



NIGERIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

6 April 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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- Annex E – References to source material

Preface

- i This Country of Origin Information (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 18 March 2011. The 'Latest News' section contains further brief information on events and reports accessed from 19 March 2011 to 5 April 2011. The report was issued on 6 April 2011.
- 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 compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. 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. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts 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 though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. 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 UK Border Agency 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 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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UK Border Agency

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Website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

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Latest News

EVENTS IN NIGERIA FROM 19 MARCH 2011 TO 5 APRIL 2011

The Latest News provides a non-exhaustive selection of significant events since 18 March 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

4 April "Nigeria's staggered general elections have been postponed after the Independent National Electoral Commission was unable to deliver voting materials to polling stations in time. Campaigning for the polls was overshadowed by pre-election violence including bombings and gun attacks on campaign rallies, politically-motivated assassinations and violent clashes between members of rival parties."

Inter Press Service News Agency

Violence Threatens Nigeria Elections, 4 April 2011

<http://ipsnews.net/news.asp?idnews=55109>

Date accessed 4 April 2011

25 March "Nigeria's three main opposition candidates have pulled out of election debates with President Goodluck Jonathan, accusing him of 'arrogance'. The three - Nuhu Ribadu, Muhammadu Buhari and Ibrahim Shekarau - are suspicious that he will take part only in a live TV debate largely organised by state-run media. A BBC correspondent says the boycott is embarrassing for Mr Jonathan."

British Broadcasting Corporation News

Nigeria Election: Jonathan rivals pull out of TV debate, 25 March 2011

<http://www.bbc.co.uk/news/world-africa-12859073>

Date accessed 4 April 2011

25 March "Nigerian opposition parties say they're being denied access to public venues to hold rallies and other campaign events ahead of next month's election. Some of the candidates running against incumbent PDP governors also say they're not allowed to place adverts and programs on state media, which they call a ploy to deny them access to the public. But PDP officials deny the charge. They say the opposition is frustrated by its own lack of a coherent message and is organizing violence against the party to score political points."

Voice of America News

Nigerian Opposition Candidates Complain About Meeting Place Restrictions, 25 March 2011

<http://www.voanews.com/english/news/africa/Opposition-Candidates-in-Nigeria-say-Theyre-Not-Allowed-to-Use-Public-Locations-to-Campaign-118651244.html>

Date accessed 4 April 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

AlertNet (Thomson Reuters) <http://www.alertnet.org/thenews/newsdesk/index.htm?news=all>

All Africa <http://allafrica.com/nigeria/>

British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>

Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>

Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>

Inter Press News Service Agency - West Africa http://ipsnews.net/africa/w_africa.asp

NewsNow <http://www.newsnow.co.uk/h/World+News/Africa/Nigeria>

Voice of America News <http://www.voanews.com/english/news/africa/west/>

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REPORTS ON COUNTRY PUBLISHED OR ACCESSED AFTER 18 MARCH 2011

The Home Office is not responsible for the content of external websites.

Chatham House

Key Issues in Nigeria's 2011 Elections, 29 March 2011

http://www.chathamhouse.org.uk/files/19011_0311pp_tayo.pdf

Date accessed 4 April 2011

Foreign & Commonwealth Office

Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, March 2011

<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>

Date accessed 4 April 2011

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Background Information

1. GEOGRAPHY

- 1.01 The Foreign and Commonwealth Office (FCO) Country Profile, dated 25 June 2010, noted that Nigeria is in West Africa and is bordered by Benin to the west, Niger to the north, Cameroon to the east and the Atlantic Ocean. [2b]
- 1.02 The United States State Department (USSD) *Background Note on Nigeria*, last updated 3 February 2011, stated that:
- “... the capital is Abuja. Other [major] cities include Lagos, Kano, Ibadan, Benin City, Port Harcourt, Maiduguri, Zaria ... Although less than 25 per cent of Nigerians are urban dwellers, at least 24 cities have a population of more than 100,000 ... Principal ports are at Lagos (Apapa and Tin Can Island), Port Harcourt and Calabar ... Four of Nigeria’s airports-Lagos, Kano, Port Harcourt and Abuja-currently receive international flights. There are several domestic private Nigerian air carriers, and air service among Nigeria’s cities is generally dependable.” [3c]
- 1.03 The Central Intelligence Agency (CIA) *World Factbook*, last updated 24 January 2011, reported the total population at 152,217,341, based on an estimate provided by the US Census Bureau. The country “... is composed of more than 250 ethnic groups; the following being the most populous and politically 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 Ethnologue, *Languages of Nigeria*, accessed 13 December 2010, stated the national or official languages of the country as: “Edo, Efik, Adamawa Fulfulde, Hausa, Idoma, Igbo, Central Kanuri, Yoruba, English.” [84]
- 1.05 The Library of Congress *Country Profile of Nigeria* of July 2008 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]

See [Freedom of religion](#) and [ethnic groups](#)

MAP

- 1.06 UN Map of Nigeria, dated October 2004. [80]



Map No. 4220 UNITED NATIONS
October 2004

Department of Peacekeeping Operations
Cartographic Section

See links for further maps

<http://www.nigeriasite.com/images/nigeriamap2.jpg>

<http://www.mapsofworld.com/nigeria/nigeria-political-map.html>

<http://www.lib.utexas.edu/maps/nigeria.html>

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2. ECONOMY

2.01 The Economist Intelligence Unit *Country Profile* of January 2011 noted that “Nigeria’s real GDP grew by 7.7% in the third quarter of 2010 ...”, and that “... the economy also grew by 7.7% in the second quarter, up from 7.4% in the first three months of the year, according to NBS [National Bureau of Statistics] figures.” The same report noted that: “... the non-oil sector, which has experienced robust expansion in recent years, continued to be the main driver of overall growth this year.” However, the report

12 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

observed that "... the structure of the economy has not undergone the necessary structural changes to create jobs, promote technological advancements and reduce poverty." [10b] (page 19)

- 2.02 The Central Intelligence Agency (CIA) *World Factbook* (WF), last updated 24 January 2011, stated in the overview of the country's economy that "Oil-rich Nigeria has been hobbled by political instability, corruption, inadequate infrastructure, and poor macroeconomic management." The same CIA WF noted an estimated GDP growth rate of 6.8% in 2010 and an inflation rate of 13.9% (2010 estimate); and its main industries are described as "... crude oil, coal, tin, columbite; rubber products, wood; hides and skins, textiles, cement and other construction materials, food products, footwear, chemicals, fertilizer, printing, ceramics, steel." [52]
- 2.03 The XE Currency Converter website, accessed on 18 March 2011, noted in terms of exchange rates that £1 was equivalent to 250.319 Nigerian nairas and [US\\$](#)1 to 155.900 nairas. [101]
- 2.04 A national minimum wage, which is patchily implemented, is set at 8,630 naira (approximately \$57) per month. (US State Department 2009 *Country Report on Human Rights Practices*, published 11 March 2010) [3a] (section 7e)

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3. HISTORY (1960 – AUGUST 2010)

This section provides a brief account of Nigeria's modern history starting with independence from the United Kingdom; the focus of the section is on the last 15 years. For more detail about Nigeria's history see the sources cited at the end of this section.

- 3.01 The Library of Congress – Federal Research Division, *Country Profile: Nigeria*, July 2008, observed:

"Several dominant themes in Nigerian history are essential for understanding contemporary Nigerian politics and society. First, the spread of Islam, predominantly in the north but later in southwestern Nigeria as well, began a millennium ago. The creation of the Sokoto Caliphate in the jihad (holy war) of 1804–8 brought most of the northern region and adjacent parts of Niger and Cameroon under a single Islamic government. The great extension of Islam within the area of present-day Nigeria dates from the nineteenth century and the consolidation of the caliphate. This history helps account for the dichotomy between north and south and the divisions within the north that have been so pronounced during the colonial and postcolonial eras. Second, the slave trade across both the Sahara Desert and the Atlantic Ocean had a profound influence on virtually all parts of Nigeria. The transatlantic trade in particular accounted for the forced migration of perhaps 3.5 million people between the 1650s and the 1860s, while a steady stream of slaves flowed north across the Sahara for a millennium, ending only at the beginning of the twentieth century. Within Nigeria, slavery was widespread and bore social implications that are still evident. Conversion to Islam and the spread of Christianity were intricately associated with issues relating to slavery and with efforts to promote political and cultural autonomy. Third, the colonial era was relatively brief, lasting only six decades or so depending on the part of Nigeria, but it unleashed such rapid change that the full impact is still felt in the contemporary period." [58] (Historical background)

INDEPENDENCE (1960) - 2010

3.02 The Foreign and Commonwealth Office (FCO) *Nigeria Country Profile*, updated 25 June 2010, stated that: "Nigeria was a British colonial creation... [and] 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 2010*, Nigeria, published May 2010, covering events in 2009, noted:

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

"A military-supervised political transition led to the inauguration of a civilian government in 1979, but the new democratic regime was burdened by factionalism, corruption, and communal polarization. Economic mismanagement and deeply flawed elections triggered another military intervention in 1983, followed by 16 more years of military rule.

"After several years under the leadership of General Ibrahim Babangida, the country held a presidential election in June 1993. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but Babangida annulled the election. A civilian caretaker administration governed briefly until General Sani Abacha, a principal architect of previous coups, took power in November 1993. Abacha's dictatorial regime dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was jailed in 1994 and ultimately died in detention, just weeks after the unexpected demise of Abacha in 1998.

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

"Preparations in 2006 for the 2007 presidential, gubernatorial, and legislative elections were tumultuous and occasionally violent. Vice President Atiku Abubakar announced his intention to run for president, but his candidacy was threatened by corruption charges that he claimed were politically motivated. The opposition Action Congress (AC) party nominated him as its presidential candidate in December, and the Supreme

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Court cleared him to run just five days before the election. Umaru Yar'Adua, the Muslim governor of northern Katsina State who was widely perceived as Obasanjo's pick, won the PDP nomination, while the ANPP again chose Buhari as its candidate.

"The April 2007 elections were marred by bloodshed and eyewitness reports of massive vote-rigging and fraud. At least 200 people were killed in election-related violence, with victims including police and several candidates. International and local election monitors were highly critical of the vote, and opposition parties refused to accept the results, which gave Yar'Adua 70 percent of the presidential ballots, Buhari 19 percent, Abubakar 8 percent, and the Progressive People's Alliance candidate, Orji Uzor Kalu, 2 percent.

"In the parliamentary vote, the PDP took 87 out of 109 Senate seats and 263 out of 360 House seats. The ANPP took 14 Senate seats and 63 House seats, while the AC took 6 Senate seats and 30 House seats; the remainder went to three smaller parties. The PDP also led the state elections, taking 29 out of 36 governorships.

