2008 Human Rights Report stated that:

“Although the constitution provides for public trials in the regular court system and individual rights in criminal cases, including a presumption of innocence, the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel and have access to government-held evidence; these rights were not always respected or observed due to corruption and lack of institutional capacity within the judiciary. 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 for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases, and stipulates that a trial should not go forward without it.” [3a] (Section 1e)

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11. SHARI'A LAW

- 11.01 The US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that:

“Varying Shari’a penal codes (Islamic law) were in place in 12 northern states [Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara and Gombe] and Shari’a courts delivered ‘hadd’ sentences, for example caning, for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year’s end [2008]. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, adulterers are subject to death by stoning. Although such sentences were handed down during the year, none were (sic) carried out, nor were death sentences carried out in cases originating in earlier years. In contrast to the previous year [2007], there were no sentences of amputation handed down. However, there were numerous Shari’a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

“Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari’a often were not carried out because of the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Stoning and amputation sentences were consistently 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 statutory law. In some cases convicted persons were allowed to pay a fine or go to jail instead of being caned. These sentences usually were carried out immediately, while the Shari’a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death; in practice appeals often took much longer.” [3a] (Section 1c)

“The constitution provides that states may establish courts based on the common law or customary court law systems. Individual states in the north had elected to create Shari’a courts alongside the common law and customary courts. Many other states, including central states Benue and Plateau, had Shari’a appellate courts. In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari’a legal system. Prior to 2000 the courts used the Shari’a system to adjudicate civil matters only. Adherence to Shari’a criminal law was compulsory for Muslims in some states and optional in others. While the constitution technically does not permit non-Muslims to consent to Shari’a jurisdiction, in practice non-Muslims have the option of doing so when the penalty under Shari’a is less severe than under civil law (e.g., a fine rather than a prison sentence).” [3a] (Section 2c)

- 11.02 The US State Department Country Report on International Religious Freedom (USCIRF), published in September 2008 noted that “the question of the constitutionality of the Shari’a legal system...has been debated at the Supreme Court. However, the court has not rendered a judgment on this

issue, in part because of the often volatile relationships between religious groups...” [3b]

The same USCIRF report noted further:

“Aggrieved parties have the right to appeal judgments to Shari’a appellate courts. The Highest appellate court for the Shari’a remains the Supreme Court, manned by common law judges who need not have, and do not usually possess any formal training in Shari’a criminal law. No state criminalized apostasy or penalized individuals for converting to another religion...In Zamfara State, a Shari’a court must hear all criminal cases involving Muslims. Other states, including Niger and Kano States, which utilize the Shari’a legal system, permit Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis apply harsher penalties in adultery and fornication cases against women than in commensurate cases against men and require stronger evidence to convict men than to convict women.” [3b]

- 11.02 The Human Rights Watch World Report 2009 covering events in 2008, released in January 2009, noted

“Twelve state governments in northern Nigeria have extended Sharia (Islamic law) to their criminal justice systems, including sentencing provisions that amount to cruel, inhuman, and degrading treatment-death sentences, amputations, and floggings. Sharia law as practiced in the north also includes the death penalty for consensual homosexual conduct between men. Although capital sentences have been thrown out on appeal or simply not carried out, Sharia courts continue to hand them down.

“Serious due process concerns also exist in Sharia proceedings in Nigeria. Most defendants are sentenced without legal representation. Judges are inadequately trained and often rely on statements extracted under torture by police as the basis for convictions. The manner in which Sharia is applied also discriminates against women, particularly in adultery cases where standards of evidence differ based on the sex of the accused.” [22c]

See Section 14: [Death penalty](#) below

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ARREST AND DETENTION - LEGAL RIGHTS

- 12.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated:

“The law requires an arresting officer to inform the accused of charges at the time of arrest and take the accused to a police station for processing within reasonable time; and provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and 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. At the November 2007 All Nigerian Judges Conference, President Yar’Adua reminded judges to respect the rights of citizens while implementing the law. At the same conference, Chief Justice of Nigeria Idris Kutigi called on judges to stop purposely setting bail with almost unattainable conditions. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous detainees alleged that [the] police demanded bribes before they were taken to court to have their cases heard. If family members wanted to attend a trial, [the] police often demanded additional payment.” [3a] (Section 1d)

- 12.02 As regards pretrial detention, the USSD 2008 Human Rights Report stated:

“Lengthy pretrial detention remained a serious problem [in 2008], and human rights groups reported that detainees awaiting trial composed 65 percent of the prison population. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In a July interview with the NHRC, Controller of Prisons Olusola Adigun Ogundipe stated that there were 40,240 inmates in the country’s prisons, 27,287 of whom were awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to supply secure transportation for detainees on their trial dates as one reason why so many were denied a trial. The NHRC [National Human Rights Commission] reported that some detainees were held because their case files had been lost. Some state governments released inmates already detained for longer than potential maximum sentence would be if they were convicted. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could try to complain to the courts, but often found this impossible. Even detainees with legal representation often waited years to gain access to the courts.” [3a] (Section 1d)

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DECREE 33 OF 1990

- 12.03 During the British-Danish 2007-8 fact-finding mission to Nigeria, senior officials of the Nigerian National Drug Law Enforcement Agency (NDLEA), based in the Agency’s national headquarters in Lagos were interviewed about the enforcement of Decree 33 of 1990. The provisions of Decree 33 of 1990 allows for the prosecution of a Nigerian who has “brought the name of Nigeria

into disrepute” by being convicted of a drugs offence abroad. The Decree only applies to Nigerian citizens. [20] (p44)

- 12.04 The British-Danish Report on a Fact-Finding Mission to Nigeria carried out in September 2007 and January 2008, and published in October 2008, stated that:

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

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

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

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13. PRISON CONDITIONS

- 13.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated:

“Prison and detention conditions [in 2008] remained harsh and life threatening. Most of the 227 prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. The 227 prisons held an estimated population of 40,000, with some prisons holding 200 to 300 percent more persons than their designed capacity. Additionally, the country operated 86 satellite prisons, 11 farm centers, eight zonal offices, six directorates, all of which housed prisoners and detainees. Reliable data was not available to estimate the number of persons held in these other facilities. 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.

“On April 14 [2008], Superintendent of Prisons and Public Relations Officer of Lagos State Command Ope Fantinikun reported that although the prisons in Lagos only had capacity for 2,905 prisoners, they housed over 4,000.

“Makurdi Prison in Benue State, which had capacity for 240 prisoners, housed 464. Ado-Ekiti Prison in Edo State, which reportedly had the capacity for 200 prisoners, held 290 in March [2008].

“In July [2008] Controller of Nigeria Prisons Olusola Ogundipe told the NHRC that the Port Harcourt prison had capacity for 808 inmates but actually housed approximately 2,800, of whom 2,000 were awaiting trial.

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

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

“Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS and tuberculosis were of particular concern within the prison population, and infections were exacerbated by the substandard living conditions. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for 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 other security forces often denied inmates food and medical treatment as 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 [2008].

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

“Women were held with male prisoners, especially in rural areas. Although the law precludes the imprisonment of children, Attorney General and Minister of Justice Michael Aondoakaa stated there were more than 300 children in the prisons, many of whom were born there. Aondoakaa stated that the federal government had ordered the release of those children and the ministry would try to identify and release the mothers as well. There was no information on whether any inmates or children were released by year’s end.

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

“The UN Special Rapporteur on Torture reported appalling conditions in detention center cells, noting crowded and unsanitary cells and insufficient food, clean water, and access to medical care. The rapporteur noted, however, that conditions for female detainees were much better than those of males. [3a] (Section 1c)

13.02 The same source added:

“...Despite the government’s announcement in early 2006 that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country’s 40,000 prisoners, little progress was made. However, the government often extended amnesties to those whose pretrial detention period exceeded the maximum sentence they would have received if convicted. In May 2007, the government announced that it would free all prisoners over age 70 and all those over 60 who had been on death row for more than a decade; however, there was no evidence that any inmates were released by year’s end.”

“On April 14, Lagos State Chief Judge Ade Alabi released 36 inmates from Ikoyi Prison in Lagos due to time already served.” [3a] (Section 1d)

(See also section 23: [women](#) and section 24 on [children](#))

13.03 The Amnesty International report ‘Nigeria - Prisoners’ rights systematically flouted’, published in February 2008, stated that:

“Four out of every five Nigerian prisons were built before 1950. Many are in need of renovation: the infrastructure is old, many buildings can no longer be used, ceilings in others are about to collapse, the buildings in use as workshops are inadequate, and sanitary facilities have broken down. Every

prison visited by Amnesty International has problems with its electricity supplies, and most with their water supplies as well. Several prisons do not have modern drainage systems, instead using open drains that create a serious health risk for inmates and staff alike. Most cells have only small windows for ventilation. [12f] (p20-21)

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

See also Section 14 on the [Death Penalty](#)

13.04 The report also observed that:

“...the Prison Service Headquarters provides every prison with a daily budget for each inmate, to cover the cost of food. Official caterers, with the help of inmates, provide the food, and prisoners receive three meals a day. At the time of the Amnesty International visit, the prisons received NGN 150 a day per inmate for food. In most prisons, the kitchens with gas cookers are no longer in use, so food is cooked in large pots on wood fires, sometimes in the open air or under a shelter (p25)...the sanitary facilities in all prisons are in urgent need of renovation because few cells have running water, and toilets are broken and usually blocked. In some cells up to 100 inmates share a single toilet, which is often little more than a hole in the ground. In other cells buckets are used as toilets. The overcrowding of the cells combined with the inadequate sanitary facilities makes it virtually impossible to keep the cells clean or to enable the prisoners to maintain their dignity...many Nigerian prisons have a small clinic, and most of the bigger prisons have a hospital. Many hospitals do not have mosquito nets to protect the ill inmates from malaria. Inmates suffering from TB are, where possible, quarantined in special cells, but the smaller prisons do not have such facilities. The prison authorities transfer seriously ill inmates to prisons with hospitals. Amnesty International interviewed many inmates who were ill. In most prisons they are able to visit the clinic but often they cannot afford to pay for the medicines they need. In some prisons inmates are only allowed to visit the clinic after paying a bribe to the warden; those who cannot afford the bribe remain in their cells...as a result of the appalling sanitary conditions in the cells, it is very easy for inmates to infect each other. The prison authorities simply cannot guarantee cleanliness inside the cells. Most Nigerian prisons do not uphold the right to health, even though bigger prisons do have medical facilities.” [12f] (p26)

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14. DEATH PENALTY

14.01 The Amnesty International report of 21 October 2008, 'Nigeria: Waiting for the Hangman' stated that:

"Section 33(1) of the Nigerian Constitution guarantees the right to life. The same article, however, allows the state to execute its citizens 'in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

"The death penalty is allowed in Nigeria under several sets of federal and state laws which operate alongside each other:

- the Penal Code and accompanying Criminal Procedure Code (CPC), applicable in the 16 northern states;
- the Criminal Code and accompanying Criminal Procedure Act (CPA), applicable in southern states;
- the federal Robbery and Firearms (Special Provisions) Act;
- Shari'a penal legislation in 12 northern states.

"The Criminal Code and Penal Code were enacted as federal laws and each state has re-enacted their provisions as state laws. Most offences fall under state jurisdiction.

"Under Nigeria's penal legislation, the following crimes carry a mandatory death sentence: treason; homicide; murder and culpable homicide punishable with death; and armed robbery. Under the Robbery and Firearms Act, anyone found guilty of robbery and armed with firearms, in the presence of an armed person, or causing violence or wounds, will be sentenced to death. In addition, under the Shari'a penal codes, rape, sodomy and adultery are also punishable with death.

"The Supreme Court confirmed in 1998 that section 30(1) of the 1979 Constitution, which is section 33(1) of the 1999 Constitution, was the legal basis for the validity of the death penalty in Nigeria. It 'permits it in the clearest terms, so long as it is inflicted pursuant to the sentence of a court of law in Nigeria in a criminal offence.' [12g]

14.02 The Amnesty International report, Death Sentences and Executions in 2008, released 24 March 2009, stated that:

"In Nigeria at least 40 death sentences were handed down. This brings the total estimated number on death row to 735, including 11 women. Hundreds did not have a fair trial. Approximately 140 people have been on death row for longer than 10 years; some for over 20 years. Around 80 were denied the right to an appeal as they were sentenced before 1999 by the Robbery and Firearms Tribunal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death. The Federal Government ignored the recommendations by the National Study Group on the Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) to adopt a moratorium. In July 2008, a bill to abolish the mandatory death penalty under the Robbery and Firearms Act and

replace it with life imprisonment was defeated in the House of Representatives. By the end of 2008, most prisoners whose forthcoming release was announced by the Federal Minister of Information in May 2007 were still on death row. Five men had their sentences commuted by the Ogun State governor. In November [2008], the President pardoned a man who had spent 22 years on death row. No confirmed executions were carried out in 2008.” [12j]

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15. POLITICAL AFFILIATION

See also section 5 on [Political System](#)

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated::

“The constitution and law allow 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 50 parties registered with the Independent National Election Commission (INEC) at year’s end [2008] (Section 2b) ... The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens’ right to change their government was abridged during the most recent national and state elections in April 2007, which were conducted amid widespread fraud and numerous incidents of violence.” [3a] (Section 3)

POLITICAL VIOLENCE

- 15.02 The Human Rights Watch report, Criminal Politics – Violence, ‘Godfathers’ and Corruption in Nigeria, dated October 2007 stated:

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

“Alongside the gangs themselves, the individuals most responsible for the abuses they commit are politicians and party officials – from all parties – who sponsor and at times openly participate in acts of violence. The architects, sponsors, and perpetrators of this violence generally enjoy complete impunity because of both the powers of intimidation they wield and the tacit acceptance of their conduct by police and government officials (p17)...at no point was the human rights impact of Nigeria’s violence epidemic so stark as during the country’s April 2007 elections. Human Rights Watch estimates that a minimum of 300 Nigerians were killed in violence linked to the 2007 elections; some credible estimates range considerably higher. The death toll was higher than the reported figures from the violent 2003 elections, which saw more than 100 Nigerians killed during the weeks surrounding the voting exercise alone. The violence that accompanied the 2007 polls was widespread and openly organized on such a scale as to lay bare deeper patterns of corruption and abuse in politics to an unusual degree (p19)...political violence in Nigeria is most often carried out by gangs whose members are openly recruited, financed and sometimes armed by public officials, politicians and party officials or their representatives. These gangs, comprised primarily of

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

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.03 The USSD 2008 Human Rights Report stated that:

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

"Police frequently cited the 1990 Public Order Act to disband meetings critical of the government, in spite of the Abuja High Court's 2005 decision to strike down the Act, which required a police permit to be issued for all public rallies and processions. The attorney general and the Nigerian Police Force appealed the decision, and in December 2007, the Court of Appeal in Abuja declared that a permit would no longer be necessary for any assembly, and that the Public Order Act infringed upon the fundamental constitutional rights. Following the ruling, however, the inspector general of police announced that the NPF would appeal to the Supreme Court. There were no developments in the case at year's end [2008].

"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 demonstrators during the year [2008], resulting in numerous injuries."

[3a] (Section 2b)

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated:

“The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, some of whom practiced self-censorship. Some journalists were harassed, intimidated, threatened or detained for reporting on sensitive issues such as President Yar’Adua’s health

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

“Because newspapers and television [sets] were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The government controlled much of the electronic media through The National Broadcasting Commission (NBC) which was responsible for monitoring and deregulation of the broadcast media... The law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limited the circumstances in which media defendants could rely on the defense of ‘fair comment on matters of public interest’, and restricted the right to freedom of expression. Penalties for libel ranged from one to seven years’ imprisonment.” [3a] (Section 2a)

- 16.02 The BBC Country Profile on Nigeria, last updated 5 May 2009, added:

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

“Radio is the key source of information for many Nigerians. International broadcasters, including the BBC, are widely listened to. Rebroadcasts of foreign radio stations were banned in 2004...there are more than 100 national and local newspapers and publications, some of them state-owned. They include well-respected dailies, popular tabloids and publications which champion the interests of ethnic groups. The lively private press is often critical of the government...by March 2008, 10 million Nigerians were online (ITU figure)” [8c]

TREATMENT OF JOURNALISTS

- 16.03 Regarding events that occurred in 2008, Human Rights Watch's World Report 2009, published in January 2009, stated:

“Nigerian civil society and the country's independent press are generally free to criticize the government and its policies, allowing for vibrant public debate. However, journalists in Nigeria are at times subjected to arrest and detention. In September 2008 state security agents shut down Channels Television – one of Nigeria's largest private broadcasters – and arrested six journalists, including media executives, after the station reported that President Yar'Adua might resign from office due to health reasons. In October [2008] Nigerian security agents arrested and held without charge two US-based Nigerian online journalists who had published stories critical of the government. Local media outlets generally enjoy considerably less freedom than their national counterparts and are more often subjected to harassment and intimidation by government authorities. Government security forces continued to restrict journalists' access to the Niger Delta.” [22c]

- 16.04 Regarding events that occurred in 2007, the Reporters without Borders 2008 Annual Report, released on 13 February 2008, stated:

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

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

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

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

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

For more information on individual incidents of attacks and discrimination experienced by journalists during 2008 and 2009 see the websites of the [Committee to Protect Journalists](#) and [Reporters sans Frontiers](#).

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; but the government’s capacity, and at times willingness, to follow through on necessary reforms was lacking... Numerous domestic and international NGOs were active in the country. Significant NGOs included AI, Civil Society Legislative Advocacy Center, the Alliance for Credible Elections, the Open Society Institute, ActionAid, the Campaign for Democracy, the Center for Law Enforcement Education (CLEEN), the Committee for the Defense of Human Rights, Global Rights, Human Rights Watch (HRW), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women’s Consortium of Nigeria. NGOs were generally independent of the government although some, such as WOTCLEF, which the previous vice president’s wife chaired, had close government ties.

“The government frequently met with NGOs and civil society organizations; but few results came from their communications.

“International NGOs, including AI and HRW, as well as the UN Special Rapporteur on Torture, actively addressed human rights issues in the country during the year.

“The NHRC, which the government tasked with monitoring and protecting human rights, 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.” [3a] (Section 4)

See section 16: [Freedom of speech and media](#), subsection [Treatment of journalists](#)

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18. CORRUPTION

OVERVIEW

18.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated: "Corruption was massive, widespread, and pervasive, at all levels of government and society. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office." [3a] (Section 3) While on the same subject, the Human Rights World Report 2009, Nigeria, covering events in 2008, released in January 2009, observed

"Despite record oil revenues in 2008, government corruption and mismanagement robbed Nigerians of their right to health and education... Although many of these problems were inherited from the previous administration, the Yar'Adua administration has undermined [among various issues] fledgling anti-corruption efforts... The National Assembly held public hearings into allegations of corruption but failed to pass progressive legislation including the Freedom of Information Bill." [22c]

18.02 Freedom House's report, Freedom in the World 2008, Nigeria, released in July 2008, stated:

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

18.03 In its 2008 Corruption Perceptions Index (CPI), released in September 2008, Transparency International ranked Nigeria 121st in the world out of 180 countries, giving it a CPI score of 2.5. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [35]

See also section 31: [Forged and fraudulently obtained documents](#), and section 8: [Security Forces](#), subsection on Police for [corruption](#) in the police force

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GOVERNMENT EFFORTS TO TACKLE CORRUPTION

18.04 The USSD 2008 Human Rights Report stated:

"The EFCC's [Economic and Financial Crimes Commission] anticorruption efforts waned, with little progress on prosecutions of federal, state, and local officials accused of corruption. On May 15, President Yar'Adua appointed

Farida Waziri, a former assistant inspector general of police, as the new EFCC chairman. The Yar'Adua administration continued to voice publicly its commitment to fighting corruption at all levels; however, critics continued to claim that some EFCC investigations were politically motivated, singling out political opponents of the administration while turning a blind eye to actions of those in favour, and that the EFCC did not always follow proper criminal procedure. Penalties for corruption, if found guilty, remained insufficient to serve as a deterrent.

“On June 30, the EFCC arrested former ministers of aviation Femi Fani-Kayode and Babalola Borishade following a Senate probe into the 19.5 billion naira (approximately \$166 million) Aviation Intervention Fund. The two former ministers were charged with conspiracy and diversion of public funds due to inflating a 6.5 million naira (\$55,000) contract. On July 10, both Fani-Kayode and Borishade were released on bail. On December 22, however, the EFCC rearrested Fani-Kayode on charges of corruption and violations to the EFCC Money Laundering Act and Lagos Federal High Court remanded him to Ikoyi Prison in Lagos where he remained in custody at year's end. Trials for both defendants remained pending at year's end.

“...The EFCC also investigated numerous federal government officials for allegedly accepting bribes from international companies. In December 2007 the government suspended dealings and canceled a supply contract with Siemens Telecommunications pending an investigation into allegations it paid more than 687 million naira (approximately \$4.5 million) in bribes to federal officials in connection with four telecommunications contracts valued at 20 billion naira (\$130 million). Also in December 2007, the EFCC investigated numerous federal officials over a 700 million naira (\$6 million) bribe paid by Wilbros Group to facilitate a gas pipeline contract. Investigations were ongoing at year's end.” [3a] (Section 3)

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19. FREEDOM OF RELIGION

OVERVIEW

- 19.01 The US State Department 2008 International Religious Freedom Report, Nigeria, covering events from 1 July 2007 to 30 June 2008 published on 19 September 2008, (USSD 2008 Report on Religious Freedom) stated in its introductory section that:

“The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief through worship, teaching, practice, and observance. Twelve northern states use Shari'a courts, alongside common law and customary law courts, to adjudicate criminal and civil matters for Muslims.

“The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

“Hostility between Christians and Muslims remained acute in certain areas, exacerbated by discriminatory and unequal employment patterns and resource competition.” [3b]

- 19.02 The US Commission International Religious Freedom Report 2009 (USCIRF Report 2009), released on 1 May 2009, observed:

“The response of the government of Nigeria to persistent religious freedom violations and violent sectarian and communal conflicts along religious lines has been inadequate and ineffectual. Years of inaction by Nigeria's federal, state and local governments has created a climate of impunity, resulting in thousands of deaths. In March-April 2009, the Commission traveled to Nigeria to assess religious freedom conditions in the country. Concerns include an ongoing series of violent communal and sectarian conflicts along religious lines; the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states; and discrimination against minority communities of Christians and Muslims. Therefore, the Commission, for the first time, is recommending that Nigeria be designated as a country of particular concern, or CPC, for tolerating systematic, ongoing, and egregious violations of religious freedom.” [60] (p57)

- 19.03 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated “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.” [3a] (Section 2c)

Religious demography

19.04 The USSD 2008 Report on Religious Freedom stated:

“While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent traditional indigenous, it is generally assumed that the proportion of citizens who practice Islam or Christianity are roughly equal and include a substantial number who practice traditional indigenous religious beliefs alongside Christianity or Islam. The predominant form of Islam is Sunni. Members of the Ahmadiyya Movement maintain a presence in Lagos and Abuja. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of evangelical and Pentecostal Christians and members of the Church of Jesus Christ of Latter-day Saints (Mormons).

“The North, dominated by the Hausa-Fulani and Kanuri ethnic groups, is predominantly Muslim. However, significant Christian communities have resided and intermarried with Muslims in the North for more than 50 years. Both Muslims and Christians reside in large numbers in the Middle Belt, including the Federal Capital Territory (FCT). In the southwest, where the Yoruba ethnic group predominates, Christians and Muslims reside in equal numbers. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southern ethnic groups are predominantly Christian. In the east, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies in tandem with Christianity. In the oil-rich and restive Niger Delta region, where the Ogoni and Ijaw ethnic groups prevail, Christians are the majority, with 1 percent of the population adhering to Islam.” [3c] (Section I: Religious Demography)

See also section on [Ethnic groups](#)

LEGAL RIGHTS

19.05 The USSD 2008 Human Rights Report observed

“The constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community; however, states, whether predominantly Christian or Muslim, generally favored the faith practiced by the majority of their residents. Many Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari'a legal system and the continued use of state resources to fund the construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for the pilgrimage to Mecca in the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the NGO Civil Liberties Organization (CLO) contended that the establishment of a Ministry of Religious Affairs and the creation of a preacher's council in Zamfara State were tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches.

See section 11: [Shari'a law](#)

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GOVERNMENT RESTRICTIONS

19.06 The USSD 2008 Human Rights Report noted

“Although the government generally did not restrict distribution of religious publications, it sporadically enforced a ban against broadcasting religious notices on state-owned radio and television stations. Private radio stations regularly broadcast religious programming.

“Although the expanded jurisdiction of Shari'a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari'a, such as the separation of the sexes in public schools, health care, and public transport, also affected non-Muslim minorities in the north at times.

“A number of states with expanded Shari'a laws sanctioned enforcement by private groups known as the Hisbah, which were funded by state governments. In some cases these groups had authority to make arrests, but they primarily served as traffic wardens and helped regulate commercial activity in the marketplace. Hisbah groups were active during the year in Zamfara, Niger, and Kano states.

“Although most Shari'a states did not criminalize alcohol consumption by non-Muslims, Kano State maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. However, there were no reports of non-Muslims being penalized during the year. In spite of the ban, alcohol was available in Kano at some hotel bars and restaurants and in the Sabon Gari area of Kano, where a majority of non-Muslims lived. During the year, however, the governor and state Hisbah began cracking down on the import of alcohol into Sabon Gari by mounting checkpoints and impounding vehicles carrying alcohol. The Legal Director of the Hisbah Board reportedly claimed the Hisbah had authority to operate throughout the state. Others responded that the federal constitution, which permits the sale of alcohol, has priority over the Hisbah's mandate. In some northern states, government officials restricted the sale and public consumption of alcohol to federal government installations, such as military and police barracks “ [3a] (Section 2c)

19.07 The USSD 2008 Report on Religious Freedom stated:

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

SECTARIAN VIOLENCE

19.08 The USSD 2008 Report on Religious Freedom stated

“Tension between Christians and Muslims remained acute in some areas, and conflicts of a seemingly socioeconomic or political nature often divided people

along religious lines. Events, particularly of a religious tenor, occurring in other regions of the country or parts of the world, heightened tensions between religious groups.

“Religious differences often exacerbated ethnic differences. Competition for scarce resources, in concert with unequal and discriminatory employment practices, provoked violence between individuals of different religious or ethnic communities. Religion was also often a catalyst for hostility, used by politicians and others to foment discord.”

19.09 The USCIRF Report 2009 observed that:

“In November 2008, the city of Jos, Plateau state, experienced several days of intense sectarian and communal violence. At least several hundred Muslims and Christians were killed, with some independent groups estimating the death toll closer to 3,000. Even the lowest reported death tolls from Jos represent a significant spike in the number of deaths that the country has seen from a single sectarian and ethnic flare-up in several years.

“Jos has been deeply scarred from this violence. At least 10,000 have been displaced. Dozens of churches, mosques, businesses, vehicles, and private homes were burned and destroyed. In the weeks that followed, investigations into the violence were launched by the President and the governor of Plateau state. Both are still ongoing. But in March 2009 a third investigation, by a committee of the Nigerian House of Representatives, concluded that the violence was —absolutely avoidable and that its immediate cause was the role of the state government and political parties in igniting violence and manipulating voting results during campaigning for local government councils. The report found, among other things, that that the state government failed to act on intelligence from the state security services about violence being planned.

“Less than three months later, in February 2009, Muslim-Christian clashes in Bauchi state resulted in at least 11 deaths, although some reports indicated as many as 20 people were killed, with 1,500 individuals displaced. In addition, fourteen churches, eight parsonages, one mosque and approximately 150 homes and businesses were burned and/or destroyed. The causes of the violence reportedly include a dispute between Christians and Muslims in a church parking lot, reprisal for the burning of two mosques in the state capital, and retaliation for events which took place in Jos in November 2008 when rioting Muslims were shot for defying a government imposed curfew. In addition, in April 2009, a group of Muslims in central Niger state reportedly attacked a procession of Christians who were celebrating Easter in two separate towns. Clashes ensued and dozens of Christians were injured and at least two churches and one mosque were burned.” [60] (p57)

19.10 The same report stated that

“The sectarian conflicts recently witnessed in Jos and Bauchi are just the most recent in a long line of violent incidents resulting in death, destruction, and a sense of fear within Northern and Central Nigerian communities. Indeed, since 1999, a disturbingly large number of Nigerians—12,000, if not more—have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most severe clashes occurred in Kaduna state (February

and May 2000 and November 2002); Jos, Plateau state (September 2001); Kano state and Yelwa, Plateau state (February-May 2004); and in northern and southeastern Nigeria, in the wake of the controversy over depictions of the Prophet Muhammad in the Danish press (February 2006).

“It is this continued pattern of sectarian violence that intensified the Commission’s review of conditions in Nigeria, that prompted a delegation to visit the country in March-April of this year [2009], and that, ultimately, has led the Commission to conclude that, for the first time, Nigeria should be designated as a CPC.

“The government of Nigeria has done little, if anything, to address sectarian and communal violence. There have been no serious efforts to investigate or prosecute the perpetrators of the numerous killings and other crimes that have occurred in Bauchi, Jos, and the other incidents noted above. There are reports of specific instances of failures to heed warning signs of violence on the part of various government leaders, and failures on the part of federal police to respond effectively and appropriately—at times, if at all—to violence once it has erupted.

“The national legislature has exercised no discernible oversight over either the Ministry of Justice or the National Human Rights Commission in an effort to ensure adequate investigation and resolution of religious violence and intolerance. The Human Rights Commission is, both by design and in practical effect, bereft of the independence it needs to investigate and speak out boldly to address religious conflict. It lacks satisfactory funding or the tools for investigation, and all of its members serve at the pleasure of the President.”
[60] (ps57-57)

See also section on [Ethnic groups](#)

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TRADITIONAL RELIGIONS AND RITUAL KILLINGS

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

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

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

- 19.12 Regarding how effective the authorities are in investigating ritual killings, the professor said:

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

- 19.13 The IRB Research Directorate also consulted a professor at the Africana Studies and Research Centre at Cornell University (USA), who explained that: “Human sacrifices involve the participation of the community in a formalized manner, while ritual murders are individual acts, often performed following consultation or with the participation of a shaman or witch doctor, and are designed to call the favour of the gods onto an individual.” [38c]

- 19.14 In February 2000, the IRB Research Directorate also consulted a Lagos-based lawyer and director of the Constitutional Rights Project NGO, who explained that: “Ritual murders are not usually associated with any particular group...ritual killings are perpetrated mainly by ‘native doctors’ who have been involved in this since time immemorial, mostly through traditional cultic practices that have nothing to do with modern-day cults...those who perform ritual murders are individuals working for their own profit.” [38c]

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

“Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders, also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria...and now, the question is: why do Nigerians still engage in such bloody, brutal and barbaric acts and atrocities even in this 21st century? For me [Igwe], there are three reasons for that.

“1. Religion: Nigerian is a deeply religious society. Most Nigerians believe in the existence of supernatural beings, and that these transcendental entities can be influenced through ritual acts and sacrifices. Ritual making constitutes part of the people’s traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences, if they default. So at the root of spiritual killing in Nigeria is religion, theism, supernaturalism and occultism.

“2. Superstition:- Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making and magical thinking. In Nigeria, belief in

ghosts, juju, charms and witchcraft is prevalent and widespread. Nigerians believe that magical portions [sic] prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one's political and financial fortunes; that juju, charms and amulets can protect individuals against business failures, sickness and diseases, accidents and spiritual attacks. In fact, ritual-making is perceived as an act of spiritual fortification.

"3. Poverty:- Most often, Nigerians engage [in] killing for money-making purposes. Among Nigerians, there is this popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense [sic].

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

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

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

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20. ETHNIC GROUPS

OVERVIEW

20.01 Ethnicity and religion are closely tied in Nigeria, with differences between groups often falling along ethno-religious lines. This section should therefore be read in conjunction with religious groups above.

20.02 On the above point the US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) observed “Religious differences often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.” [3a] (Section 5)

20.03 The same report added

“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; however the three major groups--Hausa, Igbo, and Yoruba-- jointly constituted approximately half the population. Ethnic discrimination 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.” [3a] (Section 5)

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

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

“The Hausa Fulani tribe are a mixed race of the Hausa and the Fulani. The Hausas are a mixture of Sudanese people...theses [sic] people are the followers of Islam. The Hausas are administers [sic] of Islamic law....Ibo is the second largest group among the Nigerian tribes, comprised of smaller ethnic groups. Their origins cannot be traced and mostly inhabit the forest area of the Niger valley. The Ibo tribe claims Nri town, which is considered as the bosom of the Ibo people.

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

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

SOCIETAL DISCRIMINATION

20.05 USSD 2008 Human Rights Report stated

“Many groups complained of insufficient representation in government.

“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 agencies and committees and within the security forces. The constitution requires that the government have a ‘national character,’ meaning that cabinet and other high-level positions are distributed to persons representing each of the 36 states. Traditional relationships continued to be used to impose pressure on individual government officials to favor their own ethnic groups for important positions and other patronage.... While all citizens have the right to live in any part of the country, state and local governments frequently discriminated against those whose ethnic group was not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country where their ethnic group originated but to which they had no personal ties. The government sometimes compelled non-indigenes to move by use of bulldozers, threats with clubs and torches, and discrimination in hiring and employment. When they were allowed to stay, 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 nonindigenes, 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 continued to express unhappiness regarding the 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.” [3a] (Section 5)

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INTER-ETHNIC VIOLENCE

20.06 The USSD 2008 Human Rights Report noted “

“Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups. Interreligious tension between Christians and Muslims remained in some areas, and conflicts of a socioeconomic or political nature often divided persons along religious lines.... Ethno-religious violence resulted in numerous deaths and the displacement of thousands of persons throughout the country.” [3a] (Section 2c)

20.07 The same report added:

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

“Interethnic fighting elsewhere displaced thousands of persons. For example, on October 2, Ebonyi State Governor Martin Elechi announced the immediate relocation of the Ezza-Ezillo community to Egu-Echara, a nearby village, for no less than 90 days. The governor also declared a dusk to dawn curfew and asked for military assistance to restore normalcy after months of continued violence. The tensions began on May 10, when approximately 200 homes were razed due to a clash over control of the local market land. On November 27, ethno-religious fighting in Jos resulted in the killings of hundreds of persons and the displacement of thousands to makeshift camps, in which access to food, water, and other necessities was sporadic. Most of the displaced persons had vacated the camps and returned to their homes by year’s end.” [3a] (Section 5)

See section 19: [Religious Freedom](#), subsection Sectarian violence

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association report, A world survey of laws prohibiting same-sex activities by consenting adults, dated May 2008, (ILGA Report 2008), observed that same-sex relations between men were illegal but those between women were legal (though in parts of the country where Shari'a law was applied, female same-sex relations were also illegal – see paragraph 21.02). [23] (p28) The Amnesty International report, Sexual Minorities and the Law: A World Survey, updated July 2006, observed that same-sex relations between men were illegal and punishable with up to 14 years imprisonment. It also reported that same-sex relations between women were not mentioned in law, while in regard to transgender persons there were “No data or the legal situation was unclear”. [12k] (p9)

21.02 The ILGA Report 2008 provided details of articles from Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990, relevant to same-sex relations:

“Section 214. ‘Any person who-

- (1) has carnal knowledge of any person against the order of nature; or
- (2) has carnal knowledge of an animal; or
- (3) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for fourteen years.’

“Section 215. ‘Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant.’

“Section 217. ‘Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant.’

“Section 352. ‘Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony, and is liable to imprisonment for fourteen years.’

“Section 353. ‘Any person who unlawfully and indecently assaults any male person is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant.’” [23] (ps28-29)

21.03 The same source added

“Note that several Northern Nigerian states have adopted Islamic Sharia laws, criminalizing sexual activities between persons of the same sex. The maximum penalty for such acts between men is death penalty, while the

maximum penalty for such acts between women is a whipping and/or imprisonment. These laws differ from the federal law, as most of these prohibit also sexual relations between women.

“The states which have instated such laws are:

“Bauchi (2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000).” [23] (p29)

21.04 The USSD 2008 Human Rights Report noted that:

“Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari’a law, adults convicted of engaging in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year [2008]. Because of widespread taboos against homosexuality, very few persons were openly homosexual.” [3a] (Section 5)

See also section on [Sharia law](#)

21.05 The British-Danish 2008 Fact-Finding Mission Report, October 2008, stated that:

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

21.06 A Human Rights Watch document of 26 January 2009, ‘Nigeria: Reject ‘Same Gender’ Marriage Ban, noted:

“A bill before Nigeria’s National Assembly to ban ‘same gender marriage’ would expand Nigeria’s already draconian punishments for homosexual conduct and threaten all Nigerians’ rights to privacy, free expression, and association....The House of Representatives referred the bill to its committees on Human Rights, Justice, and Wome Affairs, which will hold a joint public hearing on it. If the House approves the bill on a third reading, it must then be approved by the Senate and President. ..Members of the House of Representatives reportedly justified the bill by citing links between ‘sodomy’ and HIV and AIDS, making clear that they see the marriage ban as a deterrent to homosexual conduct, though research shows that HIV is most-often spread through heterosexual conduct in Nigeria.” [22g]

21.07 On the same proposed an Amnesty International article of 28 January 2009, ‘Nigeria’s proposed ban on same sex partnerships an assault on human rights’, recorded:

“A bill now before the Nigerian National Assembly aims to outlaw marriages between individuals of the same sex – in a country where homosexuality is already criminalized. The bill would punish ‘the coming together of persons of the same sex with the purpose of leaving (sic) together as husband or wife or

for other purposes of same sexual relationship' with up to three years' imprisonment.