"The official results drew a raft of legal challenges that were adjudicated by election officials as well as the court system, with many appeals stretching well into 2008. In December 2008, the Supreme Court delivered its final ruling on the presidential contest, repudiating the opposition complaints and upholding Yar'Adua's victory. Separately, in a rare instance of an opposition candidate unseating a PDP rival through the appeals system, an appeals court in November overturned the election of the Edo State governor based on 'voting irregularities,' declaring the AC candidate the rightful governor. A February 2009 ruling annulled the gubernatorial victory of the PDP's Segun Oni in Ekiti State, calling for a rerun of the 2007 vote. However, political violence and misconduct attributed to PDP operatives accompanied the April 2009 runoff between Oni and the AC's Kayode Fayemi, and official results confirmed Oni as the winner." [30b] (Overview)

- 3.04 The executive summary of Jane's *Sentinel Country Risk Assessment*, Nigeria, updated 20 May 2010, stated:

"From late 2009, uncertainty grew following Yar'Adua's extended absence from the country for medical treatment. Rising political tensions and internal pressure for a constitutional settlement subsequently led to vice-president Goodluck Jonathan being appointed acting president in the interim, and he was later sworn in as head of state as per the constitution following Yar'Adua's death in May 2010. With elections due in 2011, the months ahead are likely to see increasing political jockeying in the battle for succession, in which an implied rotating north-south presidential system will likely remain a key issue." [42a]

- 3.05 The Central Intelligence Agency (CIA) *World Factbook*, updated January 2011, stated 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 detailed information on the history of the country please refer to the following sources:

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 [Political system](#)

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4. RECENT DEVELOPMENTS (AUGUST 2010 TO JANUARY 2011)

ELECTIONS: 2011

4.01 British Broadcasting Corporation News Online (BBC) reported on 7 September 2010 that Nigerian presidential, parliamentary and state governor elections were scheduled to take place during January 2011. [8v] However, an article in *Nigerians Abroad* dated 23 November 2010, entitled *INEC releases 2011 general election timetable*, reported:

“Nigeria has rescheduled its presidential election to April 9 [2011], a week after legislative polls, electoral officials announced Tuesday after lawmakers approved constitutional changes allowing for a delay. Nigeria had been due to hold a presidential election in January but the country’s election agency, under intense pressure to organise a credible vote in a country with a long history of fraud, asked for more time to prepare. The dates ... for the presidential elections ... will be on the 9th of April, 2011, for the governorship and state assembly elections, this is scheduled for the 16th of April 2011,’ said ... the chairman of the Independent National Electoral Commission (INEC).” [4]

4.02 An article of 16 September 2010 in *The Telegraph*, *Goodluck Jonathan to run for Nigerian presidency*, stated:

“Nigeria's president Goodluck Jonathan has announced his candidacy for presidential elections next January, ending months of speculation over his intentions. Confirming his decision on Facebook, Mr Jonathan said he offered himself and ‘my services to the Nigerian people as a candidate for the office of president in the forthcoming 2011 elections’. He will make a formal declaration at a rally on Saturday ... The PDP [People’s Democratic Party], dominant in Nigerian politics since the country returned to civilian rule in 1999, is divided between backing Mr Jonathan, a Christian, or a candidate from the country's mainly Muslim north. Unwritten party policy has long dictated that it rotate its candidates between the north and predominantly Christian south every two terms. The rule serves as a way of smoothing over ethnic, religious and social divides in the vast west African country of 150 million people and over 250 tribal groups ... The party will hold primaries to pick its candidate for the presidential race between October 18 and 20 with the winner expected to emerge three days later. Jonathan, a member of the ethnic Ijaw community of the oil-rich Niger Delta, slipped into the vacant presidency following the death of his predecessor Mr Yar’Adua in May. He had been deputy president since 2007.” [34]

4.03 The BBC reported in an article of 14 January 2011, *Nigerian President Goodluck Jonathan wins party primary*, that:

16 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

“Nigerian President Goodluck Jonathan has won ruling party primaries, making him favourite in April's elections. Mr Jonathan's main challenger was ex-Vice-President Atiku Abubakar, who was supported by some northern powerbrokers. The president won an overwhelming victory even though some delegates said the party should choose a northerner. The People's Democratic Party candidate has won every poll since the end of military rule in 1999. However, most of its victories have been marred by widespread fraud and violence...The main opposition candidates are former anti-corruption campaigner Nuhu Ribadu and Gen Muhammadu Buhari.” [8x]

For further details about the Nigerian elections see the special BBC News page: <http://www.bbc.co.uk/news/world-africa-12881634>

INTER-COMMUNAL AND SEPARATIST VIOLENCE

Movement for the Emancipation of the Niger Delta (MEND)

4.04 In an article of 1 October 2010, *Nigeria marks 50 years of freedom*, the BBC reported that:

“The celebrations began overnight with a ceremony and fireworks in the capital, Abuja. Nigeria's president has led Africa's most populous country in celebrations to mark 50 years since independence from the UK. ‘Our troubles and our failures are well catalogued,’ Goodluck Jonathan said about the shortcomings of the last half century. During the ceremony, two blasts were heard in Abuja after a threat by oil militants ... two car bombs exploded in front of the federal high court in the capital, leaving three people injured. The Movement for the Emancipation of the Niger Delta (Mend), a militant group in the oil-rich south, issued a threat on Friday morning saying it intended to bomb the event. In the message, the group which is demanding a fairer distribution of the country's oil revenues, said that there was ‘nothing worth celebrating after 50 years of failure’. If Mend are responsible for the blasts, it would be the first time that the group has targeted the capital. An amnesty for oil militants came into effect in the Delta last year, reducing the amount of kidnappings and unrest that has destabilised the region in recent years. Nigeria is a major oil producer yet most of its 150 million people live in poverty.” [8w]

Inter-communal violence

4.05 A Human Rights Watch (HRW) report of 27 January 2011. *Nigeria: New Wave of Violence Leaves 200 Dead*, observed:

“A deadly spate of sectarian violence in Nigeria's central Plateau State since December 24, 2010, has killed more than 200 people, Human Rights Watch said today. The victims, including children, have been hacked to death, burned alive, ‘disappeared,’ or dragged off buses and murdered in tit-for-tat killings ... The most recent round of violence and reprisal killings was sparked by a series of bomb blasts on Christmas Eve in two Christian communities in Jos, the state capital. Since then, dozens of Muslims and Christians alike have been targeted and killed, often in horrific circumstances, based simply on their ethnic or religious identity. These latest deadly outbreaks follow a year of inter-communal bloodletting in 2010 that left at least 1,000 dead in the state.” [22b]

4.06 The same HRW report stated:

“The Christmas Eve explosions, which ripped through two Christian neighborhoods in Jos, and several days of sectarian clashes that followed the bomb attacks, left at least 107 dead, according to Christian and Muslim community leaders in Jos. A militant Islamist website published a statement by Boko Haram, a militant Islamist group in northern Nigeria, claiming responsibility. There has been no independent confirmation of this claim.

“The targeted killings and tit-for-tat violence escalated further in January 2011. Eight Muslim youth in a car heading to a wedding were attacked on January 7 after they took a wrong turn and ended up in a Christian village in Barkin Ladi. Witnesses told Human Rights Watch that the following day the Nigerian army exhumed and returned to their families the corpses of five of them from shallow graves near the village. The three others remain missing.” [22b]

4.07 The same HRW report added:

“The following morning, January 8 [2011], Muslim youth in Jos indiscriminately attacked Christians, mostly ethnic Igbo market traders, around the Dilimi market and along Bauchi Road. Witnesses interviewed by Human Rights Watch said that the victims were hacked to death with machetes and cutlasses or burned alive by the mob. Igbo leaders said that 48 Igbo civilians were killed in the attacks, while a health worker at the nearby Bingham University Teaching Hospital confirmed that 18 corpses arrived in the morgue on January 8.

“Later that day, at least 14 Muslims were killed by mobs in Christian neighborhoods in Jos and surrounding communities. A passenger on an interstate bus to Jos on January 8 told Human Rights Watch that Muslim passengers were separated from Christian passengers and hacked to death. Four of the passengers were killed at a makeshift roadblock manned by a Christian mob in Ratsat, south of Jos, while two others were killed when the bus arrived at the Gada Biu bus terminus in Jos itself. ...

“Muslim and Christian leaders in Jos told Human Rights Watch that they also knew of dozens of disappearances. They said that, in the past month, 42 Muslims, mostly motorcycle taxi operators in Jos, have been reported missing, while more than 51 Christians have still not been accounted for.” [22b]

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5. CONSTITUTION

5.01 Europa World online, undated, accessed on 11 January 2011, 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. [6]

5.02 The section on Internal Affairs within Jane's *Sentinel Country Risk Assessment*, Nigeria, updated 20 May 2010, stated:

“... in February 1976, General Olusegun Obasanjo became head of state and vowed to continue the return to civilian rule by reforming the structure of local government and

18 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

creating a constituent assembly to draft a new constitution, which was adopted in 1979. This established an executive presidency and separation of powers between the executive, legislature and judiciary and, at the same time, the ban on political activity was lifted. However, this constitution was suspended after 1983, and a new constitution of 3 May 1989 never promulgated.

“On 29 May 1999, a new constitution promulgated by the Provisional Ruling Council (PRC) came into force, largely based on the 1979 version. Under this constitution, which includes provisions for a bicameral legislature, the executive branch and the office of president retain strong federal powers.

“Any proposal to amend the constitution must be approved by two-thirds of the National Assembly and, following that, by a simple majority of two-thirds of all the 36 State Houses of Assembly. Suffrage is universal over the age of 18 for all elections.” [42b]

A copy of the Nigerian constitution can be found via this link: [Constitution of the Federal Republic of Nigeria, 1999](#)

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6. POLITICAL SYSTEM

- 6.01 Europa World, accessed on 11 January 2011, stated that Nigeria is a democratic federal republic with a multi-party political system. 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] (Country Profile, Constitution and Government section)
- 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 Central Intelligence Agency (CIA) World Factbook, updated in January 2011, listed the main political parties and leaders in the country:

"Accord Party [Augustine MAZIE, acting]; Action Congress or AC [Bisi AKANDE]; All Nigeria Peoples Party or ANPP [Ogbonnaya ONU]; All Progressives Grand Alliance or APGA [Victor C. UMEH]; Alliance for Democracy or AD [Mojisoluwa AKINFENWA]; Conference of Nigerian Political Parties or CNPP [Abdulkadir Balarabe MUSA]; Democratic Peoples Party or DPP [Jeremiah USENI]; Fresh Democratic Party [Chris OKOTIE]; Labor Party [Dan NWANYANWU]; National Democratic Party or NDP [Aliyu Habu FARI]; Peoples Democratic Party or PDP [Dr. Okwesilieze NWODO]; Peoples Progressive Alliance [Larry ESIN]." [52]

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Human Rights

7. INTRODUCTION

7.01 The United States State Department (USSD) *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

“Human rights problems during the year included the abridgement of citizens’ right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; vigilante killings; abductions by militant groups; 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; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement of privacy rights; restrictions on freedom of speech, press, assembly, religion and movement; official corruption and impunity; domestic violence and discrimination against women; the killing of children suspected of witchcraft; 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; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; and child labor.” [3a] (introduction)

7.02 The Human Rights Watch *World Report 2011* covering the events of 2010, published 24 January 2011, observed:

“The May inauguration of President Goodluck Jonathan, following the death from natural causes of President Umaru Yar'Adua, brought hope for improvements in Nigeria's deeply entrenched human rights problems. Jonathan's removal of the attorney general, under whose watch impunity flourished, and his appointment of a respected academic to replace the discredited head of the electoral commission, who presided over phenomenally flawed elections, were widely viewed as positive first steps. Yet major challenges remain.

“During the year, episodes of intercommunal violence claimed hundreds of lives, while widespread police abuses and the mismanagement and embezzlement of Nigeria's vast oil wealth continued unabated. Perpetrators of all classes of human rights violations enjoyed near-total impunity. A spate of politically motivated killings by Islamist militants in the north, and continued kidnappings and violence by Niger Delta militants - including the brazen Independence Day bombing in Abuja, the capital, for which they claimed responsibility - raised concern about stability in the run-up to planned 2011 general elections.

“The National Assembly again failed to pass legislation to improve transparency, notably the Freedom of Information bill, but approved a watered-down version of an electoral reform bill. Nigeria's judiciary continues to exercise a degree of independence in electoral matters and has, since 2007, overturned more than one-third of the ruling People's Democratic Party (PDP) gubernatorial election victories on grounds of electoral malpractices and other irregularities. Meanwhile free speech and the independent press remained fairly robust. Foreign partners took some important steps to confront endemic corruption in Nigeria, but appeared reluctant to exert meaningful pressure on the government over its poor human rights record. [22a]

- 7.03 An article in *The Nation* of 21 December 2010, *Human rights abuses still in Nigeria*, noted:

“... torture is just one of the many rights abuses in Nigeria in the outgoing year ... According to Amnesty [International’s] State of World’s Human Rights Report of 2010, the police allegedly continued to commit with impunity a wide range of human rights violations, including unlawful killings, torture and other ill-treatment, and enforced disappearances. A group, the Access to Justice, (AJ) is of the view that such abuses remained in 2010. It said several people were tortured to death in police detention while prisoners were held in appalling conditions, many of whom had been awaiting trial for years. Violence against women remained endemic, and abuses against people suspected of same-sex relationships continued. Forced evictions affected thousands of people across the country.” [11]

- 7.04 An April 2010 report of an international fact finding mission conducted by the World Organisation Against Torture and the International Federation for Human Rights, *Nigeria: Defending Human Rights: Not Everywhere Not Every Right*, noted:

“Nigeria has ratified several human rights instruments including the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol on individual communications, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, and the Convention on the Rights of the Child (CRC).

“It is party to the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the Child, and the African Charter on the Rights of Women in Africa. Interestingly enough, Nigeria is the only country in Africa that has domesticated the African Charter on Human and People’s Rights. However, the constitutional provision declaring economic, social and cultural rights that are not justiciable contradicts the Charter. Therefore, Nigeria cannot be held accountable by domestic courts for the lack of enforcement of basic rights including the right to health, potable water, social assistance, education and food.” [39c] (section 2, page 8)

- 7.05. The Economist Intelligence Unit, *Country Report - Main report*. January 15th 2011 noted that:

“The Economist Intelligence Unit’s 2010 democracy index ranks Nigeria 123rd out of 167 countries, an improvement of one place in comparison with the 2008 index. This places Nigeria among the countries considered ‘authoritarian’, the most common category in Sub-Saharan Africa. Nigeria’s overall score has actually deteriorated since 2008; the small improvement in the ranking comes as some countries have worsened at a faster rate. Nigeria has repeatedly faced accusations of holding ‘flawed’ and ‘neither free nor fair’ elections. As a result, it fares 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 being low. Nigeria also scores poorly for civil liberties. Although there is a flourishing private media sector, violence and intimidation by people connected to various parties have undermined electoral

processes. High levels of crime and the uneven application of the rule of law also affect this score negatively.

“Democracy index

	“Regime type	Overall score	Overall rank
“2010	Authoritarian	3.47 out of 10	123 out of 167
“2008	Authoritarian	3.53 out of 10	124 out of 167

“... While the president, Goodluck Jonathan, has repeatedly pledged his desire for a more democratic election process, the necessary constitutional reform has not taken place. This is because there are powerful vested interests within the upper echelons of the ruling People's Democratic Party (PDP) that continue to benefit from the status quo and will fight against reform. The lack of reform means that a significant proportion of the electorate has lost faith in the main political parties. It also means that the forthcoming presidential, legislative and state-level elections in 2011 are unlikely to show much improvement on the 2007 elections, which were widely derided for the malpractice and violence that was used to manipulate the results. The government has also been criticised extensively for being slow to tackle Nigeria's myriad sociopolitical problems, particularly corruption and mounting unrest in the oil-producing Niger Delta region.

“Democracy index 2010 by category (on a scale of 0 to 10 [0 poor;10 good])

“Electoral process	3.83
“Functioning of government	3.21
“Political participation	3.33
“Political culture	3.13
“Civil liberties	3.82

“Democracy index 2010: Democracy in retreat, a free white paper containing the full index and detailed methodology, can be downloaded from www.eiu.com/DemocracyIndex2010.” [10b]

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8. SECURITY FORCES

8.01 With regard to internal security, the United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

“The National Police Force (NPF) is under the inspector general of police, who is appointed by the president and responsible for law enforcement operations. An assistant inspector general commanded each NPF state unit. The constitution prohibits state - and local-level governments from organizing their own police forces; however, state governors may direct federal police for local emergency actions. The State

Security Service (SSS) is responsible for internal security and reports to the president through the national security advisor. Due to police inability to control societal violence, the government continued to rely on the army in some cases. 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 committed human rights abuses, particularly in restricting freedom of speech and press.” [3a] (Section 1d)

- 8.02 An Open Society Justice Initiative report of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, stated:

“In addition to the police, however, other law enforcement agencies exist in Nigeria. These include the State Security Service, the National Drug Law Enforcement Agency, the Economic and Financial Crimes Commission, the Federal Road Safety Commission, and the Nigerian Security and Civil Defence Corps. Both the Immigration Service and the Customs and Excise department also have powers of investigation, arrest, and detention under the laws governing them. Like the police, these are all federal institutions established by law and are empowered to undertake investigation and prosecution.” [81]

- 8.03 The British Broadcasting Corporation (BBC) news online, in an article of 8 September 2010, *Nigerian president replaces leaders of security forces*, noted:

“Nigeria's President Goodluck Jonathan has replaced the leaders of the country's military, intelligence service and police. The appointments, which come four months ahead of planned presidential elections, are subject to approval by parliament, a presidential spokesman said. He gave no reasons for the reshuffle...The president promoted the former head of the air force to chief of defence staff and named new air force, army and navy chiefs. They replace officers who had been due to retire at the end of August, a presidential spokesman said. Mr Goodluck also appointed new heads of the Nigeria Police Force and the State Security Service. The reshuffle of security leaders comes a day after at least 700 prisoners escaped during an attack on a jail in northern Nigeria.” [8z]

POLICE

- 8.04 Amnesty International's report of 9 December 2009, *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, noted:

"The Nigerian Police Force (NPF) is a federal organization. It employs approximately 371,800 staff with a ratio of one policeman for every 377 citizens. Approximately a quarter of the NPF staff perform personal protection and guard duties. The NPF was established under Section 214 of the 1999 Constitution. The Police Act (1990) describes the function, structure and operation of the NPF. The Act was originally drafted in 1943, and was last reviewed in 1967. The President of Nigeria holds operational control of the NPF and appoints the Inspector-General of Police (IGP), who is responsible for the command of the police 'subject to the directive of the President' and for public safety and public order. The administrative, financial and logistic management of the NPF falls under the authority of the Federal Ministry of Police Affairs. The NPF headquarters, 12 zonal commands and 36 state commands all have Criminal Investigation Departments (CIDs), responsible for criminal investigation. There are several Special Forces, such as the paramilitary Mobile Police (MOPOL), the

Special Anti-Robbery Squad (SARS) and the Swift Operation Squad (SOS). The X-Squad is the body responsible for investigating police corruption.” [12m]

- 8.05 An Open Society Justice Initiative report of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, recorded:

“... the NPF is the largest institution in Nigeria and also the country’s largest employer ... By the end of 2008, the Nigeria police force comprised 5,515 police stations, 1,115 Police Divisions, 123 Area Commands, and 36 State Commands and one Federal Capital Territory Command...The headquarters of the force is located in Abuja, in the Federal Capital Territory. Known as the Force Headquarters, this is also the operational and administrative base of the IGP [Inspector General of Police]. The Force Headquarters is also known as ‘Louis Edet House,’ named after the first Nigerian IGP. The Force Headquarters is organized into six departments, each headed by a deputy inspector-general (DIG) of police.” [81]

- 8.06 The same Open Society Justice Initiative report made observations on the subject of police corruption in the country:

“Policing in Nigeria is also characterized by pervasive corruption, such as diverting police resources for personal protection or enrichment in a variety of police-for-hire arrangements; harassment and intimidation of victims; and the destruction of evidence, including the bodies of victims of extrajudicial executions. Officers routinely practice extortion on members of the public at roadblocks and on public highways... Corruption and extortion are perhaps the defining characteristics associated with the NPF. For a majority of police officers, the police uniform is a tool for generating income. They make money by extorting law abiding citizens, claiming that it is the price people must pay to keep the police from gratuitously interfering with their livelihoods. The instances cited in this report merely illustrate a pattern of conduct that is pervasive and institutionalised within the NPF. The 2008 report of the second Presidential Committee on Police Reform acknowledges quite candidly that this is the image of the Nigerian police: ‘Indeed the Police today is publicly perceived as one of the most corrupt government institutions, with its personnel constantly accused of bribery and extortion in the course of performing their functions. These accusations are rampant amongst the populace, especially that relating to the extortion from members of the public. In addition, the Police have also been accused of erecting illegal road blocks in order to extort money from the citizenry. ... This has resulted in the loss of public confidence in the integrity of police personnel.’