"If passed, the bill would give licence to the authorities to raid public or private gatherings of any group of people they suspect to be lesbian, gay, bisexual or transgender. The measure would also increase the risk of violence and other acts of discrimination against individuals who are suspected of being lesbian, gay, bisexual or transgender. In addition to the measures against those thought to be in same sex relationships, the bill would authorise sentences of up to five years' imprisonment and a fine of up to N2,000 (US\$14) for any person who 'witnesses, abets and aids the solemnization of a same gender marriage.'" [12h]

At the time of writing (1 May 2009), COI Service were not aware that the bill had been passed into law.

TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

21.08 An edgeboston.com (American gay news website) report, published in April 2008, about homosexuals in Nigeria stated "Although prosecutions for incidents of anti-gay violence are virtually unheard of, those accused of homosexual acts are frequently taken into custody and held on the basis of nothing more than suspicion...this terror campaign has transformed Nigeria into a place where no one - including or especially police - does anything to help victims of anti-gay attacks." [24]

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

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

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

21.10 The British-Danish 2008 FFM Report added further:

"In May 2007, Lagos State passed its own anti-gay legislation, which according to a spokeswoman for the NGO Global Rights, was particularly alarming because it [Lagos] was the most cosmopolitan city in Nigeria. She said that there was a rising trend of conservatism and intolerance in the State which was extending even beyond people of different sexual orientation. Recently, even women wearing trousers and body-hugging tops have been arrested on the streets of the city and charged in court for wearing indecent clothing under section 249 a(i) of the criminal code punishing 'indecent dressing' (p34)..according to a BBC News Online report, in August 2007, eighteen men were arrested by the Hisbah (religious police) for sodomy in Bauchi (northern state) which has a penal code based on shari'a law. The

men were reportedly wearing women's clothes, and were said to have gone to Bauchi to celebrate a 'gay wedding'. According to Global Rights, this led to demonstrations at the prison and court where they were held after the charges against them were reduced to idleness or vagabondism (which is the criminal offence under Shari'a law for cross-dressing in public), when it could not be proved that any sex had taken place. This also led to the men's families disowning them.

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

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

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

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SOCIETAL TREATMENT AND ATTITUDES

- 21.12 The edgeboston.com 2008 report about gay men in Nigeria stated:

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

"The cultural residue of colonial occupation and political maneuvering encouraged by the country's influential Christian and Muslim faiths make Nigeria one of the most challenging African nations in which to live openly as a homosexual...the real threat of death or serious injury is not from legal actions by the state, but from mob violence and unofficial actions by the police who are a law unto themselves,' says Davis Mac-Iyalla, Director of Changing Attitude Nigeria [LGBT religious NGO]. 'In that way, there is very little difference between North and South.' " [24]

- 21.13 The British-Danish 2008 FFM Report added:

“At a meeting with the Nigerian NGO, Civil Liberties Organisation (CLO), a spokesman stated that he believed that homosexual acts or behaviour were tolerated in Nigeria, as long as they were carried out discreetly and in private, but homosexuals would be arrested for offending public decency if they showed affection in public. He added that violent attacks against homosexuals were not a common occurrence in Nigeria. He further stated that the public have little confidence in the police who are perceived to be inefficient and corrupt, but believed that they would provide protection for homosexuals threatened with violence for being homosexual. However, the spokeswoman for Global Rights stated that violence against homosexuals is widespread, and that societal disapproval of homosexuality meant that, even if a bribe was offered to the police to drop sodomy charges, at least 65% of such charges and prosecutions would go ahead, in her opinion at least (p34)... According to reports published in the ‘Yawning Bread’ website, a student at the Birnin Kudu College in Jigawa State was killed in April 2002 by fellow students who suspected him of being gay, and early in 2006, a Christian lesbian couple were attacked with acid through their bedroom window. One of the women died as a result of the attack and the other was hospitalised.

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

21.14 A Pink News article of 16 February 2009 recorded that “the Nigerian Minister of Foreign Affairs has told a UN review of human rights in the African nation that there is no gay, lesbian, bisexual and trans community in his country...Nigeria’s official report to the UN states: Sexual minorities are not visible in Nigeria, and there is no officially registered association of gay and lesbians.”

21.15 The article continued:

“The Young Humanistas Network of Nigeria... accused Mr Madueke [the Minister of Foreign Affairs]...’to have forgotten that the National Assembly backed by some of the executive council members are currently preparing to enact a law criminalising homosexual activities’...the Humanists said that in 2003 Dare Odumade, of the Alliance Rights Nigeria, organised a Nigeria National Homosexual Conference, which was well attended by over one hundred Nigerians.” [16b]

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22. DISABILITY

22.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that:

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

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

“The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist blind and otherwise physically incapacitated individuals to become self-supporting. Persons with disabilities established a growing number of self-help NGOs such as the Hope for the Blind Foundation in Zaria, the Kano Polio Victims Trust Association, the Joint National Association of Persons with Disabilities, and Comprehensive Empowerment of Nigerians with Disabilities.”
[3a] (Section 5)

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23. WOMEN

OVERVIEW

- 23.01 The Freedom House report, Freedom in the World 2008, Nigeria, released on 2 July 2008, observed:

“Nigerian women face societal discrimination, although educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and marital rape is not considered a crime. According to a 1997 World Health Organization study, many Nigerian women are subjected to female genital mutilation (FGM), though the precise incidence is unknown. Although the federal government publicly opposes FGM, it has taken no legal action to ban the practice. Women's rights have suffered serious setbacks in the northern states governed under Sharia. Human trafficking to, from, and within the country for purposes of labor and prostitution is a problem. The government in 2004 outlawed human trafficking and set up an agency to deal with offenders, but provisions are insufficient; UNICEF reported in December 2007 that thousands of children from Benin were being forced into hard labor in Nigeria after being sold and trafficked.” [30]

- 23.02 The Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) sixth periodic report on Nigeria, dated 3 July 2008, noted some positive developments in Nigeria:

“The Committee welcomes the adoption of the National Gender Policy in 2007, which constitutes a comprehensive framework for promoting gender equality and the advancement of women. The Committee encourages the State party to take the necessary measures to ensure its full implementation and operationalization. The Committee welcomes the adoption of a number of strategies, policies and programmes on such areas as education, health, reproductive health and nutrition since the consideration of Nigeria's combined fourth and fifth periodic report in 2004.

“The Committee notes with appreciation the close collaboration of the State party with NGOs and other civil society groups in the promotion of women's human rights and gender equality, including through consultations, membership in task forces or committees, and contribution to legislative processes. The Committee encourages the Government to further develop such collaboration.

“The Committee commends the State party on its ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.” [61] (p2)

- 23.03 The same document noted a number of areas of concern:

- “[...]the CEDAW] has yet to be fully domesticated as as part of national law despite its ratification in 1985 without any reservations.

- "...discriminatory provisions in the Constitution...which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man...discriminatory laws at both federal and state levels, including those that allow wife battery as chastisement as long as grievous harm is not inflicted... prohibit women from working at night in certain sectors of employment...and classify sexual assault against female victims as a misdemeanour...Further...a draft bill entitled 'Abolition of All Forms of Discrimination against Women in Nigeria and other Related Matters' was not approved by the National Assembly."
- Despite the adoption of the Child Rights Act by 18 states which sets the minimum age of marriage at 18 years the Constitution states that a woman is deemed to be of full age upon marriage, thereby lending support to early marriages.
- "...contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party's tripartite legal system...[leading to] discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance.
- "...the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society.
- "...the continued high incidence of female genital mutilation in some areas of the country...[and] the absence of national legislation prohibiting this harmful traditional practice.
- "...the continuing prevalence of violence against women, including domestic violence", lack of legislation to address violence against women..."the majority of services for victims, including shelters, are provided by non-governmental organizations with limited support, including financial support, from the State party.
- Despite measures taken by government trafficking remained a problem.
- "...women continue to be seriously underrepresented in political and public life, especially in leadership and decision-making positions.
- "...the persisting wage gap between men and women, women's higher unemployment rate, and women's concentration in certain sectors, namely agriculture, animal husbandry, and service...women are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes...the Factories Act, which does not recognize the specific health and reproductive needs of women, and the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing...discriminatory practices in the private sector, in particular in the banking sector, with respect to maternity and marital status...the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this.
- "...the precarious situation of women's health, as well as the insufficient number and inadequate health-care facilities, particularly in rural areas...high rates of malaria and HIV/AIDS affecting women and girls in the country.

- "...very high maternal mortality rate...lack of access by women and girls to adequate health-care services, including prenatal and post-natal care, obstetric services and family planning information, particularly in rural areas.
- "...widespread poverty among women, in particular rural women and women head of households...discriminatory practices with regard to land ownership, administration of property and inheritance, limit women's access to economic resources, as well as credit and loan facilities.
- "...the situation of internally displaced women, including women with disabilities, displaced by violence and conflict, in particular in view of their precarious living conditions in camps where they are at increased risk of sexual and other forms of violence and lack of access to health care, education and economic opportunities." [61]

For information about girls see section on [Children](#), and information on trafficked women see section on [Trafficking](#).

LEGAL RIGHTS

- 23.04 The constitution provides for equality prohibits discrimination based on sex, however the government did not enforce the law effectively (USSD 2008 Human Rights Report) [3a] (Section 5)
- 23.05 The Nigeria Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) NGO Coalition Shadow Report 2008 stated:

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

"S.17 (a) of the Constitution provides that every person shall have equality of rights, obligations and opportunities before the law [.] S.17 (e) proclaims the independence, impartiality and integrity of the court of law and that easy accountability thereto shall be secured and maintained. The Human [sic] rights provisions of the Constitution, particularly S.42, which prohibits discrimination, also outlaws inequality before the law while s.6 (6) (b) vest judicial powers in the law courts (p55)...in spite of these Constitutional provisions, there exists laws in our statute books whose provisions are inherently discriminatory against women while the application of others negates the spirit and principles of equality before the law. A gender audit of Nigeria's local laws and policies reveals that many legal instruments are discriminatory and/or gender insensitive. [31] (p56)

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

POLITICAL RIGHTS

- 23.06 The CIA World Factbook, last updated on 23 April 2009, confirmed universal suffrage from the age of 18. [52] The Inter Parliamentary Union's, accessed?, database for women in politics recorded that women in Nigeria (South) obtained the right to vote and stand for election in 1958 and the same rights were accorded to Nigeria (North) in 1978. [53]
- 23.07 The Nigeria CEDAW ([United Nations] Committee on the Elimination of all Forms of Discrimination Against Women) NGO Coalition Shadow Report, published in 2008 stated:

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

“Lack of financial capacity and the violence culture that characterised Nigerian politics have also been the bane of women's under representation in the political sphere. Most political parties either waived or subsidised the cost of nomination forms in support of the women aspirants because most women could not afford the huge cost to obtain forms. Eventually, these women are either asked to step-down for their male counterparts (p27)...during the last presidential elections [2007], there was a lone female candidate in the midst of over 30 aspirants for the position of the president while no woman emerged as the running mate of any of the aspirants. No female candidate emerged as governor, although there were 15 female aspirants in the gubernatorial race across the country. In the 36 states that make up the country, 5 women emerged as Deputy Governors and this is equal to a 13.8% representation (p29)...there is less than 5% representation of women at decision-making level at the three tiers of government.” [31] (p30)

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SOCIAL AND ECONOMIC RIGHTS

- 23.08 The Freedom House Freedom in the World Report 2008, published 2 July 2008, noted that “Nigerian women face societal discrimination, although educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and marital rape is not considered a crime.” [30]
- 23.09 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that:

“Although some women made considerable progress in both the academic and business worlds, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only

through marriage or family. In addition many customary practices did not recognise a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property.

In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. 'Confinement' which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas, a widow was considered a part of her husband's property, to be 'inherited' by his family." [3a] (Section 5)

23.10 The same USSD report stated that:

"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 many 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. According to the Human Development Report 2007/2008 published by the United Nations Development Program, women earned only 40 percent of what men did and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination." [3a] (Section 5)

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VIOLENCE AGAINST WOMEN

For information about women who have been trafficked see section XX: Trafficking

23.11 The USSD 2008 Human Rights Report stated that:

"Domestic violence was widespread [in 2008] and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code, Northern Nigerian law 1963 cap 89, 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, speech, facial disfigurement, or life-threatening injuries. In more rural areas, courts and [the] police were reluctant to intervene to protect women who formally accused their husbands of abuse, if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his

wife for at least one of six specified reasons, including burning food and not cooking on time.” [3a] (Section 5)

- 23.12 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) NGO Coalition Shadow Report, published in July 2008 stated:

“Nigerian women suffer various forms of violence mostly owing to the patriarchal nature of the Nigerian society. The different forms of violence against women in Nigeria includes, but is not limited to: domestic violence (e.g. wife battering and verbal abuse, emotional and psychological abuse marital rape); sexual exploitation and harassment especially in academic institutions, corporate organisations and in Police custody; rape; trafficking; forced prostitution; forced marriage; widowhood rites; and female genital mutilation among others...No functional feasible measures have been taken by the government in protecting women from violence both from state actors and non-state actors. The Violence Against Women (Prohibition) Bill 2003 has not been formally raised on the floor of the National Assembly (Parliament); Domestic Violence Protection Bill 2005 has passed first and second readings at the National Assembly, but has not gone past the committee level; Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly. Out of the 36 states in Nigeria, only 4 states have enacted Domestic Violence Law [namely, Ebonyi, Jigawa, Cross Rivers and Lagos]...About one-third of every woman in Nigeria (sic) has at one time or the other been a victim of violence in its diverse form. Violence against women is mostly perpetrated by husbands, fathers, and relatives (basically people known to the women who suffer the violence). It is further reinforced by the culture of silence about violence against women especially the domestic type and other types perpetrated by family members. Most women are not aware of the fact that an act of violence against them is a form of human rights violation. Some who are aware are afraid of stigma and, consequently, they tolerate violence and suffer in silence. Most cultural and traditional belief systems of the various ethnic groups in Nigeria assign and (sic) inferior role to women and further promote violence against women. As there are no laws on some very prominent forms of violence against women in Nigeria, most acts of violence against women are justified on the grounds of some women’s actions or inactions. Some women, especially in the Northern part of the country, are of the opinion that the husband can punish the wife if she neglects some of her duties such as taking good care of the children or not putting the husband’s food on the table in good time.

“The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws. Generally, most victims of violence against women in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought in the Eastern part of the country due to the stigma attached to divorced women).

“Series of cases in which husbands beat their wives to death are often reported in the media, but the end result of investigation of the police into such cases are usually unknown as they are not reported. Other several cases of violence against women go unreported because the victims suffer in silence. The absence of a gender disaggregated data on violence against women makes it impossible to determine how many women suffer violence and to what extent in Nigeria. The data that are usually relied on are those received from some field study and or research of some NGOs. The non-governmental organisations that have mandates around women issues are also known for carrying out various campaign activities on violence against women... The only two shelters available to survivors of domestic violence in Nigeria are also owned by non-governmental organisations with funds raised from international donor (sic) agencies: the Nigerian government gives no provision for that.

“The killing of women by husbands and intimate partners is frequently reported in the news media and by human rights defenders, lawyers, journalists, care workers and medical professionals. However, it is often difficult to obtain information about the outcome of any investigation by the police into such cases, sometimes because of the difficulties experienced by the press in obtaining information from the police. There is widespread lack of confidence in the capacity or resources of the police to carry out thorough investigations, for example in the collecting and preserving of evidence.” [31]

23.13 The same report stated:

“The statutory, religious and customary laws in Nigeria allows (sic) for violence against women as they give some provisions in support of such. The penal code [section 55(4)], which is applicable in the Northern part of the country, allows the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous hurt. This encourages wife battering, and diverse forms of violence against women.” [31]

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Rape

23.14 The USSD 2008 Human Rights Report stated:

“The law criminalizes rape and provides penalties of 10 years to life imprisonment and/or 200,000 naira (approximately \$1,560) fine, 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 continued to be epidemic in universities. In 2006 AI [Amnesty International] issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.” [3a](section5)

23.15 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) NGO Coalition Shadow Report, published in July 2008 stated:

“The requirement of corroboration in establishing the case of rape is another legal and judicial backing for inequality before the law. In the case of *State v Akingbade* where, according to the court, the accused committed the rape and that the ‘act does not call for corroboration’ the court was still unable to convict the accused. In the case of *Uphar v. State* (2003) 6 NWLR Pt 816, 230, the court of appeal not only insisted on corroboration but also widened the quality and scope of corroboration, which the prosecution is to establish before an accused can be convicted of rape. The Court of appeal stated that the nature and content of the corroborative evidence must not only support the claim of the prosecutrix that the accused raped her by penetrating into her vagina; it must also unequivocally implicate the accused. The traditional presumption of innocence until guilt is proven does not extend to the rape survivor by the combined operation of S.210 of the Evidence Act, which makes character evidence of the survivor of rape admissible in evidence and the requirement of proving the innocence and non complicity of the victim in the commission of the crime.” [31]

The same report also noted:

“There is also the omission of marital rape from the definition of rape under the penal legislation applicable in the North as well as under the criminal code applicable in the southern part of the country. Hence, in every part of the country, marital rape is not recognised by legislation and is, therefore, not a crime. The customary laws are not progressive: as most customs (uncodified) do not recognise marital rape as a form of rape.” [31]

- 23.16 The Amnesty International (AI) Submission to the UN Periodic Review, published 1 September 2008, stated:

“AI has found that the police and security forces have committed rape in many different circumstances, both on and off duty. Rape is at times used to coerce and intimidate entire communities, including by security forces in the Niger Delta. In some cases women were held for several weeks in sexual slavery in military barracks and repeatedly raped. Other cases include rape of female suspects by police officers in police detention. In almost every case investigated by AI, the perpetrators acted with impunity.” [12i]

- 23.17 The USSD 2008 Human Rights Report stated

“There were credible reports during the year that security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. Amnesty International (AI) reported that women frequently were raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. In July the National Human Rights Commission (NHRC) reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers around the country. In December 2007 NOPRIN stated it had monitored 400 police stations in 13 states for a year and found that killings, torture, extortion, and rape had become routine because the authorities shielded police officers from the law.”