“Most police officers readily cite their poor pay as the principal reason for extortion. Some even claim that in the absence of basic provisions for policing, the police use the proceeds from extortion to fulfil operational needs, such as stationery for recording statements from suspects, gasoline for patrol vehicles, batteries for mobile phone units, and similar day-to-day needs.” [81]

See section 18 for more information about [Corruption](#)

ARMED FORCES

- 8.07 Jane’s Sentinel *Nigeria Country Risk Assessment* (Jane’s), section on the Armed Forces (updated 4 January 2011), 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 by far the largest force in West Africa and 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. The then 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.” [42c]

- 8.08 The Economist Intelligence Unit *2009 Nigeria Country Profile* (dated January 2009) observed that: “Nigeria has by far the largest armed forces in Sub-Saharan Africa, and successive governments have considered themselves to be a major regional power. The military has historically played a large role in Nigerian politics and may do so again in the future, although democratic institutions have become more established in recent years. In addition, past and current senior military officers often have considerable business interests.” [10c]

HUMAN RIGHTS VIOLATIONS COMMITTED BY THE SECURITY FORCES

Arbitrary arrest and detention

- 8.09 Regarding arbitrary arrest and detention, the USSD *2009 Human Rights Report* stated:

“The constitution and law prohibit arrest and detention; however, [the] police and security forces continued to employ these practices. The JTF (Joint Task Force) arbitrarily arrested hundreds of persons during the year during sweeps for militants ... [the] police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense, a power they often abused ... 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)

- 8.10 An article of 30 April 2010 in *Vanguard* [via AllAfrica.com], *Nigeria: Dig Laments Police Brutality, Arbitrary Arrests, Detention*, noted: “The Deputy Inspector General of Police DIG ... has decried the rising cases of Police brutality, arbitrary arrest and detention of members of the public, warning that a stop should be put to the ugly development as it was giving the Nigeria Police a bad name ... He also regretted the rising cases of indiscipline among the ranks and files blaming the situation on poor performance and lack of commitment on the part of some officers.” [67b]

- 8.11 The Human Rights Watch report of August 2010, *Everyone's in on the Game-Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

“Numerous police officers, legal professionals, and civil society leaders characterized the problem of unlawful detention of citizens by Nigerian police officers with the apparent motivation to extort money as a widespread and growing problem throughout Nigeria. They described how the police use specific incidents of crime, and the high

levels of crime in general, as a pretext to randomly arrest and detain individuals and groups of citizens.

“Once a person is arrested by the police and refuses, or is unable, to pay the money demanded, they are often detained until they negotiate an amount for their release. In many cases, this unlawful detention may last for days or even weeks. Those who do not pay face threats, beatings, sexual assault, torture, or even death. Extended periods of detention leave victims and their friends and family vulnerable to repeated threats and demands for bribes. Using police terminology, a civil society leader in Lagos explained that the police ‘tend to cast the net very wide so they can arrest as many suspects as possible. This affords them more chances for extortion and corruption.’” [22c]

Torture, ill-treatment and use of excessive force

8.12 As regards the use of torture and other inhuman or degrading treatment by the police, the USSD 2009 Human Rights Report stated:

“Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security services personnel, including police, military, and State Security Service (SSS) officers regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians 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)

8.13 The Open Society Justice Initiative report, of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, noted:

“Nigeria’s 1999 Constitution prohibits torture but fails to define what torture is. Violence and torture are intrinsic to the way the Nigeria Police Force conducts its work, and are found at every point of contact between the public and police - from routine checks through arrest, interrogation, and detention. This violence has been described as ‘institutional and routine’. It is also often indiscriminate, casual, and unprovoked. According to one source, this ‘gratuitous violence has the effect of intimidating the suspect and weakening or, in some cases, even breaking whatever spirit he has even before the proper interrogation process’, thus making the detainee more than likely to comply with the biddings of the police - including signing a false confession. The average police officer on the streets of Nigeria is armed with horse whip and many of them show considerable enthusiasm in using it on innocent passers-by without provocation. Those who get away with merely being horsewhipped are considered lucky. Many others fare much worse.” [81]

8.14 The Amnesty International report of 9 December 2009, *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, stated:

“Various national and international organizations have accused the NPF of torture and other ill-treatment. The NGO [Non-Governmental Organisation] Social Justice and Advocacy Initiative told Amnesty International: ‘Intimidation, torture and extortion of detainees are entrenched practices in the Nigerian criminal justice system.’ The National Human Rights Commission (NHRC) stated that torture is used ‘as official means of investigation of offences’ and that ‘most cases in court are prosecuted by the police based on ‘confessions’ obtained under circumstances of torture from accused

persons.’ NOPRIN [Network on Police Reform in Nigeria] has shown that police officers torture suspects in order to ‘break the spirit of the suspect or detainee.’ NOPRIN researchers documented ‘an elaborate system of torture’ and claim that every major police station has ‘torture chambers and an officer known as ‘O/C (officer in charge) Torture’.’ In November 2007, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concluded 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.’” [12m]

- 8.15 The Human Rights Watch (HRW) report of August 2010, *Everyone’s in on the Game-Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

“Nigeria has ratified a number of international treaties that prohibit torture, including the International Covenant on Civil and Political Rights; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the African Charter on Human and Peoples’ Rights. These also require Nigerian authorities to investigate and prosecute those who commit torture and compensate those who suffer it. The Nigerian Constitution also provides that every individual is entitled to ‘respect for the dignity of his person,’ including the right not to be subjected to torture. Despite international and domestic law prohibiting the use of torture, the Nigerian police routinely use torture and other cruel, inhuman, and degrading treatment, and are rarely held accountable for it. Human Rights Watch found that corruption in the police force has both directly and indirectly contributed to the use of police torture in Nigeria.” [22c]

- 8.16 The same HRW noted on sexual assault:

“The police sometimes use the threat of rape and other forms of sexual assault as a means to extort money from women stopped at checkpoints, accosted by the police in public places, or detained in police custody. In some cases, women are told they have the ‘option’ of providing sex in lieu of payment. In a number of cases documented by Human Rights Watch and Nigerian human rights groups, police officers carried out their threats and subjected their victims to rape and other forms sexual assault, particularly when women who had been detained refused to pay all or part of the demanded sum. Although human rights groups have documented numerous cases of sexual assault, the police officers who commit these crimes are rarely held accountable.” [22c]

Extra-judicial killings

- 8.17 The USSD 2009 Human Rights Report stated that: “The government or its agents were responsible for numerous extrajudicial killings, including politically motivated killings of leaders of Boko Haram, an extremist Islamist group ... National police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects.” [3a] (Section 1a)
- 8.18 The Open Society Justice Initiative report, of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, stated:

“Extrajudicial killings are a routine feature of policing in Nigeria. Hundreds of Nigerians are murdered each year by the NPF. Field monitoring uncovered the existence of an unwritten rule in police stations: ‘confirmed’ armed robbery suspects should be ‘escorted’, sent on an ‘errand’, or ‘transferred to Abuja’ - all euphemisms for the unlawful

summary and extrajudicial execution of suspects. Suspects are 'confirmed' through torture and 'escorted' or 'transferred' through summary execution or disappearance.

"Persons suspected of, or arrested for, armed robbery are particularly at risk of extrajudicial execution. 'Abdullahi', a local politician in Kano State, described being tortured in September 2006 at the Karfi police post in Kano. Abdullahi was being beaten by a police officer and thought he would be killed. But he was saved by the timely intervention of a police sergeant who called off his more enthusiastic colleague by noting that what the colleague was about to do to Abdullahi was 'only reserved for robbers'... a lawyer in private practice, described for a NOPRIN researcher the standard NPF practice as follows: 'Once an accused is arrested and is suspected to be a robber, instead of taking him to court, they would rather want to take him along the road. They take the suspect to the highway under the pretext that they are going to conduct further investigation, only to come back and report that in the course of moving on the highway the suspect attempted to run, so they had no choice but to take him down.'" [81]

- 8.19 The Human Rights Watch (HRW) report of August 2010, *Everyone's in on the Game'- Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"The vast network of checkpoints that exists in Nigeria leads to numerous confrontations between the police and motorists who refuse to pay the bribes demanded. All too often these confrontations escalate into fatal shootings by the police. Human Rights Watch interviewed witnesses and family members of the victims in three fatal shootings at police checkpoints in Anambra State. In each of the cases, the altercation between the police and the driver reportedly began after the driver refused to pay the ₦20 bribe (approximately \$0.17) that is routinely demanded by the police at checkpoints... In reality, convictions of Nigerian police officers implicated in capital crimes including the extortion-related extrajudicial killings noted above, are very rare... Human Rights Watch found that corruption in the Nigeria Police Force leads directly and indirectly to extrajudicial killings of Nigerians. As the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions concluded in his 2006 report, the problem of corruption in Nigeria is 'closely linked to the issue of extrajudicial executions.'" [22c]

AVENUES OF COMPLAINT

- 8.20 The Human Rights Watch (HRW) report of August 2010, *Everyone's in on the Game'- Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

"In the face of widespread and overt corruption at all levels within the Nigeria Police Force, few measures to hold accountable those responsible for corruption or related human rights abuses have been successful, despite the presence of multiple mechanisms for this purpose. Indeed, public complaint mechanisms and internal monitoring and supervision of the police, as well as civilian oversight, remain weak, underfunded, and largely ineffective. Police officers are periodically investigated but they are only rarely held accountable for these crimes. Despite government officials' having on multiple occasions acknowledged many of the problems ... the Nigerian government in general, and the leadership of the Nigeria Police Force in particular, have lacked the political will to address these structural problems and bring reform, coordination, and adequate funding to the various mechanisms of police oversight and accountability." [22c]

8.21 The same HRW report continued:

“The Nigeria Police Force has set up various mechanisms for the public to file complaints against police misconduct. These include the Public Complaints Bureau, complaint boxes or telephone hotlines at police stations, and human rights desks. The Nigerian government has also established various external mechanisms where members of the public can report police abuses. Depending on the nature of the complaint, members of the public can file complaints against the police at no fewer than eight government agencies; however, most of these complaint mechanisms lack the resources to investigate the complaints.” [22c]

8.22 The same HRW report detailed the public complaint mechanisms:

“Police Service Commission (PSC)

“The PSC, an independent body established in 1960, is responsible for police discipline. In 2008, the PSC’s Department of Police Discipline received 129 complaints from the public—29 of which involved cases of police corruption or extortion. Most of these cases were referred back to the police force to investigate because of lack of resources in the department.

“Public Complaints Commission (PCC)

“The PCC, established in 1975, receives complaints against public officials, including police officers. Most complaints against the police are forwarded to the Police Service Commission for processing.

“Nigeria Police Force – Public Complaints Bureau (PCB)

“The PCB, established by the Nigeria Police Force in 1979, is run by the public relations officer at the various levels of the force, but the PCB has been largely ineffective and has no budget to carry out its functions. In 2007, the PCB received only 49 complaints from the public.

“Code of Conduct Bureau (CCB)

“The CCB was established in 1990 and receives complaints from members of the public against public officials, including police officers, for violating the Code of Conduct for Public Officers.

“National Human Rights Commission (NHRC)

“The Nigerian government established the NHRC in 1995. The NHRC received 574 public complaints in 2007 regarding all classes of human rights abuses, including 70 of ‘degrading treatment’ or ‘unlawful arrest and detention’ by members of law enforcement agencies. The NHRC can initiate investigations on its own, but lacks independent prosecutorial power. Draft legislation before the National Assembly would empower the NHRC to prosecute cases of human rights violations.