See section 8: [Security Forces](#) for more information on abuses by the police and military

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

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

"In the few cases where a conviction is secured, judges seldom impose the maximum sentence. This indicates an apparent failure by the judiciary to acknowledge the gravity of the crime. In addition, compensation is rarely awarded. According to a retired high court judge, Ezebuilo Ozobu, in Enuga State, whom Amnesty International met in January 2006, failure to award compensation results from the absence of appropriate legislation... The low rate of prosecutions is explained in part by the fact that most women and girls who have been raped do not report the crime. But major problems exist once women do report the crime. According to Nigerian human rights defenders, including the Executive Director of WACOL (Women's Aid Collective), only 10 per cent of prosecutions result in a conviction. Factors contributing to this low conviction rate are difficulties in obtaining forensic evidence admissible in court and also legislation relating to evidence... in the absence of action by the Federal and State Governments to ensure that alleged perpetrators of rape are brought to justice, some Nigerian non-governmental organizations have pursued private prosecutions, through a process known as *fiat*. Lawyers can apply to the State or Federal Attorney General for a *fiat* to enable a private prosecution in a criminal matter that would normally be prosecuted by the state. Although more costly for the victim, and therefore precluding those who cannot afford to take such a route, some human rights defenders believe that the process of *fiat* [italics in document] is more likely to secure a conviction in cases where state actors are prosecuted. (Section 5)... the high court in each state, and relevant appeal courts, and all courts in the *Sharia* [italics in document] penal system have jurisdiction over cases of rape. Magistrates' courts, which are the lowest-level court in the Nigerian criminal justice system, do not exercise jurisdiction over such cases.

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

"The recent Reform of the Criminal Justice Bill aims to eliminate errors by the police and ensure that cases are brought before the correct court. The bill introduces time limits of up to a maximum of 90 days that the police have to charge a suspect after which the individual must be released. As of September 2006, this bill was at the legal drafting committee of the Federal

Ministry for Justice awaiting consideration before hearings at the National Assembly. [12d] (Section 5.2.3)

“Criminal procedure codes do not specify what kind of medical reports are admissible as forensic evidence in cases of rape. However, in practice, according to medical doctors, in both public and private practice, human rights defenders, prosecutors, lawyers and judges whom Amnesty International interviewed in 2006, only medical reports issued by a medical practitioner in a government-run hospital are accepted by courts as admissible evidence ...the practice of only allowing medical reports by doctors in government-run hospitals has a discriminatory effect on women and girls who do not have easy access either to government-run hospitals or health care facilities. This is particularly acute in rural areas.” [12d] (Section 5.2.4)

(As at 1 May 2009, COI Service was not aware that the Reform of the Criminal Justice Bill had become law)

Female genital mutilation

23.19 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria, as noted in the USSD 2008 Human Rights Report:

“The Nigeria Demographic and Health Survey (NDHS) estimated that 19 percent of females 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 southern region among the Yoruba and Igbo. Women from northern states were less likely to undergo the most severe type of FGM, 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 been subjected to it before their first birthday.

“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 harmful effects of FGM.

“During the year there were no known prosecutions resulting from a 2005 Osun State law intended to punish persons who encouraged FGM. The law criminalizes the removal of any part of a sexual organ from a woman or 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 50,000 naira (approximately \$385), one year's imprisonment, or both for a first offense, and doubled penalties for a second conviction.

“FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention) during childbirth as scar tissue from the cutting often opens and tears. Additionally, women who suffered from fistula were often victims of other forms of abuse and neglect. The three delays that caused most fistulas were: delay in seeking care; delay in reaching a health facility; and delay in receiving care. Overcoming the first two delays in many Nigerian homes is dependent on the husband or male relative permitting the women to seek skilled care and providing resources for transportation. Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. Fistula sufferers were often abandoned or neglected by their husbands and families and ostracized by their communities. Without treatment, prospects for work and family life were greatly diminished and the women were often left to rely on charity” [3a] (Section 5)

See also section 24: Children, subsection Female Genital Mutilation and the Home Office Border Agency Report on FGM:

<http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>)

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Forced marriages

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

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

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

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FREEDOM OF MOVEMENT

23.21 The British-Danish 2008 Fact Finding Mission Report stated:

“WACOL [women’s NGO] explained that internal relocation is possible for any adult woman irrespective of whether the case is about FGM, domestic

violence or forced marriage. It is possible for adult women to relocate and look for jobs to sustain themselves, however, FGM and forced marriage cases very often involve underage girls. WRAPA (Women's Rights Advancement and Protection Alternative) advised that internal relocation is legally possible, based on the right to freedom of movement as guaranteed by the 1999 Nigerian Constitution, for adult women seeking to escape domestic violence, FGM, forced marriage, and adult women seeking to protect their daughters against FGM. WRAPA considered that internal relocation is a realistic option for such women...the United Nations Development Fund for Women (UNIFEM) found that in theory, it is not difficult for a woman to relocate within Nigeria and in this way find physical safety. As regards crime rates, Nigeria is a relatively safe country.

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

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

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

23.22 The same source noted that:

“BAOBAB stated that from a legal point of view, internal relocation is an option for any woman in Nigeria because there is full freedom of movement in the country. However, this first step - even to take a bus - can be difficult as women are dependent on their relatives, family or husbands, and may not have the money to allow them to relocate. As a consequence of this, a woman will need relatives in her new location who are ready to accommodate her...it was emphasized by BAOBAB that a woman can obtain physical protection by relocating to another area in Nigeria. Women who are economically independent, in particular, would stand a much better chance of sustaining themselves than women who are not. BAOBAB added that it is difficult to separate the question of physical protection from the social, cultural and/or humanitarian constraints involved in relocating. However, even women who have access to economic means could face difficulties in finding accommodation or a job as they are often stigmatised. BAOBAB further added

that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers (p10)...WACOL did not have any information to indicate that families or husbands try to trace and kidnap a runaway girl or a woman/wife. According to UNIFEM, the sheer size of the country and its large population means that it would be very difficult for a husband, or other family members, to locate a woman who has escaped FGM, a forced marriage, or is a victim of domestic violence. UNIFEM believed that, should a husband know where his wife has fled to, there is a high risk that he would try to contact her or force her to return home.

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

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

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

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

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

that is run by the NGO Daughters of Abraham. This shelter is mainly reserved for victims of trafficking and prostitutes.

“WACOL added that the physical safety of a woman is guaranteed in its shelter in Enugu, and WACOL was of the opinion that if a woman needs physical protection in Abuja, she can go to the Federal Ministry of Women’s Affairs and Social Development. The Ministry would definitely take such cases seriously and offer protection to the women concerned. However, WACOL has never encountered cases in Abuja where this has been necessary...it was emphasized by WRAPA that because of the existence of LACVAW, more than 50 organizations are always able to refer a woman in need to an available shelter in Nigeria. In addition, WRAPA can also contact a Social Welfare Office or the Federal Ministry of Women’s Affairs and Social Development in Abuja, which now runs its own shelter.

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

23.24 The report continued:

“Regarding shelter facilities, BAOBAB stated that it was not aware of government shelters at local, state or federal level to accommodate and protect a woman who does not wish to return to her husband or family. However, the NGO Project Alert on Violence against Women (Project Alert) runs a shelter in Lagos. BAOBAB at times refers women to this shelter. Project Alert often tries to mediate in the cases. It was added that WACOL runs a similar shelter in Enugu ...according to UNIFEM, Project Alert has the only NGO shelter for battered women in Lagos State. It has the capacity to provide shelter for only about 20 women at any given time and has been successful in keeping the identities of their clients’ secret and providing security for them. Women NGOs only provide shelter for a limited period of time, i.e. for a few weeks...according to Project Alert, the vast majority of the women who have been accommodated in its shelter in Lagos expressed their reluctance to leave at the time they were due (one month maximum) ‘because the atmosphere and friendliness in the shelter was such that no one would ordinarily wish to leave. This partly explains why some of the women stayed beyond the official maximum four weeks duration, while the inability to secure or rent an apartment and the unwillingness to return to the same abusive relationship or environment accounted for others’ reluctance to leave Sophia’s Place’.

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

23.25 The report further added:

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

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

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

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

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

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

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

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

“WACOL believed that, in general, it would be difficult for a girl or a woman to relocate in Nigeria without relations who can assist her. WACOL considered

that if an underage girl does not want to enter into a marriage, and she is ready to relocate elsewhere in Nigeria in order to escape the marriage, it is a precondition that she has a family member or relative in the new location that is ready to support her. Furthermore, regarding forced marriage it was emphasized that internal relocation might be much more difficult for a daughter/woman of an influential family than for a daughter/woman of an ordinary family. A daughter/woman from an influential family might find it more difficult to find a location in the country where she would not be recognised and maybe returned to her family or husband.”[20] (p21)

23.27 The report further stated:

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

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

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

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

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24. CHILDREN

OVERVIEW

- 24.01 The Nigeria Overview on UNICEF's website, accessed on 12 February 2009, provided information about children in the country:

"Health, health care and general living conditions in Nigeria are poor, especially for children and women. Infant and under-five mortality rates are high. The weakened Public Health Care (PHC) system with low coverage of key interventions has resulted in the persistence of high disease burden. HIV/AIDS remains a major issue of concern among children, young people and women in Nigeria with a prevalence rate of 4.4 per cent. An estimated 2.9 million Nigerians (mostly females) are living with the virus. The epidemic is also increasing the population of orphans in the country, which is already estimated at 7 million. Nigeria's education system is also in a state of neglect largely due to decaying institutional infrastructure. 66 per cent of the population is literate, and at 75 per cent, the rate for men is higher than that for women which is 57 per cent." [19b]

The same source continued:

"Child and infant mortality continue to be major challenges in the face of widespread occurrence of malaria, vaccine-preventable diseases, diarrhoea and acute respiratory infection. The country has high infant mortality rate of 86 per 1,000 births, and an under-five mortality rate of 191 per 1,000 births. DPT and malaria coverage for one year old are 54% and 62 % respectively but routine immunisation coverage is still low. Protein-energy malnutrition is also a problem with one third of all children under-five being either stunted, underweight or wasted...More than 73,000 children are born with HIV every year. Yet access to anti-retroviral therapy is still low...Currently the national primary school net enrolment rate is 69.9% but this masks wide regional and gender disparities." [19b]

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

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

A first Bill on Children's rights had already been elaborated in 1993, but could not be passed into law because of opposition from religious groups and traditionalists...[but was finally] adopted in September 2003." [39] (p8-10)

24.03 The British-Danish 2008 Fact Finding Mission Report stated:

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

See also section 23: [Women](#)

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Basic legal information

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

"The Child Right's Act 2003, passed into law in the Federal Capital Territory (Abuja), defines a child as a person who has not attained the age of eighteen years. However, according to Art. 2 of Children and Young Persons Act, enacted in Eastern, Western and Northern regions, a "child" means [a] person under the age of fourteen years, while 'young person' means a person who has attained the age of fourteen years and is under the age of seventeen years.'

"Furthermore, the Immigration Act stipulates that any person below 16 years is a minor, whereas the Matrimonial Causes Act puts the age of maturity at 21. The latter act becomes irrelevant in practice, since the individual states state their own age for marriage. As for penal responsibility, art. 50 of the Penal Code (North) states: 'No act is an offense which is done by a child under seven years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.

"These are...examples of different ages enshrined in a multitude of legal texts and in customary law all over the country. The official report admits that laws affecting children continue to be 'scattered in different legislations' and...that the 'perception of Age as a definition of a Child depends on who is defining.'" [39]

24.05 Persons in Nigeria have the vote from age 18. Military service is voluntary from the age of 18 (CIA World Factbook updated 23 April 2009) [52]. The age of consent is 13. (Avert, undated, accessed 13 February 2009) [28]

24.06 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated

“For industries and work on vessels, where a family member is not employed, 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 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.” [3a] (Section 5)

CHILD RIGHTS

Domestic legislation

24.07 A UNICEF document of July 2008 on Nigeria in relation to the Child’s Rights Act (CRA) of 2003 recorded that “to date only 18 of the country’s 36 states have enacted the law.”

The same document set out the basic provisions of the CRA as:

- “Freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion; and it is stated categorically that the dignity of the child shall be respected at all times.
- No Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, attacks on his/her honor or reputation.
- Every Nigerian child is entitled to rest, leisure and enjoyment of the best attainable state of physical, mental and spiritual health.
- Every government in Nigeria shall strive to reduce infant mortality rate, provide medical and health care, adequate nutrition and safe drinking water, hygienic and sanitized environments, combat diseases and malnutrition, support and mobilize through local and community resources, the development of primary health care for children.
- Provisions for children in need of special protection measures (mentally, physically challenged, or street children); they are protected in a manner that would enable them to achieve their fullest possible social integration, and moral development.
- Expectant and nursing mothers shall be catered for, and every parent or guardian having legal custody of a child under the age of two years shall ensure its immunization against diseases, or face judicial penalties.
- Betrothal and marriage of children are prohibited.
- Causing tattoos or marks, and female genital mutilation are made punishable offences under the Act; and so also is the exposure to pornographic materials, trafficking of children, their use of narcotic drugs, or the use of children in any criminal activities, abduction and unlawful removal or transfer from lawful custody, and employment of children as domestic helps outside their own home or family environment.
- Child abduction and forced exploitative labor (which is not of a light nature) or in an industrial undertaking are also stated to be offences. The exceptions to these provisions are where the child is employed by a family member, in work that is of an agricultural or horticultural or

domestic in nature, and if such child is not required to carry or move anything heavy that is likely to adversely affect its moral, mental, physical, spiritual or social development.

- Buying, selling, hiring, or otherwise dealing in children for purpose of begging, hawking, prostitution or for unlawful immoral purposes are made punishable by long terms of imprisonment. Other offences considered grave include sexual abuse, general exploitation which is prejudicial to the welfare of the child, recruitment into the armed forces and the importation/exposure of children to harmful publications. It further preserves the continued application of all criminal law provisions securing the protection of the child whether born or unborn.” [19c]

24.08 With regard to labour rights the USSD 2008 Human Rights Report stated:

“The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems and had an inspections department responsible for 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. Complaints rarely were made by victims or their guardians due to intimidation and fear of losing their jobs. Labor inspections were mostly random, but occasionally occurred when there is suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. NAPTIP [National Agency for the Prohibition of Trafficking in Persons] bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking victims and child labor victims.

“The government’s child labor policy focused on intervention, advocacy, sensitization, legislation, the withdrawal of children from potentially harmful 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 2007 the ministry conducted 110 child labor inspections, 410 regular labor inspections, and four comprehensive inspections. In 2006 the ministry also trained approximately 120 labor inspection officers on child labor laws; trained 80 officers to perform inspections in high-risk activities in agriculture, mining, and the informal sector; and trained 20 officers to perform rapid assessment surveys in these critical sectors. As of year’s end the exact amount of funding for continued training programs could not be confirmed; however, the ministry reported that 10 training and awareness raising programs and additional child labor staff were funded by the government during the year.” [3a] (Section 6d)

24.09 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that “the government seldom enforced even the inadequate laws designed to protect the rights of children.” [3a] (Section 5)

Judicial and penal rights

24.10 A UNICEF information sheet, dated August 2007, on the Child Rights Act 2003 noted:

“The Act makes provisions for the establishment of ‘Family Courts’. The courts which will operate at the High Court and Magistrate Court levels... The Act has provided for Child Justice Administration... The provisions prohibit the subjection of any child to the criminal justice process... It has prohibited the use of capital punishment, use of imprisonment and use of corporal punishment for children under 18 years.” [19c]

24.11 The USSD 2008 Report on Human Rights Practices noted that

“Although the law precludes the imprisonment of children, Attorney General and Minister of Justice Michael Aondoakaa stated there were more than 300 children in the prisons, many of whom were born there. Aondoakaa stated that the federal government had ordered the release of those children and the ministry would try to identify and release the mothers as well. There was no information on whether any inmates or children were released by year’s end..” [3a] (Section 5)

24.12 An article in ‘This Day’ of 28 December 2008 on the subject of child abuse, ‘Nigeria: Child Abuse-Battering Nation’s Future’, noted:

“...This has led the Lagos State Government to sign the Child Rights Act into law. This has been described as a welcome development considering the large population of miscreants and under-age workers. The Act which classifies...child abuse as any behaviour directed towards a child that endangers the physical and emotional health and development of such a child provides that in every action undertaken by an individual, public or private institution, court of law, administrative or legislative body, the best interest of the child must be the primary consideration and the child’s best interests remain paramount.” [43e]

24.13 An article in the *Daily Independent* of 30 November 2008, ‘Nigeria: Lagos Children on the March against Rights Abuse’, noted that “the Executive Director of Mediacon...said there is no official statistics about child abuse in Nigeria and Lagos State, stressing that most of the cases reported are from Lagos with average of 10 cases a month.” [54]

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CHILDCARE AND PROTECTION

Child marriage

24.14 The British-Danish 2008 FFM Report stated:

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

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

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

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

- 24.16 An article of 28 November 2008 regarding a Channel 4 television programme on the effects of child marriage and pregnancy in Nigeria referred to nearly half of all girls in the country’s northern states being married by the age of 15, often to much older men. The article also noted that “Nigeria has one of the highest rates of child marriage and pregnancy in the world and the federal government has tried to ban marriage under the age of 18 by passing the Child Rights Act 2003. However, five years later, only one northern state has adopted the act and even then replaced the age of 18 with ‘puberty.’ [5]

See also section 23: [women, Forced marriage](#)

VIOLENCE AGAINST CHILDREN

- 24.17 The USSD 2008 Human Rights Report noted that FGM was commonly performed on girls in southern areas of the country (see following subsection on FGM). The report also recorded

“Cases of child abuse, abandoned infants, child prostitution, and physically dangerous child labor practices remained common throughout the country. 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 “indecency” 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. On January 3, Kano State Deputy Police Chief Suleiman Abba reported an upsurge of child rape, noting that the 54 recorded cases during the final six

months of 2007 accounted for two thirds more than the number recorded for the first six months.

“Many children were homeless and lived on the streets. There were no known statistics on their numbers. 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. HIV/AIDS also greatly increased the numbers of orphaned street children.