“Independent Corrupt Practices and Other Related Offences Commission (ICPC)

“The ICPC, established in 2000, receives complaints from members of the public against public officials, including police officers, for corrupt practices.

“Economic and Financial Crimes Commission (EFCC)

“The EFCC, established in 2002, receives complaints from members of the public regarding cases of financial fraud, money laundering, and other corrupt practices.

“Ministry of Police Affairs – Police Performance Monitoring (PPM) Division

“The Ministry of Police Affairs established the PPM Division in December 2008. In its first year, it received about 100 complaints against the police from members of the public, but according to a ministry spokesperson, ‘very few were investigated’ due to funding shortages and the lack of trained investigators.” [22c]

8.23 The same HRW report noted:

“Internally, the Nigeria Police Force has established a Human Rights Desk, which monitors police conduct, and an internal anti-graft unit known as the X-Squad. The inspector general of police and each state commissioner of police also have monitoring teams to investigate incidents of police misconduct. As with the public complaint mechanisms, the internal monitoring units in the police force are poorly funded and lack support from the police leadership to effectively address systemic corruption and abuse within the police force.” [22c]

8.24 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)

For information about legal remedy, see [Judiciary](#), and human rights oversight see [Human rights institutions, organisations and activists](#).

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9. MILITARY SERVICE

- 9.01 Jane's *Sentinel Country Risk Assessment for Nigeria*, section on the army, dated 4 January 2011, stated that: "Service in the army is voluntary, with the majority of combat arms recruits coming from the 'military tribes' such as the Hausa and Kanuri, with a high percentage of Yoruba in the technical arms. Members of the army are obliged to retire at age 60, or after 35 years of service." [42d]
- 9.02 A letter from the British High Commission in Abuja, dated January 2006, noted that the 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]
- 9.03 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. NON-GOVERNMENT ARMED FORCES

- 10.01 Jane's *Sentinel Nigeria Country Risk Assessment*, section on non state Armed Groups, updated 20 January 2011, reported:

"As of early 2002, Nigeria had not experienced an insurgency problem per se, although continued domestic ethnic clashes in areas in Nigeria necessitated the deployment of the army and armed police and was a continued cause of concern for the authorities. However, militant groups have taken root in the Niger Delta, waging low-level conflicts against the government and oil companies operating in the region. Since the coming to power of an elected government, communal conflicts have increased both in number and intensity, causing thousands of deaths. The common explanation offered by analysts in Nigeria is that the transition to democracy has acted like the release of a pressure valve, enabling people to vent their pent-up anger and express themselves more freely. However, although the causes of these conflicts are often credited as having roots in long-standing disputes in both the economic, political and ethnic domains, the perceived popular unrest at times shares more in common with criminality rather than what can be generally recognised as a 'political insurrection'. During the 1990s, up to 31 prominent communal conflict areas developed in Nigeria, according to Samie Ihejirika, of the Strategic Empowerment and Mediation Agency, a local non-governmental organisation.

"Vigilante groups have also been a major problem for the state security forces in Lagos and southeastern Nigeria. Claiming to provide law and order, the groups have used

brutal and unconstitutional means to deal with suspected criminals. Some of these groups have been armed with automatic weapons, and have run organised crime networks of their own. In April 2002 the government introduced a bill into the National Assembly banning ethnic militia, urging the legislature to expedite passage of the bill before the start of electioneering campaigns for the 2003 elections.

“The numerical strength of the various quasi-militant or militant ethnic organisations is generally unquantifiable. Supporters will join and leave these groups often through opportunism. A further complicating factor is the emergence of religious tensions and violence in the community at large. Criminal activity too, has often been mistaken for genuine political activity, and indeed, the borderline between genuine grievance and this type of behaviour is often more one of perception rather than of clear-cut definition.

“In the northeast and northwest, banditry and vehicle hijacking are often associated with armed gangs from Chad and Niger preying on small bands of travellers in these sparsely populated areas. Since the deployment of the military to the district in 1997, there has been a marked reduction in lawlessness in the north.” [42e]

GROUPS IN THE NIGER DELTA

10.02 The International Institute for Strategic Studies *Armed Conflict Database, Nigeria (Delta region)*, accessed 21 January 2011, stated:

“Since the 1990s, local groups have agitated for more of the wealth that emanates from the Niger Delta. Although at the heart of Africa’s second-largest oil industry, the region is poor, underdeveloped and polluted. The first protests to the Nigerian government, and oil companies like Royal Dutch Shell and Chevron, were made by the Ogoni people, under activist Ken Saro-Wiwa. Saro-Wiwa was executed in 1995 by the government of dictator Sani Abacha, and in 1998 ethnic Ijaws took up the campaign. Despite the 1999 return to democracy in Nigeria, many funds under the government’s revenue-sharing scheme still failed to reach local people. Armed militants such as the Niger Delta People’s Volunteer Force (NDPVF) and Niger Delta Vigilantes (NDV) emerged in 2003–4, adding the terrorist tactics of bombing pipelines, attacking oil and gas installations, and kidnapping industry workers to the already widespread practice of stealing, or ‘bunkering’, oil from pipelines. The Movement for the Emancipation of the Niger Delta (MEND), the latest group appearing in 2006, has escalated the violence – which costs Nigeria an estimated \$1 billion annually in lost output. The government has often been repressive in its response to militants, but in 2009 tried to engage them in a peace process.” [33]

10.03 A United States Institute of Peace report of June 2008, *Bringing Peace to the Niger Delta*, noted:

“Militia groups in the region have proliferated, often sustained by government and party officials who use the militias for their own political and economic purposes. Groups such as the Movement for the Emancipation of the Niger Delta (MEND), which was organized in 2006, function as a loose network of gangs rather than a coherent organization. They lack a common political agenda or political wings that could participate in a negotiation process. While some groups possess legitimate grievances and goals, they also engage in criminal activities that lead to the continuation of the conflict—by doing the bidding of the politicians and others who pay them, the militia members perpetuate the governance system that contributes to the region’s problems.” [83b]

- 10.04 A Council on Foreign Relations report of September 2009, *Understanding the Armed Groups of the Niger Delta*, stated:

“MEND is a constantly changing mass of groups, some of them criminally motivated, others politically and ideologically driven. It is difficult to distinguish between them. Some started life on the university campuses before spilling onto the streets and engaging in criminal activity. Other groups set out to genuinely address the grievances of the Niger Delta people, enraged by decades of environmental pollution, economic underdevelopment and political marginalization. However, the involvement of corrupt outsiders soon took their militancy far beyond any ideological goal.

“No-one knows exactly how many people are involved in militant activity in the Niger Delta, but a study conducted in 2007 for the Delta State government hints at the scale of the problem. It found there to be forty-eight recognizable groups in the Niger Delta alone, boasting more than 25,000 members and with an arsenal of approximately 10,000 weapons. It is estimated ... that there may be up to 60,000 members of armed groups in the Niger Delta as a whole.

“All of the groups rely on the tacit support of local communities that share their anger at the exploitation of their region by oil companies and the federal and state governments. Many of the groups depend on patronage from politicians who use them to attack and intimidate their opponents. In addition, many armed groups are enlisted by politicians and military officers to help support their criminal activities, which include oil theft (known as bunkering) and arms importation.” [65b]

Movement for the Emancipation of the Niger Delta (MEND)

- 10.05 A Council on Foreign Relations Backgrounder on *MEND: The Niger Delta's Umbrella Group*, dated 22 March 2007, observed:

“Many elements of MEND remain secretive. Estimates of its size range from the low hundreds to the low thousands. Like other Delta militant groups, MEND is largely made up of young Igaw men in their twenties...Its leaders are educated, some at the university level, and they have learned from militant movements in other parts of the world. Experts agree that MEND does not have a united structure...the group is an ‘idea’ more than an organization...An International Crisis Group report describes a...structure in which militant groups switch affiliations on a case-by-case basis. ‘Some of these elements alternate between identifying themselves as MEND and operating under other names’, the report claims. Such groups include the NDPVF, the Coalition for Militant Action in the Niger Delta (COMA), and the Martyr's Brigade.” [65a]

- 10.06 In *A Guide to the Armed Groups Operating in the Niger Delta*, produced by the Jamestown Foundation on 26 April 2007, it was stated that:

“The Movement for the Emancipation of the Niger Delta (MEND) first burst onto the international stage in December 2005, when it blew up Shell's Opobo pipeline in Delta state. It followed with several high profile group kidnappings, further bombings and attacks on oil installations that left many dead. Apart from its devastating impact on Nigerian oil production, the initial bombing garnered attention because the militants had carried out an action that did not benefit them directly financially – unlike kidnappings or oil bunkering. MEND's strategic placement of the bombs, which took out nearly a quarter of Nigeria's oil production, showing an intricate knowledge of the thousands of

miles of pipelines that may well have been gathered in previous bunkering operations.” [66]

10.07 The same sourced noted on:

“There are no card-carrying members of MEND. Like most of the groups with long, politically idealistic names – the Niger Delta People’s Volunteer Force (NDPVF) or the Niger Delta Freedom Fighters – it draws on the same of pool of fighters from communities across the delta, ethnic militias in the west and cults (partially absorbed into the NDPVF or the Niger Delta Vigilantes) in the east. It does, however, use recognized leaders to control each of the three main states and each leader has a deputy. MEND’s flexible structure allows it to channel arms and funds across the delta to regions where it is concentrating operations. It differs from the cults and ethnic militias because its kidnappings appear primarily motivated by publicity rather than ransom (although money often changes hands) and by placing its struggle in a social rather than ethnic context.” [66]

Government amnesty 2009/2010

10.08 The Human Rights Watch *World Report 2010*, section on Nigeria, published 24 January 2011, noted that in an attempt to reduce militia violence in the Niger delta the government introduced an amnesty in 2009. The report continued, noting that the:

“... amnesty – in which a few thousand people, including top militant commanders, surrendered weapons in exchange for cash stipends – led to a reduction of attacks on oil facilities in 2010, but their disarmament, demobilization, and reintegration have been poorly planned and executed. The amnesty has further entrenched impunity, and the government has made little effort to address environmental degradation, endemic state and local government corruption, or political sponsorship of armed groups, which drive and underlie violence and poverty in the region.” [22a]

10.09 An Integrated Regional Information Networks (IRIN) report of 17 December 2010, *Corruption-fed unrest in Delta keeps communities in turmoil*, noted that:

“... government efforts to quell violence are hampered by corruption and fail to get at the deep-seated causes of unrest in the region. ... A local human rights activist said corruption is rife in the amnesty programme, with planned government assistance falling short, despite available funds. Under the government scheme, from August to October 2009 militants could turn over their arms in return for training, employment assistance and a government pardon. ‘The crisis will continue until the government [eradicates] the corruption in the amnesty programme,’ ... [the] chair of Human Rights Defenders Organization of Nigeria, told IRIN, calling the programme ‘a monument of fraud’.” [21a]