“In the north, an estimated two million children were ‘almajirai,’ or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children were effectively homeless. During the year the government distributed 90 million naira (approximately \$770,000) to 15 states for the induction of Koranic education into the mainstream educational system. Officials at the Universal Basic Education agency reported that each participating state received six million naira (\$51,300) for the project which was targeted at the rehabilitation, integration, and education of the almajirai.” [3a] (Section 5)

See also subsection on [Child trafficking](#) below

Female genital mutilation

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

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

“The State Report [Second Periodic Report by Nigeria to the CRC] mentions that ‘the Bill on Female Genital Mutilation has gone through the lower house, and will go through the upper house before the president can sign it into law.’ But to date, the law has not been adopted...however, some states passed laws prohibiting female circumcision and genital mutilation. In the report of the Nigerian government to the CRC, the ongoing existence of FGM and other harmful traditional practices is recognised and efforts to combat it are reportedly undertaken. Due to public enlightenment and mobilization efforts by groups of civil society, as well as increased enrolment of girls in schools, reported cases of FGM are diminishing. Nonetheless, the practice remains widespread in Nigeria and the proportion of the female population having undergone genital mutilation [is] high.” [39] (p18-19)

For details of FGM including legality and protection offered by the state see section 23.17 on Women: Female Genital Mutilation and the Home Office Border Agency Report on FGM
<http://www.homeoffice.gov.uk/rds/pdfs08/africa-fgm-080708.doc>

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FACILITIES FOR ORPHANS AND ABANDONED CHILDREN

24.19 The British-Danish 2008 FFM Report stated:

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

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

24.20 The British-Danish 2008 FFM Report further stated:

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

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

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

“The Director of the orphanage stated that most of the children in the orphanage are referred to it by the police, although some come from church

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

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

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CHILD TRAFFICKING

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

"The trafficking of children for the purpose of domestic service, prostitution and other forms of exploitative labour is a widespread phenomenon in Nigeria. In view of the clandestine nature of trafficking, accurate and reliable figures are hard to get...the FOS/ILO National Child Labour Survey (2003) estimates that there are 15 million children engaged in child labour in Nigeria with 40% of them at the risk of being trafficked both internally and externally for domestic forced labour, prostitution, entertainment, pornography, armed conflict, and sometimes ritual killings.

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

The NAPTIP/UNICEF Situation Assessment of Child Trafficking in Southern Nigeria State (2004) reported that 46% of repatriated victims of external trafficking in Nigeria are children, with a female to male ratio of 7:3. They are engaged mainly in prostitution (46%), domestic labour (21%), forced labour (15%) and entertainment (8%). Internal trafficking of children in Nigeria was also reported to be for the purpose of forced labour (32%), domestic labour (31%) and prostitution (30%). Boys are mostly trafficked from the south

eastern states of Imo, Abia and Akwa-Ibom to Gabon, Equatorial Guinea and Congo, while those from Kwara go to Togo and as far as Mali to work on plantations....there are diverse reasons why many Nigerian children are vulnerable to trafficking, including widespread poverty, large family size, rapid urbanization with deteriorating public services, low literacy levels and high school-drop out rates. The demand for cheap commercial sex workers in countries of destination strongly contributes to the growth of this phenomenon and the success of this criminal network. Parents with a large family, often overburdened with the care of too many children, are prone to the traffickers' deceit in giving away some of their children to city residents or even strangers promising a better life for them.

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

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

24.22 The USSD 2008 Human Rights Reports noted

“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, and beggars.” [3a] (Section 5)

The section should be read in conjunction with section 30 on Trafficking

Efforts to tackle child trafficking

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

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

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

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

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

"In July 2006, a regional conference was jointly organized by ECOWAS [Economic Community of West African States] and ECCAS [Economic Community of Central African States], in Abuja, with [the] active participation of NAPTIP. Supported by UNICEF [United Nations Children's Fund], ILO [International Labor Organization], UNODC [United Nations Office on Drugs and Crime], IOM [International Organization for Migration], and the Office of the Special Adviser to the President on Trafficking in Persons, the conference was designed to share country experiences and to develop a common platform of action against trafficking in persons in West and Central Africa. To this end, a 'Multilateral Co-operation Agreement on Combating Trafficking in Persons, especially Women and Children' was signed by 18 member states. ...apart from direct interventions to address child trafficking, UNICEF's priority is to build a protective environment to prevent the abuse, violence and exploitation of children throughout the country.

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

"To prevent young people from being trafficked, UNICEF has facilitated the establishment of Youth Resource centers with the support of [the] Swedish International Development Agency (SIDA) and the UK National Committee. These centers provide health promotion, skills training, recreational services, legal support and information to young people...UNICEF supports an active network of NGOs working against trafficking and helping victims. Action by the Civil Society Network against child trafficking, labour and abuse in Edo, Lagos,

Cross Rivers, Rivers, Taraba, Osun and Kano states and the F.C.T, resulted in about 14,000 children having improved access to general information in trafficking; 43 children were reunited and reintegrated back into their families and 1,317 had access to life skills/vocational training and counselling. Through these NGOs, children gain access to education, vocational training and health care.

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

See section 30: [Trafficking](#)

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EDUCATION

24.24 The USSD 2008 Human Rights Report stated:

“Public schools continued to be substandard, and limited facilities precluded access to education for many children. The law calls for the government, ‘when practical,’ to provide free, compulsory, and universal primary education ... In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families’ ability to send children 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 for men was 58 percent but only 41 percent for women.” [3a] (Section 5)

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

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

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

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

“Between 2002 and 2005, completion rates have improved for boys by 3% (from 83.4% to 86.4%), while they declined for girls by 8% (from 83% to 75%).

Gender participation (measured by gender ratio - GR) still favoured males with wide variations in gender gap in access to primary education across the states and zones.

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

“UNICEF Nigeria and other development partners have been working with the Government of Nigeria to promote girls education and various initiatives have been undertaken including the current Girls Education Project (GEP) geared towards promoting and enhancing girls’ participation in education...the Girls’ Education Project has continued to record success in access to education for girls since its inception. Increases in enrolment and attendance rates and decrease in gender gaps have been experienced during the project implementation phase. On average, in the project implementation focus communities, girls’ enrolment has increased by an average of 73% from 2005. This has resulted in an overall reduction of gender gaps in the GEP focus schools from 44% in 2005 to 31% in 2007. Attendance rates have also improved, with an 11.9% increment in the GEP focus schools, with that of girls increasing by 39%.” [50]

24.27 The EIU’s 2008 Country Profile on Nigeria stated:

“Central Bank of Nigeria (CBN) data show that education spending averaged around 8.3% of federal government recurrent expenditure and around 4.7% of capital expenditure in 2002-2006. There has been an improvement in the literacy of the general population. According to the UNDP [United Nations Development Programme], adult literacy rose from 55.4% in 1975-94 to 69.1% in 1995-2005. However, according to most local sources, over the past two decades, standards of education in the public sector have deteriorated. As a result, there has been significant growth in the number of private primary and secondary schools, mainly in urban areas...the proportion of children of the elite who are privately educated is much higher ...in September 1999 the then president, Olusegun Obasanjo, launched the free and compulsory Universal Basic Education (UBE) scheme aimed at wiping out illiteracy. It is similar to the Universal Primary Education programme, which was introduced in 1976. The government claims that the programme has had some success, with the pupil/school ratio falling as more schools have been built in the past five years. The number of primary schools has risen from 48,860 in 2000 to 59,340 in 2005 and secondary schools from 8,275 to 12,610, according to CBN data although it is not clear what percentage of these are private. However, the reality is that in the current situation the government will continue to struggle to generate sufficient funds, facilities and qualified teachers to make significant improvements in education standards.” [10] (p17).

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HEALTH AND WELFARE

24.28 The USSD 2008 Human Rights Report noted that “girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunization series against childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.” [3a]

24.29 A UNICEF document, ‘Maternal and child health’, stated:

“Preventable or treatable infectious diseases such as malaria, pneumonia, diarrhoea, measles and HIV/AIDS account for more than 70 per cent of the estimated one million under-five deaths in Nigeria. Malnutrition is the underlying cause of morbidity and mortality of a large proportion of children under-5 in Nigeria. It accounts for more than 50 per cent of deaths of children in this age bracket.

“The deaths of newborn babies in Nigeria represent a quarter of the total number of deaths of children under-five. The majority of these occur within the first week of life, mainly due to complications during pregnancy and delivery reflecting the intimate link between newborn survival and the quality of maternal care. Main causes of neonatal deaths are birth asphyxia, severe infection including tetanus and premature birth.” [19e]

(See sections on [Medical Issues](#), [Women](#), and the [Overview](#), above)

Facilities for children with learning disabilities

24.30 The Landinfo 2006 FFM report stated:

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

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

“People and children with disability are the least cared for, and discrimination against them - both within the family and in society in general - is widespread in Nigeria...the population of people with a disability continues to increase alarmingly, but the country’s social services, including the sector providing assistance to disabled children, remain poor. There are few specialised institutions for disabled persons, but most of them are run by NGOs and lack appropriate facilities, in spite of some governmental funding...the State report

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

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DOCUMENTATION

Birth registration and certificates

24.32 A UNICEF article of 9 September 2008, ‘Birth registration campaign gives children a second chance’, stated: “Although Nigeria is a signatory to the Convention on the Rights of the Child – whose Article 7 prescribes the mandatory registration to give children an identity at birth – only 30 per cent of children here are registered at birth...In collaboration with the authorities in Kano, UNICEF ensured that a total of 4,140 special birth-registration staff were trained to go door to door.” [19d]

24.33 On the matter of birth certificates, the US Department of State Reciprocity Schedule noted that they were “generally available, particularly for events occurring after 1970. Registration of births and deaths is compulsory in Lagos. The National Population Commission issues birth certificates for births after 1992.” [3e]

24.34 An Immigration and Refugee Board of Canada Response to Information Request of 5 August 2008, ‘Birth registration process’, stated:

“Although the registration of births in Nigeria is compulsory, only a small proportion are actually registered. Several sources consulted...indicate that the national average for birth registration stands at about 30 percent. According to UNICEF, in urban areas, approximately 50 percent of births are registered, while in rural areas, only about 21 percent are registered. Low registration rates in Nigeria have been attributed to a number of factors, including a lack of awareness of current legislation and the importance of birth registration, limited number of registration centres, limited financial resources and a lack of effective registration infrastructures.

“Birth registration is said to be a requirement for enrolment in school, for the issuance of travel documents, and for the proposed new national identity card.

“Since 1992, the National Population Commission (NPC) has been responsible for the registration of births in Nigeria. If an individual is not born in hospital (e.g. is born in a house), then there will not be anyone present to register them with the NPC; however, the parents can obtain a sworn affidavit from their local government, stating that the child was born in that local government area. The sworn affidavit can then be taken to the NPC, which will register the child and issue a birth certificate...In Nigeria, certain hospitals, churches and local governments may issue birth certificates; however, these certificates must be taken to the NPC for registration.

“Individuals born before 1992 may also obtain an NPC birth certificate. When registering with the NPC, these individuals must present a sworn affidavit from their local government and must undergo an interview. Therefore birth certificates issued by the NPC that indicate an individual was born before 1992 are valid.

“The NPC reportedly issues a standard birth certificate...the birth certificate includes ‘standard’ information, such as the individual’s name, father’s name, mother’s name, place of birth and date of birth.

“The website of the NPC indicates that birth registration is free and that children should be registered with them within the first sixty days of birth. Upon registration, the parents may be asked for the following information: child’s name, date of birth, place and type of birth and birth order; mother’s name, age at birth of child, marital status, education, ethnicity and place of residence; father’s name, age at birth of child, marital status, education, ethnicity and place of residence.

“According to the website, there are several locations at which birth registration takes place, including NPC registration centres, NPC offices at the local government headquarters, NPC desks in hospitals and health centres, and other unspecified designated locations. In 2007, there were reportedly 2,322 NPC birth registration centres in Nigeria, or approximately 3 per local government area.” [38e]

See also section 31: [Forged and fraudulently obtained documents](#)

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25. ARMED OPPOSITION GROUPS

Movement for the Actualisation of the Sovereign State of Biafra (MASSOB)

- 25.01 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) stated that

“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-majority states, initiated frequent violent clashes with the government, particularly in Onitsha, Anambra state. Police sometimes reacted by arresting large numbers of MASSOB members. In June police arrested 78 MASSOB members during a commemoration celebration of the Nigerian Civil War-era secessionist state of Biafra and charged them with conspiracy to commit a felony because of their intent to stage a protest that would result in political unrest.

“On May 15, an Abuja Court of Appeal granted MASSOB leader Ralph Uwazurike continued bail after a High Court judge released him on bail in October 2007 for three months. The Court of Appeal also granted bail to the 10 others accused with Uwazurike of treason and stated the evidence in the case was weak. However, on the same day, all of the accused were rearraigned on charges of treason because the High Court judge who had granted bail was transferred, requiring the trial to start anew for the third time since 2005. Although all of the accused remained free on bail, there was no progress in the trial by the year’s end.” [3a] (Section 1d)

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MILITIA GROUPS IN THE DELTA REGION

Background

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

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

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

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

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The Niger Delta People’s Volunteer Force and the Niger Delta Vigilante

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

“On September 27, 2004, the leader of a powerful armed group threatened to launch an ‘all-out war’ in the Niger Delta - sending shock waves through the oil industry - unless the federal government ceded greater control of the region’s vast oil resources to the Ijaw people, the majority tribe in the Niger Deltas. The threat, made by Alhaji Dokubo Asari, leader of the Niger Delta People’s Volunteer Force (NDPVF), followed the deployment of federal government troops to quell months of intense fighting between the NDPVF and a rival armed group, the Niger Delta Vigilante (NDV), led by Ateke Tom. The threat also provoked an immediate response from multinational oil companies, global financial markets, and Nigerian government officials...a Human Rights Watch fact-finding mission to Rivers State in November 2004 found that months of fighting between the armed groups has led to serious human rights abuses against ordinary Nigerians. The violence between Asari’s NDPVF and Tom’s NDV [Niger Delta Vigilante] occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since 2003, the running fight for control of these villages and towns has resulted in the deaths of dozens of local people and forced tens of thousands to flee their homes. Schools and businesses have closed, and homes and property worth millions of dollars has [sic] been destroyed. Hundreds of mostly young male fighters have also been killed. The violence has created a profound climate of fear and insecurity in Rivers State, leaving local people reluctant to return to their homes or to seek justice for the crimes committed. [22d] (p2)

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

“Although the violence across the Niger Delta has manifested in different forms - in Warri it is seen as a conflict between Ijaw and Itsekeri ethnic militias, in Rivers State as a battle between Ijaw groups - it is essentially a fight for control of oil wealth and government resources. The violence in Port Harcourt has been perpetrated by two rival armed groups and their affiliates who battled to control territory and lucrative oil bunkering routes [22d] (p3-4)...both Asari’s NDPVF and Tom’s NDV are primarily comprised of young Ijaw men from Port Harcourt and nearby villages. In addition to these two groups, there are, according to the state government, more than 100 smaller armed groups, known locally as ‘cults’.” [22d] (p4)

Government’s response to the militia violence

25.05 The International Crisis Group (ICG) report, ‘Nigeria: Seizing the Moment in the Niger Delta’ of 30 April 2009 recorded that:

“On 4 September 2008, the government announced a technical committee to address the Delta crisis. Its 45 members were all drawn from the nine states broadly regarded as the Niger Delta Region. Inaugurated by Vice-president Jonathan on 8 September, it was handed the following terms of reference: - collate, review and distill the various reports, suggestions and recommendations on the Delta, from the Willinks Commission report (1958) to the present and summarise the recommendations for government action.

“...The resultant report recommended amnesty for militant leaders within a comprehensive demobilisation, disarmament and rehabilitation (DDR) program; an increased allocation of oil revenue to the Delta; urgent improvement of infrastructure and human welfare services; and new institutions for the region’s longerterm development. While it did not address all aspects of the crisis, its proposals were sufficiently comprehensive to serve as a catalyst. The Technical Committee also urged the government to issue a White Paper by 1 January 2009 outlining strategies for rapid implementation of its recommendations. Yar’Adua’s statement at the time that the government would implement those recommendations it found ‘acceptable’ raised apprehensions in the Delta and across civil society that it would carry out only what was politically convenient.

...”[This] report was submitted to the government on 1 December 2008 but has not been made public.”

25.06 The same ICG report had stated:

“On 20 May 2008, the then defence minister, Alhaji Yayale Ahmed, outlined what was thought to be a major policy initiative for reining in militant activities in the Delta. At a briefing to the House of Representatives Committee on Defence, he said the federal government had formulated plans for ‘constructive engagement’. This specifically included negotiating with the militants to form private companies that would be hired to provide security for oil pipelines and other installations. The rationale was that the scheme would wean the militants from armed conflict and solve some of the region’s unemployment problem.

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“...Shredded by intense public criticism and spurned by the militants, the idea was still-born.” [17c]

Movement for the Emancipation of the Niger Delta (MEND)

25.07 The International Crisis Group report ‘The Swamps of Insurgency: Nigeria’s Delta Unrest’, published in August 2006, stated:

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

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

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

25.08 A BBC News article of 12 May 2007 stated that a year after MEND’s armed campaign began it “remain[ed] a shadowy and faceless group. If they had hoped to mend the region, which has been torn apart by violence and wrecked by pollution from oil exploration, they do not seem to have made a huge success of it. Instead, their campaign has heightened tension in the area and is threatening to cripple Nigeria’s crude oil industry.” [8m]

25.09 In the second half of 2008 and beginning of 2009 MEND periodically called ceasefires which were subsequently called off. It was reported by the BBC News on 2 April 2009 that “Nigeria’s President Umaru Yar’Adua has said his government is considering granting amnesty to violent groups in the Niger Delta if they disarm. Attacks and kidnappings by militants in the oil-rich Delta have cut Nigeria’s oil profits by 25% in three years. Mr Yar’Adua said the government would discuss measures including offering rehabilitation to

militants and help to reintegrate them into society...The most visible group, MEND, said they would not give up their arms because of 'a mere verbal statement' from the president." [8n]

See section 4.05 [Recent Developments](#)

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VIGILANTE GROUPS

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

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

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

- 25.11 The UN Commission 2006 report stated further:

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

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

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The O'odua People's Congress (OPC)

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

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

“The year 1999 was a turning point for the OPC. The Presidential Elections held that February brought General Olusegun Obasanjo into office. Despite being ethnically Yoruba himself, Obasanjo was unpopular among Yoruba due to his career in the military, which is traditionally dominated by the northern Nigerian ethnic groups responsible for the oppression of many southern ethnic groups such as the Yoruba...meanwhile, a militant faction of the OPC was mobilized by young firebrand Gani Adams (aka Ganiyu Adams), who then claimed legitimate authority over the whole group. In effect, this split the OPC into two branches, one violent and one non-violent. Adams has a separatist agenda, seeking full independence for the Yoruba people, and does not hesitate to use force to achieve his goals...the OPC's militant wing is known to conduct small-scale attacks on police targets with primitive explosives like gas and sulfuric acid bombs as well as small arms ...observers assert that Adams' radical faction has hijacked the OPC and used it as a vehicle for its violent anti-government, anti-police, and anti-military vigilante agenda. Fasehun, mostly due to his disinclination towards resorting to violent means, is losing influence in the Yoruba community. Still, like Adams, Fasehun has been detained and released without trial several times by Nigerian authorities.” [41]

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26. SECRET SOCIETIES AND OTHER SOCIAL GROUPS

THE OGBONI SOCIETY

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

“With regard to how to describe the Ogboni, the political science professor said that members of the Ogboni ‘society’ would likely take offence at having their organization referred to as a ‘cult’ or a ‘secret society’ and would probably refer to themselves as a ‘lodge’ similar to that of the Masons (13 Apr. 2000). The anthropology professor said that in Nigeria the Ogboni are commonly referred to as [a] ‘secret society’ by Nigerians, but that Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage, etc (14 Apr. 2000)...the American-based scholars stated that they knew nothing of any Ogboni rituals as its members are sworn to secrecy. Based on her knowledge of other similar groups, the anthropology professor said that initiation rituals would likely involve some mystical elements and ‘some sort of physical transformation’ (14 Apr. 2000).