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11. GANGS/CONFRATERNITIES/SECRET SOCIETIES/CULTS/VIGILANTE GROUPS

11.01 The Landinfo 2006 report of a *Factfinding Trip in Nigeria*, on the subject of cults, noted:

“The term *cult* is very freely used in Nigeria, and may refer to any organised group of people where there is some sort of secrecy around the group members’ reasons to organise and/or modes of operations. The term also implies a religious dimension,

generally linked to practice of *juju*. Organisations ranging from the famous Ogboni secret society via ethnically based vigilante groups to university fraternities are all referred to as cults in Nigerian media...cults and secret organisations are common in the south of Nigeria, but considerably less so in the north... secret brotherhoods operate all the way up to elite levels of society... it is widely believed in Nigeria...that people in power form secret networks where conspiracies and abuse of occult powers are a matter of routine.” [97] (page 19)

- 11.02 Jane’s *Sentinel Nigeria Country Risk Assessment*, section on non state Armed Groups, updated 20 January 2011, reported that: “Vigilante groups have also been a major problem for the state security forces in Lagos and southeastern Nigeria. Claiming to provide law and order, the groups have used brutal and unconstitutional means to deal with suspected criminals. Some of these groups have been armed with automatic weapons, and have run organised crime networks of their own.” [42e]
- 11.03 An MRPA (Munich Personal RePEc Archive) paper of 7 October 2010 (and subsequently published in the *African Journal of Law and Criminology* on 1 February 2011), *The Dynamics of Gang Criminality and Corruption in Nigeria Universities*, recorded:
- “The perverse nature of gang culture in the universities has turned the institutions to breeding grounds of vices. Gang members from the universities are actively engaging in armed robbery, hired assassinations, kidnapping and the formation of fragments of resistance organisations to fighting government and private enterprises...university gang members have been recruited into both the insurgency and counter-insurgency groups in the Niger Delta causing havoc and distorting crude oil production; elsewhere in the country, university gangs regularly causes breach of peace, for instance in the northern part of Nigeria the gangs engage in religious violence by organising riots and the use of lethal force against persons that opposes their religious views.” [98] (page 8)
- 11.04 The Coventry Cathedral report of February 2009; *The Potential for Peace and Reconciliation in the Niger Delta*, provided background information:
- “Confraternities in Nigeria are associated with the concept of those which appeared in Europe as early as the eighth century. These confraternities initially engaged in charitable works, worship, and discipline, later extending their reach to political influence, education, and judicial discipline of members.
- “The Nigerian confraternities were not associated with the church and were more akin to the university fraternities and sororities at North American university campuses. Fraternities at Nigerian universities became violent in the 1970s and soon were feared by students and staff alike. Pseudo-confraternities or campus cult groups such as the Supreme Vikings, Black Axe, and the Klansmen Konfraternity were formed in the 1980s as tools of the Nigerian military and they in turn formed street cult groups. The latter control territory and certain illicit operations such as drug dealing within their territory.
- “With the support of political leadership some fraternity groups mutated into violent pressure groups which were used by politicians to secure electoral victories and in doing so have seriously hindered the growth of open democracy in Nigeria.” [36] (p10)
- 11.05 The same Coventry Cathedral report noted:

“Cult groups, gangs and militia often form alliances to conduct particular operations. The street cult group Dey Gbam (Dee Bam) often works with the NDPVF while the Icelanders/Germans and Dey Well (Dee Well) work with the NDV (NDVS). Gang membership provides a brotherhood (hence a 'fraternity'), and a sense of belonging reinforced by strong cohesiveness. Gang membership provides identity and status.

“The military era of General Babangida commencing in 1985 saw the recognition of the potential for gangs to be used as a political tool. Hence the explosion in campus groups which were funded and armed by politicians, security agencies and military leaders.

“In various states vigilante groups that were formed to fight against gangs have themselves become feared by the public and been used to intimidate political opponents of their patrons.

“While the leaders of the NDPVF and MEND firmly state that their respective organisations are not cult groups, from time to time street cult groups do co-ordinate with militia for specific operations. MEND and the NDPVF are the only two groups that could reasonably be considered to be militia groups.” [36] (p10 and 11)

- 11.06 The same Coventry Cathedral report, on the subject of women, added that: “Women are members of gangs and cult groups. The Black Braziers (Bra Bra), the Amazons, Daughters of Jezebel, the Viqueens, and the Damsel are some of the more prominent women's fraternities that display the characteristics of cult groups. Some female groups supply spies and prostitution services for male groups. Other females are also closely allied to male groups as girl friends and spouses of non-state combatants.” [36] (p258)

Further detailed information on the various gangs, cults, etc can be found via the following web links:

<http://www.coventrycathedral.org.uk/downloads/publications/35.pdf>

<http://www.hrw.org/en/node/62302/section/10>

<http://www.campuscults.net/cult-lists-origins--beliefs.html>

http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=4288

<http://www.globalsecurity.org/military/world/para/ijaw.htm>

http://www.newsfromafrica.org/newsfromafrica/articles/art_10372.html

www.irb-cisr.gc.ca/en/research/origin_e.htm

<http://www.unhcr.org/refworld/country,,QUERYRESPONSE,NGA,,440ed7342,0.html>

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12. JUDICIARY

ORGANISATION

- 12.01 With regard to the legal system, the United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:

“The regular court system consists of federal and state trial courts, state appeals courts, the Federal Court of Appeal and the Supreme Court. Military courts tried military personnel only. Shari’a and customary (traditional) courts of appeal function in 12 states that use Shari’a 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 in 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)

- 12.02 The USSD 2009 *Human Rights Report* also stated that:

“The constitution provides that states may establish courts based on common law or customary law systems. The law also provides that states may elect to use the Shari’a penal code in the courts. While Shari’a courts had been in operation throughout the north for centuries, in 2000 Shari’a courts were empowered to also hear criminal cases and pass sentences based on the Shari’a penal code, which outlines hadd offenses and punishments, including caning, death by stoning, and amputation. The nature of a case usually determined which court had jurisdiction. The return to the Shari’a courts stemmed at least in part from inefficiency and corruption in the regular court system. Defendants have the right to challenge the constitutionality of Shari’a criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The highest appellate court for Shari’a remained the Supreme Court, staffed by common law judges who were not required to have any formal training in the Shari’a penal code.” [3a] (Section 1e)

INDEPENDENCE

- 12.03 Regarding the independence of the judiciary, the USSD 2009 *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. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation. During the year Supreme Court judges called for a more independent judiciary.” [3a] (Section 1e)

- 12.04 The *Freedom in the World 2010 Report*, published by Freedom House on 3 May 2010, stated:

“The higher courts are relatively competent and independent, but they remain subject to political influence, corruption, and inefficiencies. Certain departments, particularly the Court of Appeals, have often overturned decisions on election challenges or allegations

of corruption against powerful elites, raising doubts about their independence. Former PDP Delta State governor James Ibori, a leading financier of President Umaru Yar'Adua's 2007 campaign, was indicted that year on over 140 counts of corruption, but his case continues to be postponed in the courts. British police, in collaboration with the EFCC, have requested the extradition of both Ibori and former Akwa Ibom State governor Victor Attah for trial on money laundering charges in Britain. However, in September 2009, Nigeria's Attorney General Michael Aondoakaa blocked the request." [30b]

FAIR TRIAL

12.05 As regards fair trials, the *USSD 2009 Human Rights Report* stated that:

"The constitution provides for public trials in the regular court system and individual rights in criminal and civil cases. The law does not provide for juries. A defendant is presumed innocent and has the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel, and have access to government-held evidence; however, these rights were not always respected. 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. Defendants have the right of appeal." [3a] (Section 1e)

CRIMINAL CODE

12.06 A copy of the Criminal Code can be found via the following link: <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>

SHARI'A LAW

12.07 The Human Rights Watch *World Report 2011* covering events in 2010, released in January 2011, noted that: "In northern Nigeria 12 state governments apply Sharia law as part of their criminal justice systems, which include sentences such as the death penalty, amputations, and floggings that amount to cruel, inhuman, and degrading punishment. Serious due process concerns also exist in Sharia proceedings, and evidentiary standards in the Sharia codes discriminate against women, particularly in adultery cases." [22a]

12.08 The *USSD International Religious Freedom Report 2010*, published 17 November 2010, noted:

"Twelve northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) maintained Shari'a courts, which adjudicated both criminal and civil matters, alongside common law and customary law courts. Many Christians alleged that having Shari'a courts amounted to the adoption of Islam as a state religion. In addition the Civil Liberties Organization, a prominent nongovernmental organization (NGO), contended that Zamfara State promoted Islam as a state religion through its establishment of a Commission for Religious Affairs." [3b] (section ii)

12.09 The same USSD report continued:

“While the constitution specifically recognized Shari'a courts for civil matters, it does not address the application of Shari'a to criminal matters. Aggrieved parties had the right to appeal judgments of Shari'a courts on three levels of Shari'a appellate courts. Cases that reach the Shari'a Court of Appeal (the highest level of the Shari'a courts) can theoretically be appealed to the Federal Court of Appeal and then to the Supreme Court. No case involving the Shari'a criminal code has reached the Federal Court of Appeal, however, and the court has not rendered a judgment on the issue of constitutionality of Shari'a court jurisdiction over criminal matters.” [3b](section ii)

12.10 The USSD 2009 *Human Rights Report* stated that:

“To date the only amputation sentence carried out involved a victim who refused to appeal his conviction.