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

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

“Both scholars emphasized that Ogboni members are members of Nigeria’s financial elite and that Ogboni membership is often used as a networking tool in order to come into contact with persons who can improve one’s financial position and/or power. The political science professor said that it is the ‘benefits and privileges that attract’ members to the Ogboni (13 Apr. 2000). The anthropologist professor said that it is both a social club and an ‘enforcing agency’ that members use to ensure that affairs in Nigeria are favourable to

those with money and power (14 Apr. 2000)...the 'enforcing' aspect of the organization also involved disputes between Ogboni members in which the society is used as an adjudication tool, not only to resolve internal disagreements, but also to ensure that members follow the society's prescribed behaviour. However, she was unable to provide any information on what this expected behaviour is, since members do not discuss Ogboni matters with non-members (ibid.)." [38a]

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

"With respect to the possibility of individuals being forced to join the Ogboni society, the political science professor said that he was not aware of any recent examples of persons being forced to join (13 Apr. 2000)...on the other hand, the anthropology professor stated that forced membership in the Ogboni society might be possible, although it would not be common (14 Apr. 2000). She said that if a person's parents were members there could be an expectation that their progeny would join. If there was such an expectation, the parents could apply considerable pressure on the individual to join (ibid.)...The anthropology professor also stated that the Ogboni would not typically induct children as members (14 Apr. 2000). She said that membership would normally be offered to those considered to be elder or mature, with consideration given to whether the person was married and whether he or she had children, as these are indicators of an individual becoming a 'complete person' (ibid.).

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

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STUDENT SECRET CULTS

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

"Nigeria's notorious 'cult' organizations are a particular variety of criminal gang that began as benign campus fraternities, the first of which emerged in 1952 when a group of University of Ibadan students, including future Nobel laureate Wole Soyinka, organized a fraternity called the Pyrates Confraternity. They have since proliferated and evolved into violent gangs that often operate both on and off campus, one foot each in the criminal and political spheres. Across much of Nigeria and especially in the south, 'cult' gangs are the most widely feared criminal enterprises in the country. The power and prevalence of these groups has grown steadily over the decades and especially since 1999. Many groups maintain ties to powerful politicians, some of whom themselves have

associations with cult organizations dating back to their days at university. This is so even though some Nigerian states have passed laws expressly outlawing cult groups. [22e] (p23-24)

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

Reasons why students join cults

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

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

“Those who eventually enlist in secret cult groups might have been compelled to do so because of ‘sagging egos’ that need to be boosted. Others join in order to have a sense of belonging and the need to be well ‘connected’. Still others may join because of the need for financial assistance, to secure girl friends or for self protection. Some students are also attracted to cultist groups because they are seeking after [sic] meaning, direction, comfort and love. Secret cultism seems to have special attraction for youths who are emotionally disturbed and distressed...the youths, especially those from broken homes, destitutes and youngsters who have flexible minds easily fall prey to the entreaties from cult members. Youngsters who are lonely, depressed, dejected, disoriented and frightened sometimes drift into the waiting arms of secret cultists. Apart from the categories mentioned above there are some youngsters who join secret cults out of sheer curiosity.” [4] (p82-83)

26.05 The Landinfo 2006 FFM report on Nigeria added further:

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

“In media reports and other studies, names such as the Vikings, the Buccaneers (Sea Lords), the Amazons, the National Association of Seadogs, the Black Axe/Neo-Black Movement, the KKK Confraternity [sic], the Eiye or Air Lords Fraternity, the National Association of Adventurers and the Icelanders feature regularly. These names and similar ones are regularly

evoked in Nigerian asylum applications submitted in Norway and elsewhere. [40b] (p19)

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

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

“Bukhari Bello (NHRC) showed considerably more scepticism towards university cults’ abilities to persecute people outside of their university campus, and stressed that only a small minority of university students are involved in cult activities. He explained the cultists’ behaviour and lack of inhibitions as a consequence of drug abuse... Tony Ojukwu (NHRC) stated that the influence of university cults is linked to the influential positions held by the cultists’ parents.” [40b] (p20)

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Recruitment and initiation

26.06 The Adewale Rotimi 2005 report about student cults stated:

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

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

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

Cult activities

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

“Although the history of cultism on the university campuses in Nigeria dates back to some fifty years, its involvement in violence became manifest only some two decades ago (p84)...on different campuses across the country, cults were in the forefront of promoting law and order...unfortunately, however, from the beginning of the 1980's, the activities of Confraternities became virulently violent and secrecy became their ways [sic] of life. Their activities included ‘dealing’ with any non-members who snatched a member’s girl friend or ‘sugar daddy’ (in [the] case of female cultists). Their activities also included ‘settling’ lecturers in cash or kind (Okwe 2002)...From this period on, secret cults sprang up in the country like mushrooms with their activities assuming more devastating and dangerous proportions. They became nightmares to the general student communities, parents and successive military and civilian administrations.

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

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

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INCIDENTS OF VIOLENCE

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

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

“The reach of many cults has spread far beyond university campuses, with many groups involved in drug trafficking, armed robbery, extortion, oil bunkering, and various forms of street crime. Alongside all of this, many

politicians mobilize local cult members as the foot soldiers of political violence. Some politicians are themselves members of cult organizations.” [22e] (p24-25)

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27 TRAFFICKING

OVERVIEW

27.01 Trafficking is prohibited by law but is practised and is a serious problem. People are trafficked both into and out of the Nigeria as well as within the country. Information about the practice is provided in the US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, which stated:

“The country was a source, transit, and destination country for trafficked persons during the year [2008]. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for [the] Prohibition of Trafficking in Persons (NAPTIP) came from Akwa Ibom and Edo states. In 2006 the executive director of the Women’s Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in trafficking to, from, and within the country. 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 and domestic labor to Italy, Austria, Spain, Norway, Belgium, the Netherlands, Greece, the United Kingdom, Russia and countries in West and Central Africa. UNICEF estimated between 50,000 and 70,000 African female trafficking victims were in Italy for prostitution, of whom 70 percent were from Nigeria. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated 5,000 Beninese children were trafficked into Abeokuta, Ogun State, and forced to work in the granite mines.

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

“The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year [2008]. Many were organized into specialities, such

as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and pay. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly [with] victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic to threaten victims with curses to procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, Libya 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. Prison terms range from 12 months to life, while fines range from 50,000 – 200,000 naira (approximately \$375 to \$1,500.” [3a] (Section 5)

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

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

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

“In Nigeria, Italy is very often connected with prostitution, while the same is not true for other European countries. This means that when young women are offered to travel to Spain, the Netherlands or to Germany to work, they will be less cautious...the emigration of Nigerians to the European prostitution market is very concentrated in one area, namely to Edo State and its capital Benin City. Of the approximately 800 Nigerian women who were returned from Italy to Nigeria during 1999-2001, a full 86 per cent came from Edo State. A further 7 per cent came from the neighbouring Delta State. Altogether, this area thus accounted for 93 per cent of the returns. Since Benin City is known as the main junction for prostitution-related emigration, women from other parts of Nigeria go to Benin City if they wish to travel to Europe (p25)...most women leaving Edo State for Europe to work as prostitutes go to Italy, followed by the Netherlands, Spain, Germany, Belgium and Austria (p26)...Nigerian trafficking

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

"The sponsor is responsible for paying all costs of the journey and settling abroad. These make up a debt that the woman is required to pay back...it normally takes between one and three years as a prostitute in Europe to pay back this amount...once a woman has agreed to go to Europe, she is taken to a shrine where the pact of emigration is confirmed and sealed...the woman and her *madam* or sponsor often visit several shrines together. During such visits, a 'package' is made up by various symbolic elements. This package becomes a concrete expression of the agreement between the two, and will also have a lucky charm function for the woman. Most often it will contain human material, possibly from both parties. These may include bits of nail clippings and hair, in the case of the woman, underwear with remains of menstrual blood. Other common objects in the packages are kola nuts, bent pieces of metal and soap. These three may symbolize loyalty, the power of the Ogun deity (especially important for travel) and beauty, respectively...the visits to the shrines may also include animal sacrifice and other rituals of complex significance...they [the rituals] are seen as being required, they involve spiritual worlds, and they have an element of control and inspection, but do not equal the loss of the ability [of the women] to express [their] own wishes or to make [their] own choices. On the contrary, this participation in the spiritual world may be understood as a natural part of the wish of the women to travel to Europe. [44] (p28)

"It is often later in the process, and if something goes wrong as seen from the perspective of the traffickers, that the use of the local religious traditions takes on a clear element of abuse. If the women are not cooperative after arriving in Europe, they may be exposed to a mixture of physical violence and new, enforcing rituals...the pact with the sponsor is perceived as very strong by the prostituted women. First of all, they may fear that breaking the pact could affect their own physical and mental health through magic. Secondly, the pact is often perceived not only as a promise to the other party, but to the local community in Nigeria. Breaking the pact represents much shame towards the entire community (p29)"...although more women have become aware that they will work as prostitutes, they often have no idea of the conditions they will work in, that they are to be street prostitutes, that they will be submitted to strict control, and that it may take them years to pay back their debt. In other words, the deceit is in many cases not related to what they are going to do, but to the circumstances that deprive them of their independence and dignity in a way they had not been able to imagine." [44] (p30)

See also section 24: [Children](#), subsection [Child trafficking](#)

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MIGRATION ROUTES AND TRANSIT STAYS

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

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

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

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

“Nigeria’s membership in the Economic Community of West African States (ECOWAS) makes it relatively easy to travel to the rest of West Africa. Since 1980, citizens of ECOWAS member states have, at least in theory, been able to travel without a visa to other member states for up to 90 days. Nigerians can thereby travel to the transit cities that in the past 10 to 20 years have had an important role in the migration from West Africa to Europe. These are first and foremost Agadez in Niger, and Gao and Kayes in Mali. In these cities, migrants come into contact with the smugglers who can take them through the Sahara and towards Europe...after having crossed the Sahara, the most common routes on to Europe are by ship from Western Sahara to the Canary Islands, from Morocco to Spain and from Tunisia or Libya to Italy. Another route is through Dakar and the Cape Verde Islands to the Canary Islands. In recent years the routes from Western Sahara to the Canary Islands have gradually become more important. Nigerians together with a number of nationalities are present in both these flows.” [44] (p34)

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SOCIETAL ATTITUDES TO TRAFFICKING

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

“To many families, having a daughter travel to Europe is the only way to escape extreme poverty. For most, there is no other way to go to Europe than to accept the offers of the traffickers. Trafficking has led many families out of poverty and into appearing successful in the local community. Until recently, women who travel to Europe were therefore often regarded as heroines, and people in Benin City were proud of what the many women who had left achieved in the material sense. Following more than a decade of emigration

from Edo to Italy, the contact with Italy has clearly left its mark on the local community - cars and big houses financed with money from Italy, queues of people in the post office sending parcels to Italy, and queues of people picking up money from Italy from the money transfer company Western Union. [44] (p30)...in recent years, the pride in the results achieved through emigration has gradually been replaced by shame. There is also greater awareness of the negative experiences of many Nigerians who go to Europe. In response to pressure from women and human rights groups and the international community, Nigerian authorities are increasingly inclined to act to combat the trafficking of women. The establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in 2003 was an important step in this respect. Independently of how efficient the measures have been, they have contributed to a certain shift in attitudes. Many Nigerians are also worried about the reputation the nation and the people have gained in Europe due to the prostitution business.” [44] (p31-32)

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GOVERNMENT EFFORTS TO TACKLE TRAFFICKING

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

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

27.06 The USSD 2008 Human Rights Report stated:

“...the government continued to devote inadequate resources to curb trafficking. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and recordkeeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.

“Preliminary data indicated that during the year [2008] NAPTIP investigated 149 new cases, prosecuted 37 new cases, and obtained 20 convictions. At year’s end [2008] there were 66 cases pending. Observers attributed the low conviction rate to witnesses’ reluctance to testify and the slow progress of cases through the courts.” [3a] (Section 5)

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

“The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Nigeria continued to demonstrate a solid commitment to eradicating trafficking. Although NAPTIP made solid efforts to investigate and prosecute

trafficking cases, the relative number of convicted traffickers remained low. While Nigeria assisted an increased number of victims, the quality of care provided was compromised by inadequate funding to shelters.

“The Government of Nigeria continued to combat trafficking through modest law enforcements during the last year. Nigeria prohibits all forms of trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers, and its 2003 Child Rights Act. Prescribed penalties of five years’ imprisonment for labor trafficking, 10 years’ imprisonment for trafficking of children for forced begging or hawking, and a maximum of life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. During the last year, NAPTIP reported investigating 114 trafficking cases, 62 of which were prosecuted. Of the 62 cases, seven resulted in convictions and 51 are still pending in the courts. Sentences imposed on convicted trafficking offenders ranged from one to 10 years’ imprisonment. The law enforcement data, however, primarily reflects cases handled by NAPTIP’s headquarters in Abuja. Trafficking data collected at the Agency’s five other zonal offices are not systematically collected by NAPTIP’s headquarters. Judicial effectiveness in punishing trafficking crimes is hampered by a lack of funding for thorough investigations and a lack of awareness of trafficking among judges, many of whom conflate trafficking with smuggling. Over the year, NAPTIP cooperated with law enforcement counterparts in Spain, Ireland, the Netherlands, the United Kingdom, Italy, France, Norway, and Belgium to break up an international ring comprised of over 20 traffickers...the government trained 750 police, immigration, customs, and border security officials about trafficking during the reporting period. NAPTIP also provided anti-trafficking training to Nigerian embassy and consulate authorities posted in source countries. In addition, Nigeria contributed training materials and instructors to a donor-funded law enforcement anti-trafficking training program.” [3d]

- 27.08 Government efforts to tackle people trafficking have been hindered by the actions of corrupt government officials, as noted in the USSD 2008 Human Rights Report:

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

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GOVERNMENT PROTECTION FOR TRAFFICKING VICTIMS

27.09 The USSD 2008 Human Rights Report stated:

“On November 12, the government passed the National Policy on Protection and Assistance to Trafficked Persons in Nigeria which focused on the protection and rehabilitation of victims but continued to provide limited funding for assistance. NAPTIP served as the point of contact for immigration and police officials when victims were found; 867 victims passed through the agency during the year [2008]. NAPTIP provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP maintained a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received approximately 77 calls during the year [2008]. During the year [2008] the government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families.

“The Ministry of Employment, Labor and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. In 2006 the ministry used funding from the ILO International Program on the Elimination of Child Labor (IPEC) to repatriate 350 trafficked child laborers to their countries of origin; however, this funding was not available for subsequent years, and the ministry did not repatriate any child trafficking victims during the year [2008]. The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja, Benin City, Uyo, Enugu, Sokoto and Kano. The Ministry of Women Affairs operated two shelters, one in Kano and another in Benin City.

“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 police officers worked together to provide assistance. NAPTIP organized ‘town hall’ meetings with NGOs to bring together community and 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 efforts to protect victims. An Edo State NGO, Idia Renaissance, operated a youth resource center, funded by UNICEF and foreign organizations which provided job-skills training and counselling to trafficking victims and other youths. The Society for the Empowerment of Young Persons, with support from the American Bar Association, provided vocational training and business mentoring support to trafficking victims in Edo State” [3a] (Section 5)

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

“The Nigerian government continued steady efforts to protect trafficking victims during the last year. NAPTIP continued to operate seven shelters throughout the country - in Lagos, Abuja, Kano, Sokoto, Enugu, Uyo, and Benin City. However, due to inadequate funding, some shelters were not well-

maintained, and they offered limited rehabilitation care and no reintegration services. Despite a documented significant trafficking problem in Nigeria, NAPTIP shelters were not used. In January 2008, for example, the Lagos shelter, with a capacity for 120 victims, housed only 15 victims. The government refers victims to NGOs on an ad hoc basis, but employs no formal, systematic procedures for referring victims to service providers. NAPTIP has agreements with hospitals and clinics, however, to provide care to victims with HIV/AIDS. NAPTIP reported rescuing 800 victims, and providing assistance to 695.” [3d]

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

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

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

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

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

“Olateru-Olagbegi (WOCON) considered that NAPTIP lacks facilities for mental health counselling which is much needed by the returnee victims, and which has greatly affected their results in the reintegration of victims (p35)...it was explained by Rev. Sister Florence (COSUDOW) [Committee for the Support of the Dignity of Women] that many victims of trafficking living abroad would do all they can in order to get asylum in the country where they reside.

However, very often their accounts are not based on realities but on made-up stories about their security situation in Nigeria should they be returned. Rev. Sister Florence (COSUDOW) pointed to the fact that many of those victims of trafficking that COSUDOW has assisted after their return to Nigeria have expressed their appreciation that they are back home in Nigeria. This even includes many of those that have been returned to Nigeria by force (p36)...when informed that many victims of trafficking in European countries express fear of the prospect of being returned to Nigeria, WOTCLEF rejected that these victims have anything to fear upon their return to Nigeria. If the victims cooperate with NAPTIP and the NGOs available, they will be assisted and they have nothing to fear. In addition to this, Mrs. Umaru (WOTCLEF) stated that it is not fair to say that the victims have nothing to return to...the only thing that is demanded from the victims is that they cooperate so that it will be possible to identify and prosecute the trafficker and their affiliates. Investigation and prosecution will always take place as long as the victim cooperates and testifies against her traffickers. Any victims of traffickers can receive legal assistance from NAPTIP or any NGO in Nigeria that works against trafficking (p36-37)...Ndaguba (NAPTIP Abuja Headquarters) stated that NAPTIP is able to offer victims full protection against physical violence from the agents of trafficking and this includes victims who have testified against traffickers abroad or in Nigeria or are indebted to their agents or Madams. It was added by M. Babandede, Director, Investigation & Monitoring (NAPTIP Abuja Headquarters) that NAPTIP is monitoring victims and it provides shelter and counselling to those who are in need of this. Babandede (NAPTIP Abuja Headquarters) emphasized that naturally NAPTIP can only offer protection to those who are ready to accept this. Babandede (NAPTIP Abuja Headquarters) also emphasized that NAPTIP has the capacity to support and protect returning victims of trafficking who have expressed fear of retaliation, acts of revenge or persecution by agents. However, Babandede (NAPTIP Abuja Headquarters) added that protection may be difficult if victims are returned in planeloads, i.e. in large groups. This would especially be the case if such returns take place without close cooperation and coordination with NAPTIP. On the other hand, victims returned on a case-by-case basis will always be able to enjoy protection by NAPTIP if the agency is notified in advance. This also includes victims who have testified against agents or Madams, or are indebted to them (p38-39)...Mrs. Umaru (WOTCLEF) stated that NAPTIP is very competent and she expressed full confidence in NAPTIP. NAPTIP has shelters for victims and it has established a protection programme for victims of trafficking. It was added that NAPTIP is capable of protecting those victims of trafficking that might have a need for protection against traffickers, either because the victim is in debt, or if the victim has testified against traffickers or Madams abroad or in Nigeria. Furthermore, Mrs Umaru (WOTCLEF) emphasized that a victim can stay in the shelter of either WOTCLEF or NAPTIP for as long as necessary. Most victims stay in WOTCLEF's shelter for six weeks and some may stay for up to six months or more depending on their individual needs. WOTCLEF liaise with the police and they are available for WOTCLEF all the time." [5] (p39)

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PROTECTION PROVIDED BY NGOS

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

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

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

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

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

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

“The delegation was informed that at present WOTCLEF’s home accommodates 14 victims of trafficking, some of which [sic] are returned victims from abroad. Altogether the home can accommodate not more than 30 at a time, but to do so WOTCLEF would need additional funding. All victims in the home receive legal counselling and lawyers frequently visit the home to assist the victims. A majority of the minors are in the home on a voluntary basis. On average, the victims stay for a period up to six months, but some may stay even longer before it become[s] possible to have them reunited with their families. Some of the victims are attending primary and secondary schools by the assistance of WOTCLEF...Olateru-Olagbegi (WOCON) explained that WOCON does not have its own shelter, and victims of trafficking that are considered to be in need of protection are referred to NAPTIP’s shelter in Lagos by WOCON. This shelter is the only shelter for victims of trafficking in Lagos...Rev. Sister Florence (COSUDOW) informed that COSUDOW runs a shelter in Benin City and that victims can seek protection there. So far COSUDOW have been able to accommodate the needs for assistance and protection to all the victims who have requested this (p44)...in contrast to Rev. Sister Florence (COSUDOW)[,] Olateru-Olagbegi (WOCON) did not consider that COSUDOW’s shelter in Benin City is capable to protect victims of trafficking in need of protection. Olateru-Olagbegi (WOCON) explained that the shelter was not yet functioning, as it had not been completed as of July 2007 when she last visited COSUDOW in Benin City. However, Olateru-Olagbegi (WOCON) considered that COSUDOW is in a better position to run a shelter than NAPTIP would. COSUDOW[’s] Reverend Sisters’ religious orientation give the victims a sentiment that they will be assisted and eventually be freed from their secret oath, and the victims

will almost automatically have more confidence in the Reverend Sisters than in government employees at a NAPTIP shelter or even some NGOs.”
[5] (p44-45)

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TREATMENT OF RETURNED TRAFFICKED WOMEN BY TRAFFICKERS

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

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

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

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

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

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

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

“Rev. Ejeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that a returning or returned victim of trafficking and her family who have not yet paid the debt to the trafficker is at much more risk of retaliation than if the victim has testified against an [sic] trafficker or Madam abroad. [5] (p26) ...Rev Sister Florence (COSUDOW) stated that regardless of whether the debt has been paid or the victim has given evidence in court, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria. However, Grace Osakue (GPI) [Girls' Power Initiative] considered that it would be an overstatement to say that any victim of trafficking who has given evidence against traffickers and/or Madams abroad would be able to attain ample protection against reprisals by traffickers if the victim returns to Nigeria.

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

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

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

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TREATMENT OF RETURNED TRAFFICKED WOMEN BY RELATIVES

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

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

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

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

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

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

See sections on [Women](#) and [Children](#)

INTERNAL RELOCATION

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

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

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

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

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

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

See section 29: [Freedom of movement](#)

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28. MEDICAL ISSUES

OVERVIEW

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

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

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

28.02 The British-Danish 2008 FFM report stated that:

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

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

"The doctor added that there are teaching hospitals which train all kinds of medical staff, and federal and state nurse training schools. There are training centres for laboratory and radiology staff, and staff who deal with medical records. There are also two post-graduate medical colleges which train and certify specialists. The federal government runs some public hospitals, which it maintains and funds, and also pays the salaries of the medical staff who work

in them. Some public hospitals in Nigeria are run by state governments which maintain and fund them. In the Federal Capital Territory area, the federal government runs several general hospitals. There are no restrictive health care control measures in Nigeria which means that patients are free to go to any hospital in any state for treatment. Despite the limitations of Nigeria's health care system, a large number of diseases and conditions can be treated including heart conditions, high blood pressure, polio, meningitis, HIV/AIDS, hepatitis, sickle cell anaemia, diabetes, cancer and tuberculosis.

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

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

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

(The US Embassy in Nigeria provides basic information about medical services available and a list of many of the hospitals in the country http://nigeria.usembassy.gov/medical_information.html)

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Hiv/AIDS

28.03 The World Health Organisation Epidemiological Fact Sheet 2008 Update, published in October 2008, recorded a figure of 2,600,000 adults and children living with HIV/AIDS in 2007. An estimated 170,000 adults and children died due to AIDS as at 2007. There were reportedly 215 sites providing antiretroviral therapy (ART) as at 2007. It was estimated that 198,000 were receiving ART as of 2007 but that an estimated 750,000 needed ART as of the same year. The number of pregnant women living with HIV receiving ART for preventing mother to child transmission was 12,278 as at 2007, and the estimated number of pregnant women needing ART to prevent mother to child transmission was 190,000 as of the same year. [59]

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

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

“Nigeria’s HIV/AIDS supply chain is made up of multiple supply chains - many of which include separate procurement, warehousing, and distribution systems - owned and operated by various federal, state, nongovernmental, and faith-based stakeholders with oversight from the Federal Ministry of Health (FMOH) and the National Agency for the Control of AIDS (NACA). To improve visibility across these disparate supply chains, the FMOH recently created a Logistics Unit to collect and distribute supply chain data. However, to succeed, the Logistics Unit must be supported by systems that provide accurate data; understand how the data can be used to improve logistics and planning; and identify ways to integrate or coordinate the disparate supply chain systems. In this context, SCMS has identified information sharing, capacity building, and procurement and distribution as key focus areas...since April 2006, SCMS has procured \$2.3 million in antiretrovirals (ARVs), \$3.2 million in HIV test kits and more than \$900,000 in other commodities for our clients in Nigeria, including the US Centers for Disease Control and Prevention, the US Department of Defense, University of Maryland and Harvard University. In June [2008], SCMS conducted an assessment of the information sharing system currently used by the Federal Ministry of Health and found that technology solutions could significantly improve data flow and reduce the considerable duplication that exists within the system.” [49]

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

28.06 The US State Department country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, (USSD 2008 Human Rights Report) observed “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. Public education campaigns were implemented to reduce stigma and change perceptions of the disease.” [3a] (Section 5)

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TREATMENT FOR CANCER

28.07 A *Vanguard* (Nigerian newspaper) article, dated 16 June 2008, about cancer in Nigeria, stated that:

“Prof. Clement Adebamowo of the Division of Oncology, Department of Surgery, University of Ibadan, discloses that ... complex diseases such as cancer are fast emerging as an important health care priority for the future. Adebamowo states that, ironically, while improvements in public health and increased funding for health care initiatives are leading to a decrease in incidence of communicable diseases, the attendant increase in life expectancy is precipitating an increase in the incidence of all cancers, as a higher proportion of the population reached the complex diseases-bearing age...worse still, clinical services for cancer are grossly inadequate and poorly distributed. Only a few centers have functioning radiotherapy equipment. Radiologic services are generally available, but access is seriously limited by high cost. The same argument of high cost goes for chemotherapy. Pathology services are generally available, but the scope of services is limited. Molecular diagnostic methods are not widely available. Surgery is often performed by surgeons whose primary clinical practice is not oncology, and there is a very limited scope for multidisciplinary cancer care.

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

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

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

- 28.08 A *Punch* (Nigerian newspaper) report, dated 24 September 2008, about cancer in Nigeria, stated:

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

“Besides [a] lack of facilities, there is the dearth of adequately trained personnel in the field of oncology. Oncologists are doctors who specialise in cancer treatment. Less than 13 surgical oncologists serve the country’s 140 million population...it is said that no fewer than 100,000 new cases of cancer are diagnosed annually in the country. This is expected to increase to 500,000 in 2010. More worrisome is the fact that 80 to 90 per cent of these cases are diagnosed at [a] very advanced stage, when it is too late to render any meaningful help than offer palliatives to reduce the pains of the ailment...the World Health Organisation has warned that by 2020 death rates from cancer in men may hover around 72.7 per every 100,000 population and 76 per 100,000 women.” [51]

- 28.09 The British-Danish 2008 FFM report added that “Surgical procedures and operations [in cancer cases] can be carried out if necessary but are not widely done in Nigerian hospitals. Radiotherapy for the treatment of bone cancer can be done but bone grafting can only be carried out abroad. Tumours in the brain can be removed, mostly in private hospitals, but this type of operation is not widely available.” [20] (p40)

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TREATMENT FOR HEART CONDITIONS AND CARDIOVASCULAR DISEASES

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

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

cavity). This condition in its end-stage can be cured through the use of a heart transplant but heart transplant operations are not yet available in Nigerian hospitals.” [20] (p40)

TREATMENT FOR SICKLE CELL ANAEMIA

28.11 The British-Danish 2008 FFM report stated that:

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

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TREATMENT FOR TUBERCULOSIS AND OTHER LUNG DISEASES

28.12 A *This Day* (Nigerian newspaper) report dated 20 March 2007 stated:

“According to the World Health Organisation (WHO) Tuberculosis Report for 2005, TB is a major public health problem in the country. Nigeria is one of the 22 countries of the world with the highest burden of the disease with an estimated 380,000 cases occurring annually out of which more than 50 per cent are smear positive...the HIV epidemic in Nigeria has a significant impact on the TB epidemic as evidenced by a shift to the younger age groups (15-35 years), who have higher HIV sero-prevalence too. Experts warn that the public health burden posed by TB has become more important today than ever before particularly as the country’s HIV/AIDS epidemic is unfolding. Statistics by WHO indicates that 27 per cent of TB patients in Nigeria are HIV positive.

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

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

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

giving TB treatment to Nigerians free of charge...against this background, to address the big vacuum of funding to effectively treat TB patients in the country, the NTBLCP has had to intensify efforts to generate resources by partnering with international agencies like WHO, USAID, CIDA, and others in [an] attempt to scale up the diagnosis and treatment of TB in the country...USAID's assistance and support have helped address TB prevention and control in Nigeria. USAID's programme include supporting the expansion, since 2003, of DOTS services to 17 states in northern Nigeria that previously had no TB diagnostic and treatment services and to 43 new LGAs, bringing the number of LGAs providing DOTS by the end of 2005 to 548 (71 per cent) nationwide.

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

- 28.13 The British-Danish 2008 FFM report stated further "The doctor stated that treatment for tuberculosis, emphysema and asthma is available in Nigerian hospitals, and all the drugs needed to treat these diseases are also available. Invasive lung surgery operations, however, are not carried out in Nigerian hospitals." [20] (p40)

TREATMENT FOR DIABETES

- 28.14 The British-Danish 2008 FFM report stated:

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

ORGAN TRANSPLANTS

- 28.15 The British-Danish 2008 FFM report stated "The doctor stated that lung, liver and heart transplant operations are not available in Nigerian hospitals. In a few hospitals, however, kidney transplant operations can be carried out but these operations are not widely available in Nigerian hospitals." [20] (p41)

TREATMENT FOR EYE DISEASES

- 28.16 The British-Danish 2008 FFM report stated "When asked about treatment for eye diseases in general, the doctor stated that a wide variety of eye diseases and conditions, such as glaucoma and cataracts, can be treated in Nigerian hospitals." [20] (p41)

REATMENT FOR MALARIA

28.17 A *Daily Champion* (Nigerian newspaper) report dated 14 September 2006 stated:

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

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

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

“He explained that the use of Artemisin Combination Therapy (ACTs) as first line treatment drugs for malaria as recommended by WHO will go a long way in reducing the incidence of malaria in Nigeria... moreover speaking at the occasion, the National Malaria Programme Co-ordinator, Dr (Mrs.) Titilope Sofola stated that the federal government has distributed 2.5 million doses [sic] of ACTs free of charge to pregnant women and children aged under 5 years.

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

TREATMENT FOR HEPATITIS

28.18 The British-Danish 2008 FFM report stated:

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

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MENTAL HEALTH

28.19 The World Health Organisation 2005 Mental Health Atlas, released ?, stated:

“Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level.

However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each state has a school of Health Technologists for [the] training of primary care professionals including health care workers.

“There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers...the following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, phenobarbital, phenytoin sodium, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, biperiden. Benzhexol (5mg) is [also] available.” [32]

28.20 The British-Danish 2008 FFM report stated:

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

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

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

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

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

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

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29. FREEDOM OF MOVEMENT

29.01 the US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009 (USSD 2008 Human Rights Report) stated that

“The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and while the government generally respected these rights, [the] police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence, and routinely set up roadblocks and checkpoints to extort money from travellers. Security officials continued to use excessive force at checkpoints and roadblocks. On some roads police maintained checkpoints every few miles.” [3a] (Section 2d)

See Section 27: [Trafficking](#), subsection [Internal Relocation](#)

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30. EXIT-ENTRY PROCEDURES

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

See also section on [Corruption](#), [Birth Certificates](#), [National Identity Cards](#) and [Passports](#))

Treatment of failed asylum seekers

30.02 The British-Danish Fact-Finding Mission report, published in October 2008, stated:

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

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

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31. FORGED AND FRAUDULENDLY OBTAINED DOCUMENTS

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

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

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

"Especially when a passport has a valid Schengen visa, it is often sent back to Nigeria as soon as the first holder has arrived in Europe, so that as many people as possible can enter with the same visa. Depending on which method is used to get the passport and the visa, the cost is usually between US\$ 500 and US\$ 3,000. Since Nigerian passports tend to raise suspicion, false passports from West African countries are frequently used, e.g. from Benin, Ghana, Togo and Senegal...even those who do use their own passport with correct information may use falsified additional information in visa applications, for instance about work and income. The embassy staff at the European embassies in Abuja note that different forms of fraud to obtain a Schengen visa are very widespread (Norwegian Directorate of Immigration, 2004). However, the forgeries and the suspicion they create may also affect bona fide applicants who are then also unjustly suspected of submitting incorrect documentation." [44] (p23)

31.02 The British-Danish 2008 Fact-Finding Mission (FFM) Report, dated October 2008, stated:

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

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

- 31.03 The US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009, noted that “The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking... employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation.” [3a] (Section 5)

For information on corruption generally see section 18: Corruption. Also see also section 24 on [Birth Certificates](#) and Section 34 on [National Identity Cards and Passports](#))

Authentication of official documents

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

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

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

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32. INTERNALLY DISPLACED PEOPLE (IDPs)

32.01 The Internal Displacement Monitoring Centre (IDMC) published a report in December 2008 about the problems and difficulties faced by Nigerians who have become internally displaced. The report stated that:

“With a complex range of ethnic, religious and linguistic groups competing for access to resources, outbreaks of violence leading to significant situations of short-term internal displacement are frequent in Nigeria. Many internally displaced people (IDPs) seek refuge with family and friends while waiting for the violence to subside so that they can return to their homes. Complex displacement patterns and the lack of any comprehensive and reliable survey make agreeing on IDP numbers almost impossible. In the absence of accurate statistics, IDP needs often go undetected and the response is often ad-hoc and insufficient.

“Inter-communal conflicts and clashes between the army and militia members in the Niger Delta continued to be the main direct causes of displacement in 2008. While violence has often broken out along religious or ethnic lines, poverty and unequal access to power and resources (including land and oil wealth) lie behind these conflicts.

“The implementation of an International Court of Justice ruling giving control over the Bakassi peninsula to Cameroon created an unexpected wave of displacement into the neighbouring states of Cross River and Akwa Ibom. Fearing persecution by Cameroonian security services, thousands of Bakassi residents found refuge in makeshift camps or with host families, often in precarious conditions. Similarly, in one of the worst examples (sic) of communal violence in the country in years, at the end of 2008 people fled the city of Jos, in Plateau State, to find refuge in local churches, mosques and army or police barracks. (p1)

“Perhaps the most significant cause of communal violence in Nigeria has been the entrenched division throughout the country between people considered indigenous to an area, and those regarded as settlers. Indigenous groups have routinely prevented settlers from owning land or businesses, or accessing jobs and education, inevitably causing tensions. One of the most recent outbreaks of violence resulting from these tensions occurred in June 2008, when fighting over a protracted land dispute between people considered as indigenous and settlers in Ebonyi state reportedly forced thousands of people to flee to the state capital (p3)... The vast majority of displaced people in Nigeria seek refuge with family, friends or host communities in areas where their ethnic or religious group is in the majority. Many appear to return to their homes or resettle near their home areas soon after the violence which forced them to leave has subsided, but an unknown number also resettle in other areas of the country.” [7] (p5)

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

“The national governmental response to situations of internal displacement in Nigeria revolves around three bodies coordinated by the Federal Ministry of Special Duties, which was created under the new administration of President Yar’Adua. The Institute for Peace and Conflict Resolution (IPCR) focuses on conflict prevention, as ‘an intellectual base to sharpen and support Government in formulating and implementing policies that relate to the promotion of peace and management of conflicts’. The National Emergency Management Agency (NEMA) coordinates emergency relief operations and assists in the rehabilitation of victims where necessary. It is present in most states and often supports IDPs in the emergency phase of a crisis, but it lacks the resources to assist people displaced for a longer period of time or to help returnees reintegrate, and it has no age-specific or gender-specific policies. The National Commission for Refugees (NCFR) has taken de facto responsibility for post-emergency and long-term programmes aimed at durable solutions for IDPs, in addition to refugees. If necessary, it assists NEMA with camp management.