“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. Courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, but the sentences 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. Shari'a courts usually carried out caning immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. Appeals often took months or years to decide.” [3a] (Section 1e)

12.11 The Global Campaign to Stop Killing and Stoning Women and the Women Living Under Muslim Laws report of 1 March 2010, *Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria*, observed:

“The present system of Shari'a in Nigeria has been described as ‘political Shari'a’ due to its concentration on hudud punishments. In each of the twelve northern states implementing Shari'a, the penal codes dictate fixed punishments for the hudud offenses of zina (including fornication, adultery, and same-sex sexual relations), rape, theft, robbery, drinking of alcohol, and apostasy. Other sanctions introduced by the expansion of Shari'a include retaliatory punishment (qisas) and monetary compensation for murder (diyeh). Harsh punishments for adultery were not the only method by which Nigerian authorities attempted to control women's sexuality, freedom of movement, and independence. Conservative interpretations of Muslim laws resulted in tightened restrictions on women's dress, transportation, and presence in the public sphere. In Zamfara, for example, women who wore the headscarf were barred from travelling on motorcycles behind men. In Gusau, a midnight curfew was imposed. A host of practices, with no legal basis at all, were implemented as part of a ‘sharianization’ program that sanctioned and encouraged both the growth and expression of extremely conservative interpretations of Muslim laws in northern Nigeria. Many of these practices are still enforced by extra legal groups of young men vigilantes, who take the law into their hands, with mixed reactions by the official state governments. It is important to note as well that conservative religiosity is not limited to Muslim communities. In the largely Christian southern areas of Nigeria, women have been attacked (sic) for wearing trousers and the ‘Indecent Dressing’ Bill was sponsored by a Christian woman

senator...Stoning is the prescribed punishment [for zina] for both married men and women in each of the twelve states' Shari'a Penal Codes." [82]

Also see [Death penalty](#)

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13. ARREST AND DETENTION – LEGAL RIGHTS

13.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“Police and security forces were empowered to arrest without warrant, based on reasonable suspicion that a person had committed an offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow suspects to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and denied access to counsel and family members. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. In many areas there was no functioning bail system, so suspects were incarcerated indefinitely in investigative detention within the prison system. Detainees often were kept incommunicado for long periods. Numerous detainees alleged that police demanded bribes before they were taken to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.” [3a] (Section 1d)

For information about the violations of arrest and detention rights committed by the security forces, see Security forces, [Arbitrary arrest and detention](#)

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14. PRISON CONDITIONS

14.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“Prison and detention conditions remained harsh and life threatening. Most of the country's 227 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. In 2007 the (United Nations (UN) special rapporteur on torture reported 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. On October 12 [2009], Jerry Manwe, the chairman of the House Committee on the Interior, made a surprise visit to the Kaduna State Prison, after which he called conditions 'deplorable' and criticized the lack of facilities. The deputy comptroller of prisons responded that the prisons lacked safe water, electricity, and basic infrastructure.” [3a] (Section 1c)

14.02 The USSD 2009 *Human Rights Report* continued:

“The country also operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees. Conditions in these facilities were no better than in the other prisons. Disease was pervasive in cramped, poorly ventilated prison facilities, and chronic shortages of medical supplies were reported. HIV/AIDS, malaria, and tuberculosis were of particular concern. 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. Many inmates lacked beds or mattresses, forcing them to sleep on concrete floors, often without blankets. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money.”
[3a] (Section 1c)

14.03 The USSD 2009 *Human Rights Report* also observed:

“The country's prisons held an estimated 42,000 inmates; reliable data was not available on the number of persons held in the 86 satellite facilities. Prisons held up to 250 percent of their designed capacity. For example, prisons in Lagos had a capacity of 2,905 prisoners but held more than 4,000. Makurdi prison in Benue state, with a capacity for 240 prisoners, housed 456, while Ado-Ekiti prison in Ekiti state, with a capacity for 200 prisoners, held 290 as of November [2009]. The federal prison in Enugu, built to house 400 inmates, held more than 1,000. There were approximately 630 female and 840 juvenile inmates in the country's prisons and detention facilities.”
[3a] (Section 1c)

14.04 On the subject of women and children in prison the USSD 2009 *Human Rights Report* stated:

“Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Although the law precludes the imprisonment of children, Justice Minister Aondoakaa acknowledged in 2008 the presence of more than 300 children in the country's prisons, many of whom had been born there. Despite a government order to identify and release such children and their mothers, the problem had not been solved by year's end. ...

In 2007 the UN special rapporteur on torture ... noted ... that conditions for female detainees were much better than those for males.” [3a] (Section 1c)

14.05 With regard to juveniles and people who required mental health care, the USSD 2009 *Human Rights Report* stated that: “In November 2008 the Committee for the Defense of Human Rights, a coalition of human rights organizations, reported the imprisonment of 97 juveniles with adults in Port Harcourt, Rivers state. Authorities had taken no action to remove juveniles from these prisons by year's end. Prisoners with mental disabilities were incarcerated with the general prison population, and no mental health care was provided.” [3a] (Section 1c)

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

14.06 The Amnesty International (AI) report *Nigeria - Prisoners' rights systematically flouted*, published in February 2008, stated that: “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 [Death Penalty](#)

14.07 The AI report also observed that:

“... the Prison Service ... provides ... prisoners [with] ... three meals a day. At the time of the Amnesty International visit, the prisons received NGN 150 a day per inmate for food. (p25) ... 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. Most Nigerian prisons do not uphold the right to health, even though bigger prisons do have medical facilities.” [12f] (p26)

14.08 As regards pretrial detention, the USSD 2009 *Human Rights Report* stated:

“Lengthy pretrial detention remained a serious problem ... detainees awaiting trial constituted 65 percent of the prison population, with some awaiting trial more than 10 years. At year's end there were 27,000 pretrial detainees in the country's prisons, who constituted 65 percent of the prison population. Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees were denied trials because police lacked vehicles to transport them to court on their trial dates. In Makurdi prison, where 78 percent of prisoners were awaiting trial, pretrial detainees held a protest in November because so many were unable to make their court dates due to lack of transportation. The NHRC [the Nigerian Human Rights Commission] reported that some detainees were held because authorities had lost their case files. Some state governments released inmates already detained for longer than the potential maximum sentence if they had been 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 approach impossible. Even detainees with legal representation often waited years to gain access to the courts. Since prison budgets did not allot funds for pretrial detainees, conditions were worse than those for convicted prisoners.” [3a] (Section 1d)

14.09 An article in the Nation of 21 December 2010, *Human rights abuses still in Nigeria*, observed:

“Seven of 10 inmates in prison were pre-trial detainees. Many have been held for years awaiting trial in appalling conditions. Few could afford a lawyer and the government-funded Legal Aid Council has fewer than 100 lawyers for the country. The Federal Ministry of Justice said it arranged lawyers to take up the cases of prisoners without legal representation. However, the impact of the scheme was not evident and prison overcrowding has not improved. The scheme did not address the causes of delays in the criminal justice system.” [11]

- 14.10 An article in *This Day* (via AllAfrica.com) of 16 September 2010, *Appalling Prison Conditions in Nigeria*, stated that the Controller-General of Nigeria Prison Services (NPS) had claimed that over 34,000 pre-trial detainees or Awaiting-Trial-Inmates (ATM) were "... being illegally detained in different prisons across the country. No fewer than 17,164 of the affected ATM ... had spent between 5 to 17 years in various prisons in the country without trial. The ... [problem was] attributed ... to slow judicial process and inefficiency of the police, worsened by poor infrastructure in the prisons. (sic)" [43a]
- 14.11 King's College London International Centre for Prison Studies, *World Prison Brief, Nigeria*, (last modified 17 June 2010) stated:

Country	NIGERIA
Ministry responsible	Ministry of Internal Affairs
Prison administration	Nigerian Prisons Service
Contact address	National Prisons Headquarters, PMB16, Old Federal Secretariat Block 6, Area 1, Garki, Abuja, Nigeria
Telephone/fax/website	tel: +234 9 234 1709 fax: +234 9 234 4634 Web: [http://www.prisons.gov.ng/index.php]
Head of prison administration (and title)	Olusola Adigun Ogundipe Comptroller-General of Prisons
Prison population total (including pre-trial detainees / remand prisoners)	46,000 at April 2010 (Minister of the Interior)
Prison population rate (per 100,000 of national population)	29 based on an estimated national population of 157.1 million at April 2010 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	65.2% (April 2010)
Female prisoners (percentage of prison population)	1.5% (31.1.2007)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	2.0% (31.1.2007)
Number of establishments / institutions	227 (2009 - also 86 satellite prisons and 11 farm centres)
Official capacity of prison system	47,815 (February 2009)
Occupancy level (based on	84.1%

official capacity)	(February 2009)		
Recent prison population trend (year, prison population total, prison population rate)	1992	47,508	(46)
	1996	55,000	(49)
	1999	44,797	(36)
	2002	40,048	(31)
	2005	39,006	(28)
	2008	40,240	(27)

[40]

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15. DEATH PENALTY

- 15.01 The Death Penalty Project website *Nigeria Country Profile* (undated but accessed 18 January 2011) noted:

“Nigeria retains the death penalty for ordinary crimes, including murder, armed robbery and culpable homicide. In 2007, Nigeria imposed at least 20 death sentences. In 2008, the number of death sentences imposed rose to over 40, and in 2009, this rose again to 58 death sentences. However, no executions were carried out in 2009. Nigeria voted against both the 2007 and 2008 UN General Assembly Resolutions on the adoption of a moratorium on the use of the death penalty. Although Nigeria has been a party to the International Convention on Civil and Political Rights (ICCPR) since 1993, it has neither signed nor ratified the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (1989).” [45]

- 15.02 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]

Please see link to the Criminal Code of Nigeria: <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>

15.03 The Amnesty International report, *Death Sentences and Executions in 2009*, released 30 March 2010, recorded that “... kidnapping was made a capital offence in six Nigerian states during 2009 – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo.” [12j]

15.04 A subsequent Amnesty International report of 22 April 2010, *Nigerian Governors ‘Threaten to Execute Inmates’ to Ease Prison Congestion*, stated:

“Amnesty International has condemned a reported move by Nigerian state governors to execute death row inmates to ease overcrowding and urged the authorities to instead address the underlying problems in the criminal justice system. According to media reports, [the] governor of the south-eastern state of Abia, announced this after a meeting of 36 state governors in the country’s capital Abuja. ... International law prohibits the use of the death penalty for crimes committed by people under the age of 18, yet in Nigeria juvenile offenders continue to be sentenced to death.

“While Nigeria did not adopt an official moratorium on executions, the Federal Minister of Foreign Affairs stated in February 2009 at the 4th Session of the United Nations Universal Periodic Review (UPR) that Nigeria has a ‘self imposed moratorium.’

“Any step by the Nigerian government, state or federal, to resume executing will be contrary to commitments made by Nigeria at international level.” [12i]

15.05 The *Hands Off Cain* website (accessed 18 January 2011) noted that: “On December 21st, 2010 Nigeria abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.” [41]

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16. POLITICAL AFFILIATION

Information about the [political system](#) generally, see the section of same name.

For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#).