“The primary responsibility for responding to displacement, however, lies with the local governments, and only if they are unable to cope are state governments called in. State Emergency Management Agencies (SEMAs) exist in some states, but they have varying capacities. Only when the second level of response is ineffective does the state government appeal to the federal government for support. The President takes the final decision on whether the federal government intervenes.

“In one noteworthy exception the federal government has taken direct responsibility, creating a new ministry charged with infrastructural development as well as youth development in the Niger Delta. The impact of this remains to be seen.

“National responses are generally constrained by a lack of experience in dealing with IDP issues. This has resulted in ad-hoc responses, inefficiencies and gaps in support to affected populations, and also in competing mandates between institutions.” [7]

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33. FOREIGN REFUGEES

- 33.01 The US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009 (USSD 2008 Human Rights Report) stated that:

“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 the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum. The government cooperated with [the] Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.

“Refugee camps were generally overcrowded, and refugees’ requests for police and judicial assistance usually received no attention. Refugees, like citizens, had poor access to the courts.

“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 few hundred persons during the year [2008].”
[3a] (Section 2d)

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34. CITIZENSHIP AND NATIONALITY

34.01 Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent. [6]

34.02 The Constitution in Article 25(1) states that Nigerian citizenship can be acquired by any person:

- born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria
- born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen
- born outside Nigeria provided one parent is a Nigerian citizen. [6]

34.03 Article 26(1) of the Constitution states that Nigerian citizenship can be obtained by registration by any person provided:

- “he is of good character;
- he has shown a clear intention of his desire to be domiciled in Nigeria; and
- he has taken the oath of allegiance as prescribed in... the Constitution.

“(2) the provisions of this section shall apply to:

- ...any woman who is or has been married to a citizen of Nigeria; or
- ...every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.” [6]

34.04 The Constitution states that Nigerian citizenship can be obtained by naturalisation by any person provided:

- he is of full age (over 18)
- he has resided in Nigeria for at least 15 years and plans to remain in Nigeria
- he is of good character
- he is familiar with Nigerian culture and customs and can support himself
- he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the Constitution. [6]

NATIONAL IDENTITY CARDS

34.05 An Immigration and Refugee Board of Canada Response to Information Request of 5 August 2008, ‘The issuance of national identity cards after 2003...’, recorded:

“In February 2003, the Nigerian government launched a registration process for obtaining a national identity card; however, distribution of the cards reportedly did not begin until 2004. Those eligible to register included Nigerians aged eighteen years and older.

“With respect to the application procedure for the card, an October 2004 report on a fact-finding trip to Nigeria by the Norwegian Directorate of Immigration states the following:

“The applicant is interviewed, and photograph and fingerprints taken. The interview is meant to clarify national/ethnic and geographic origin, among other means by asking control questions and assessing the applicant’s language, dialect and accent. Relevant information given in the application form and during the interview is registered electronically. Significantly, the applicants are *not* asked to submit any official documents for identification.’

“Application forms for the card reportedly request the following information from applicants: birth date and place (state and local government area), place of residence, birth place of father, profession and religion.

“In a 29 July 2008 telephone interview, an official at the Nigeria High Commission in Ottawa provided a similar description of the application process for the national identity card. The Official said that an applicant must show up in person for an interview, complete a registration form and pay a processing fee. The individual must also have his or her picture and fingerprints taken.

“Contrary to information provided in the report by the Norwegian Directorate of Information, the Official at the Nigeria High Commission indicated that applicants are required to submit official documents for identification. These documents include a birth certificate or a ‘certificate of origin’ (which the Official also referred to as a ‘local government area certificate’ or a ‘letter of identification from local government’). According to the Official, the certificate of origin confirms that a person was born in Nigeria and is from a certain local government area in a particular state. The certificate can be obtained from an individual’s local government administrative headquarters, after someone from the individual’s neighbourhood attests that he or she is from that particular area. This certificate ensures that individuals from surrounding countries, such as Benin or Cameroon, do not try to claim Nigerian nationality.

“According to the Official at the Nigeria High Commission, national identity cards are issued in Nigeria; the embassy does not issue them.

“Between 2003 and 2007, more than 30 million national identity cards were distributed in Nigeria... The Nigerian national identity card is a synthetic (polycarbonate) card, measuring approximately 3.4 by 2.1 inches. The card has no expiry date. The front of the card has a clear, holographic laminate. At the top of the card, the words ‘Federal Republic of Nigeria National Identity Card’ are written in block letters. Below this title, on the left hand side, is the Nigerian coat of arms, and below the coat of arms, is the cardholder’s digital photograph. Below the title on the right hand side of the card is the Nigerian flag. In the bottom right corner of the card is a form in the shape of Nigeria. An image of the Nigerian coat of arms is found in the background of the front of the card.

“The following cardholder information is also found on the front of the card: surname; first name; middle name; maiden name; date of birth; height; sex;

occupation; blood group; applicant's residence, including address, town/village, LGA [local government area], state, 'Ward' and 'PU' number.

"The back of the national identity card contains 'particulars of next of kin', including surname, first name, middle name and address. It also holds information on the applicant's origin (place and state), as well as the date and place of issue of the ID card. Three numbers also appear on the back of the card: the 'Seq Number' (sequence number) and the 'ID Form Number', which are numerical, and the 'Personal Number', which is alphanumeric. A barcode is found at the bottom of the back of the card.

"Cited in a 19 February 2003 British Broadcasting Corporation (BBC) article, Nigeria's Deputy Interior Minister stated that the government had taken 'foolproof' measures to prevent fraud, double registration and foreigners from obtaining the card. However, according to a 2 July 2008 article in the Lagos-based newspaper 'This Day', Nigeria's identity card scheme has apparently been 'riddled with fraud'. Irregularities associated with the card have included double registration, 'wrong documentation', applications made by individuals who were under the age of eighteen, and errors on the cards. On 10 August 2006, 'This Day' reported that seven million national identity cards had been cancelled due to such 'irregularities'.

"According to a 16 October 2007 article in 'BusinessDay', ...the national ID card is 'difficult to authenticate because it lacks serial numbers.

"Several news sources consulted...indicate that Nigeria plans to introduce a new national identity card...The new card will replace the existing one...Unlike the existing card, which has been optional, the new card will be compulsory. Various news sources indicate that the card may be used for multiple purposes, including registration for voting, payment of taxes, credit transactions, access to health insurance, access to pension and social security, purchase of land, and for the issuance of passports and the opening of bank accounts...According to a 16 October 2007 'BusinessDay' article, the new card will hold biometric data, but will only display 'routine information' about the cardholder; more detailed information about the individual will reportedly be stored in a central database. The National Identity Management Commission (NIMC), a newly established government agency, will be responsible for maintaining the database, as well as registering individuals and issuing the cards. The official website of the NIMC indicates that the database, which will use biometrics and unique numbers for every individual, will hold the following information:

- Personal information i.e. names, date of birth, place of birth, gender, disability, residential address and other addresses
- Identification information i.e. photograph, signature, fingerprints and other biological data (biometrics)
- Residence reference numbers such as ID number, insurance, immigration, passport, driver's license numbers etc.
- History i.e. relationship with others such as parents, spouses etc. and their records
- Registration and ID card history covering date of application, modification, particulars for Multipurpose ID card etc.
- Validation information such as personal identification numbers, password, question and answers for identification

- Records of provision of information.

“While the current card has been issued free of charge, it is anticipated that Nigerians could have to pay up to 10,000 Nigerian Naira to obtain the new card. However, the card will reportedly be free for the unemployed and for those under the age of eighteen. According to the Lagos-based ‘This Day’, the new identity card system is expected to be implemented by the end of 2008. In a 29 July 2008 telephone interview, the Nigerian High Commission Official said that although there are plans for the issuance of a new national identity card, nothing has yet been implemented. The Official also indicated that the Nigerian government is still issuing the current version of the card.” [38f]

- 34.06 An article in the ‘Daily Trust’ of 6 January 2009, ‘Nigeria: 14 Million National ID Cards Have Inaccurate Data’, stated:

“The Director General of the National Identity Commission, Mr Chris Onyemenam has said that about 14 million national identity cards have errors in them. Onyemenam stated this yesterday in a budget performance and defence session organised for his commission by the House of Representatives’ Committee on Interior. He pointed out that the errors in the data of card carriers was just one of the problems faced by his commission, just as he added that 37.9 million entries were correctly done.

“According to him, over two third (sic) of the population are yet to be captured by the National Identity Cards scheme while revealing that as at the time his team took over the Commission, the cards from six states had not been done. He said that the lack of cards by the six states pointed to the fact that millions of Nigerians are denied access to national identity cards. ‘Even I, as the Director General of the Commission do not have a copy of my own identity card’ he added....While admitting that personal information management in the country was still very poor, Onyemenam explained that his commission is embarking on plans to improve the situation by constructing 13 offices in some states at the proposed cost on N22.5 million each so that data centres can be warehoused in those places. He lamented that ‘anywhere anyone is registered, if they want to access the data of that person, they have to come to Wuse Zone 5 (Abuja). We want to change that. He maintained that if direct online personal information was available to Banks, establishments and security agencies, the incidence of fraud and financial scams would be reduced.” [56]

PASSPORTS

- 34.07 The Nigeria Immigration Service (Federal Ministry of Interior) website, accessed 1 April 2009, set out the requirements for obtaining a Standard Nigeria Passport:

- “Guarantor’s from duly signed by a commissioner of oaths plus
- Photocopy of; (a) Data page of guarantor’s passport and (i) Photocopy of National identity card (ii) Drivers License
- Father’s Letter of content (sic) for minors under 16 yrs (Mother’s letter of consent in case of deceased father)
- Mariage certificate where applicable
- Husband’s consent letter or Letter of introduction for employee of government or corporate organization

- Court affidavit and police report in case of lost passport
- Birth Certificate or Age declaration
- Letter of identification from Local Government or origin or residence
- One (1) passport photograph
- Acknowledgement slip and receipt of payment

“All Standard passports have a life span of 10 years with an initial validity of five (5) years.” [57]

- 34.08 An Immigration and Refugee Board of Canada Response to Information Request of 5 February 2008 about a number of passport-related issues noted that “all Nigerian passports have a code found under the word ‘authority’, which represents the location where the passport was issued...A passport with the code 346 was issued in Nigeria.” [38g]

See also section 31: [Forged and fraudulently obtained documents](#)

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35. EMPLOYMENT RIGHTS

- 35.01 The US State Department Country Report on Human Rights Practices 2008, Nigeria, released on 25 February 2009 (USSD 2008 Human Rights Report) stated that:

:

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

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

- 35.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2008 Human Rights report:

“Workers outside the legally defined category of ‘essential’ had the right to strike, although they were required to provide advance notice. 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 did not ensure 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 under the law. Despite this restriction, workers successfully closed airports during the June 2007 national strike without punitive action from the government.” [3a] (Section 6b)

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Annex A: Chronology of major events

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

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

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

- 2008**
- February:** A tribunal upholds the 2007 presidential election results following a challenge by political rivals who wanted the vote annulled. President Yar'Adua remains president. [8d]
- April:** Two former health ministers and a daughter of former president Olusegun Obasanjo, as well as other government officials, are charged with embezzling around 470m Naira of government funds. [8d]
- August:** The Nigerian government formally hands over the Bakassi Peninsula territory to Cameroon, in accordance with an international court ruling, ending a long-standing dispute over the territory. [8h]
- August:** Iran agrees to share nuclear technology with Nigeria to help it increase its generation of electricity. [8d]
- September:** Up to 100,000 Nigerians from Bakassi become displaced and shelter in makeshift camps in the state of Akwa Ibom. The influx of the displaced people overwhelms Akwa Ibom's local authorities. [21c]
- September:** Militants in the Niger Delta step up their attacks on oil installations, in response to what they describe as unprovoked attacks by the military on their bases. [8d]
- October:** The government announces major budget cuts following steep falls in the price of oil. [8d]
- November:** At least 200 people are killed during clashes between Christians and Muslims in the central Nigerian town of Jos. [8d]
- December:** Nigeria's Supreme Court has rejected the final challenge to last year's election of President Umaru Yar'Adua. [8i]
- 2009**
- January:** Islamic authorities in the northern Nigerian city of Kano informed organisers of a planned protest by divorced women to cancel the event. [8j]
- January:** The main militant group in Niger Delta, MEND, calls off four month cease-fire after army attacks camp of an allied group. [8d]
- February:** At least four people have been killed and 28 injured after clashes broke out in the Northern Nigerian city of Bauchi. Violence flared following an argument between Muslim and Christian communities. Churches, mosques and houses were set on fire. [8k]
- March:** Nigerian gay rights activists have told the country's lawmakers that a new bill to outlaw same sex marriage would lead to widespread human rights abuses. The new law would mean prison sentences for gay people who live together, and anyone who 'aids and abets' them. The plea by activists was made to a public committee of the National Assembly which is discussing the bill. [8l]
- March:** Nineteen opposition parties unite to form a 'mega-party' to compete against the governing People's Democratic Party in elections due in 2011. [8d]
- May:** Niger Delta militant group Mend rejects government offer of amnesty and declares "all-out war" on Nigerian military. [8d]

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Annex B: Political organisations

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

Accord [18]

Registered political party. National Chairman – Ikra Aliyu Bilbis

Action Alliance [18]

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

Action Congress [18]

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

Action Party of Nigeria [18]

Registered political party.

Advanced Congress of Democrats [18]

Registered political party. National Chairman – Chief Alexis Aniello.

African Democratic Congress [18]

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

African Political System [18]

Registered political party.

African Renaissance Party [18]

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

All Nigeria's People's Party [18]

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

All People's Liberation Party [18]

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

All Progressives Grand Alliance [18]

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

Alliance for Democracy [18]

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

Allied Congress Party of Nigeria [18]

Registered political party.

Better Nigeria Progressive Party [18]

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

Citizens Popular Party [18]

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

Community Party of Nigeria [18]

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

Congress for Democratic Change [18]

Registered political party. National Chairman – Edozie Madu.

Democratic Alternative [18]

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

Democratic People's Alliance [18]

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

Democratic People's Party [18]

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

Fresh Democratic Party [18]

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

Hope Democratic Party [18]

Registered political party.

Justice Party [18]

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

Labour Party [18]

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

Liberal Democratic Party [18]

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

Masses Movement of Nigeria [18]

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

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

Formed in 1999. Leader - Ralph Uwazurike.

Movement for Democracy and Justice [18]

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

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

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

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

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

National Action Council [18]

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

National Advance Party [18]

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

National Conscience Party [18]

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

National Democratic Party [18]

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

National Majority Democratic Party [18]

Registered political party. National Chairman – Prince Solomon Akpona.

National Reformation Party [18]

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

National Solidarity Democratic Party [18]

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

National Union Party [18]

Registered political party. National Chairman – Chief Perry Opara.

New Democrats [18]

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

New Nigeria People's Party [18]

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

Nigeria Elements Progressive Party [18]

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

Nigeria People's Congress [18]

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

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

Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

People's Democratic Party [1][18]

Registered political party. Based in Abuja. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election, and was re-elected as President at the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections. The 2007 presidential election was won by the PDP's presidential candidate, Umaru Yar'Adua.

People's Mandate Party [18]

Registered political party. Based in Abuja. National Chairman – Professor Edward Oparaoji.

People's Progressive Party [18]

Registered political party.

People's Redemption Party [18]

Registered political party. Based in Abuja. National Chairman – Abdulkadir Musa.

People's Salvation Party [18]

Registered political party. Based in Abuja. National Chairman – Lawal Maiturare.

Progressive Action Congress [18]

Registered political party. Based in Abuja. National Chairman – Chief Agadenyi Charles Nwodo.

Progressive Peoples' Alliance [1]

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

Republican Party of Nigeria [18]

Registered political party. National Chairman – Shittu Mohammed.

United Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United Nigeria People's Party [18]

Registered political party. Based in Abuja. National Chairman – Mallam Selah Jambo.

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Annex C: Prominent people: past and present

Abacha, General Sani [1]

Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

Abubakar, Abdusalam [1]

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

Aguiyi-Ironsi, General Johnson [1]

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

Asari, Alhaji Dokubo [22d]

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

Babangida, Ibrahim [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Balewa, Abubakar Tafawa [1]

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Buhari, Muhammadu

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 presidential election, and came second, winning 32.19 per cent of the votes. [1]. He was a presidential candidate in the April 2007 presidential election and gained second place with 19 per cent of the votes cast. [46]

Gowon, General Yakubu [1]

He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Obasanjo, Olusegun [1] [8d]

Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. [8d]. Obasanjo won the 1999 presidential election, and took office on 29 May 1999. He was subsequently re-elected as president in the 2003 presidential election and was president for a further four years. [1]

Odumegwu, Ojukwu Chukwuemeka [1]

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 presidential election, and came third, winning 3.29 per cent of the votes.

Oshiomhole, Adams [3a]

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Saro-Wiwa, Ken [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). He was arrested in May 1994 in connection with the murder of four Ogoni chiefs. In November 1995, he was executed along with eight other MOSOP members.

Shagari, Alhaji Shehu [1]

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major-General Muhammad Buhari.

Tom, Ateke [22d]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger Delta region.

Yar'Adua, Umaru Musa [8g]

He was the PDP candidate in the April 2007 presidential election, which he won, becoming Nigeria's new President in May 2007.

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Annex D: List of abbreviations

The following abbreviations have been used in the Nigeria COI Report. The abbreviations of political parties and political organisations are contained in Annex B.

BHC	British High Commission (Abuja)
CBN	Central Bank of Nigeria
CLEEN	Centre for Law Enforcement Education
ECO	Entry Clearance Officer (British High Commission official)
EFCC	Economic and Financial Crimes Commission
FCO	Foreign and Commonwealth Office (UK government department)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
GPI	Girls' Power Initiative
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGLHRC	International Gay and Lesbian Human Rights Commission
IGP	Inspector General of the Police
ILO	International Labor Organization
INEC	Independent National Electoral Commission
LACVAW	Legislative Advocacy Coalition on Violence Against Women
LEDAP	Legal Defence and Assistance Project
MEND	Movement for the Emancipation of the Niger Delta
NACTAL	Network of NGOs against Child Trafficking, Labour and Abuse
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NDLEA	National Drug Law Enforcement Agency
NDPVF	Niger Delta People's Volunteer Force
NDV	Niger Delta Vigilante
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIS	Nigerian Immigration Service
NLC	Nigeria[n] Labour Congress
NPF	Nigerian Police Force
NPS	Nigerian Prisons Service
PRAWA	Prisoners Rehabilitation and Welfare Action
SSS	State Security Service
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USSD	United States State Department
WACOL	Women's Aid Collective
WHO	World Health Organization
WOCON	Women's Consortium of Nigeria
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation
WRAPA	Women's Rights Advancement and Protection Alternative

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