FREEDOM OF POLITICAL EXPRESSION

16.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

“The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free

formation of political parties. There were 51 parties registered with the Independent National Electoral Commission (INEC) at year's end. (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. The government, however, abridged citizens' right to change their government during the 2007 national and state elections, which were conducted amid widespread fraud and numerous incidents of violence." [3a] (Section 3)

Political violence

- 16.02 An ActionAid report of 31 May 2010, *Electoral Violence in Nigeria: A Protection Model*, observed in its foreword:

"Observers of the Nigerian political terrain are, in the large majority, in agreement that acts of political violence remain major threats to the credibility of the Country's elections. History actually indicates that the issue of political violence is not new in Nigeria; being as old as democratic practice in the country. Such has been the case that the truncation of the first and second Republics by military coups was immediately preceded by electoral violence that arose from massively rigged elections." [86]

- 16.03 The same ActionAid report continued:

"In this context, various observers of past elections in Nigeria, especially the 2007 round of elections, have used the trend as a basis for raising well-founded fears regarding the possible negative effects of political violence on subsequent elections even though the incidence varies in intensity from one part of the country to the other. The summary however, is that the shortcomings that have either been ignored or which Nigerians as a people have refused to respond to, have today become major threats to elections and the electoral process." [86]

- 16.04 The Freedom House report, *Countries at the Crossroads 2010, Nigeria*, of 7 April 2010, noted that:

"Attacks on political opponents and peaceful activists have mainly been localized and have largely occurred in states where the courts invalidated 2007 election results. In early 2009, the Court of Appeal invalidated the gubernatorial election in Ekiti and called for fresh elections. It also ruled against the sitting governor in Ondo and in favor of the opposition candidate. These rulings triggered politically motivated attacks against members of opposing political parties, sometimes involving the Nigerian police." [30a]

- 16.05 An Amnesty International report of 18 March 2011, *Loss of Life, Insecurity and Impunity in the Run-Up to Nigeria's Elections*, noted:

"Over 50 people are reported killed in election related violence since July [2010] throughout Nigeria. Amnesty International has received numerous reports of politically motivated assassinations, threats and intimidation targeting political candidates and their supporters, clashes between armed supporters, and excessive use of force, including lethal force, by security forces in the run-up to the 2011 elections. Yet there have been no general countrywide anti-electoral violence campaigns, no public awareness programmes, and no adequate investigations, prosecution and conviction of those responsible. Perpetrators continue to torment political rivals with impunity." [12a]

FREEDOM OF ASSOCIATION AND ASSEMBLY

16.05 The USSD 2009 *Human Rights Report* stated that:

“The constitution and law provide for freedom of assembly; however, police prohibited any rally they deemed could result in violence, which effectively precluded antigovernment rallies. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

“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. Kaduna state continued to enforce a ban on processions, rallies, demonstrations, and meetings in public places on a case-by-case basis. The prohibition of all political, cultural, and religious meetings in Plateau state also continued on a case-by-case basis. In January [2009] the director general of the Kano Hisbah Board cancelled a planned protest by divorced women, citing concerns over security; he also characterized the idea of street protests as ‘un-Islamic’ and ‘morally wrong’.

“Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries...The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 51 parties registered with the Independent National Electoral Commission (INEC) at year's end.” [3a] (Section 2b)

16.06 Freedom House's 2010 *Freedom in the World* Country Report – Nigeria, published 12 January 2010, noted that: “Freedoms of assembly and association are generally respected in practice. However, protests are often suppressed by state and private security forces, especially demonstrations organized by youth groups or in the Niger Delta. Human rights groups report that dozens of secessionist activists have been killed in recent years and hundreds have been detained.” [30b]

See also [Political System](#)

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17. FREEDOM OF SPEECH AND MEDIA

For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with [Political affiliation](#) and [Human rights institutions, organisations and activists](#).

17.01 The Freedom House *Freedom of the Press 2010* report, published 1 October 2010, covering events in 2009, stated:

“Although the 1999 constitution guarantees freedom of expression and of the press, the state often uses arbitrary actions and extralegal measures to suppress political criticism, and a culture of impunity for crimes against journalists persists. Libel is a criminal offense, and the burden of proof rests with the defendant. Journalists face criminal prosecution for coverage of sensitive issues such as government corruption, separatist

movements, and communal violence. In addition, Sharia (Islamic law) statutes in 12 northern states impose severe penalties for alleged press offenses. In 2007, both houses of the National Assembly passed a long-awaited freedom of information bill - which among other provisions would criminalize the destruction or falsification of any official record by any officer, government administrator, or public institution - but then president Olusegun Obasanjo declined to sign it. In 2008, the resubmitted bill was rejected by a committee in the House of Representatives. Under the current legal framework, access to information remains restricted by laws like the 1962 Official Secrets Act and the Sedition Act. In a legal victory for journalists, an appellate court ruled in June 2009 that President Umaru Yar'Adua could not sue the private daily *Leadership* until his term ended; he had filed the case over a 2008 article about his poor health. The National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the broadcast code, and some analysts allege that these processes are opaque and politically biased. In May, the NBC suspended the license of a radio station in southwest Nigeria, Adaba 88.5 FM, for two weeks after it failed to pay a fine of 500,000 naira (US\$3,350) for violations of the broadcast code. The station had been providing commentaries on regional political issues.” [30d]

- 17.02 The British Broadcasting Corporation’s (BBC) *Country Profile of Nigeria*, last updated 30 November 2010, noted:

“Nigeria's media scene is one of the most vibrant in Africa. State radio and TV have near-national coverage and operate at federal and regional levels. All 36 states run their own radios, and most of them operate TV stations. Radio is a key source of information. International broadcasters, including the BBC, are popular. However, rebroadcasts of foreign radios are banned. Private radio and TV stations have been licensed, and there is substantial take-up of pay TV. Private TVs in particular are dogged by high costs and scarce advertising revenues. Moreover, legislation requires that locally-made material must comprise 60% of output. Viewing is concentrated in urban areas. There are more than 100 national and local press titles, some of them state-owned. They include well-respected dailies, tabloids and publications which champion ethnic interests. The lively private press often criticises the government ... By June 2009, 11 million Nigerians were online.” [8c]

- 17.03 The Human Rights Watch *World Report 2011*, section on Nigeria, published 24 January 2011, noted that:

“Civil society and the independent press openly criticize the government and its policies, allowing for robust public debate. Yet journalists are subject to intimidation and violence when reporting on issues implicating the political and economic elite. Edo Ugbagwu, a journalist with *The Nation*, one of Nigeria's largest newspapers, was gunned down at his Lagos home in April. In Jos two journalists with a local Christian newspaper were killed in sectarian clashes in April, while a Muslim journalist from Radio Nigeria was badly beaten in March, in an attack the journalist said was incited by a state government official.” [22a]

- 17.04 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010* report, published 15 February 2011, observed that “Nigerians at home and abroad increasingly went online for news and information, visiting social networking sites such as Nigerian Village Square and news sites such as the U.S.-based *Sahara Reporters*. Professional journalists told CPJ they often leaked sensitive information to *Sahara Reporters* that they could not publish in Nigeria.” [99]

JOURNALISTS

- 17.05 A Reporters Without Borders report of 11 January 2011, *US-Nigerian journalist arrested at Lagos airport, passports confiscated for two days*, observed:

“Reporters Without Borders recorded at least 40 press freedom violations in Nigeria in 2010. Four journalists were murdered during the year, two of them while doing their jobs. The country, one of Africa’s most lethal for journalists, and where the safety of members of the media is a source of permanent concern, is ranked 145th out of 178, in the organisation’s 2010 world press freedom index.

“The State Security Service appeared for the last several years on Reporters Without Borders’ list of press freedom predators, before being replaced in 2010, by Ogbonna Onovo, inspector general of police.” [13]

- 17.06 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010 report*, published 15 February 2011, referred to

“... two journalists murdered, another assaulted in ethnic violence” and “7 Journalists kidnapped in restive southern region. All are freed.” The same CPJ report noted that “Journalists worked amid unpredictable and deadly violence... Impunity in anti-press violence was a particular concern for journalists. CPJ research shows that convictions have been won in only one journalist murder case out of eight documented by the organization since it began collecting detailed death records in 1992.” [99]

Corruption

- 17.07 The Committee to Protect Journalists (CPJ) *Attacks on the Press 2010 report*, published 15 February 2011, stated:

“The reliance of needy journalists on financial support from influential public figures--commonly referred to as ‘money bags’--undermined the independence of the press and accounted for low quality in news and information. Some journalists openly drew salaries from both news outlets and politicians. Veteran journalist Lanre Idowu noted the conflict while commenting on the February gubernatorial elections in Anambra state. ‘Media access remains largely determined by the size of the candidates’ purse and not the richness of their ideas,’ Idowu wrote in a column in the private daily *Next*. ‘There has not been any robust interrogation of the candidates’ positions on issues in a meaningful context to ensure that the agenda presented to the public is useful.’” [99]

- 17.08 An article of 1 September 2010 in the online publication *Next*, *IBB, Sahara Reporters and the press*, observed:

“...too many things are taken for granted in Nigerian journalism so that the strange has become the accepted. Many journalists see nothing wrong in accepting money to publish stories...the result is a pattern of tainted reporting far from the envisaged professionally processed news served to the public...Too many are in journalism with a poorly developed notion of personal, professional and organisational responsibility, which leaves them with exaggerated expectations of their privileged access, and results in unethical conduct.” [78c]

17.09 In a 2010 paper referring to challenges facing the media in Nigeria written by two Nigerian journalists and published by the Reuters Institute, it was stated that:

“In Nigeria, the duty of media as the conscience of the society is challenged economically. Remuneration is still poor and in some instances journalists work for months without pay. This leads to a situation where seasoned journalists sometimes jettison the practice for employment as Public Relations officers in banks, oil companies and other private sector firms. Others take jobs as aides to politicians or remain in practice but write at the dictate of the politicians for compensations of varying kind.” [102]

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18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

For a fuller appreciation of freedom of expression, users are recommended to read this section in conjunction with [Political affiliation](#) and [Freedom of speech and media](#)

18.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 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 were sometimes cooperative and responsive to their views.

“Numerous domestic and international NGOs [Non-Governmental Organisations] were active. Significant domestic NGOs included the Civil Society Legislative Advocacy Center Nigeria, the Alliance for Credible Elections, the Center for Law Enforcement Education, the Committee for the Defense of Human Rights, the Kudirat Initiative for Democracy, Project Alert, the 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 tangible results came from such meetings. International NGOs, including AI, Global Rights, and Human Rights Watch, as well as the UN special rapporteur on torture, actively addressed human rights issues in the country during the year.” [3a] (Section 4)

18.02 The USSD 2009 *Human Rights Report* stated that:

“The NHRC [Nigeria Human Rights Commission], which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. Since its inception the NHRC's operations were limited by insufficient funding. The commission also lacked an independent budget or judicial authority and could only make nonbinding recommendations to the government. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. In March [2009] the government removed the effective and outspoken NHRC executive secretary two years into her five-year term, replacing her with a former justice ministry official. This followed the replacement of her also

outspoken predecessor after one year of his five-year term. The president is empowered by law to remove the executive secretary if the public is not being well served, although critics noted that the former executive secretaries were strong human rights advocates. In June the new NHRC leadership visited the UN Human Rights Council in Geneva to submit the country's four-year (2009-13) action plan to promote and protect human rights. While ambitious in scope, the plan did not identify resources, timelines, or strategies to achieve results." [3a] (Section 4)

- 18.03 An April 2010 report of an international fact finding mission conducted by the World Organisation Against Torture and the International Federation for Human Rights, *Nigeria: Defending Human Rights: Not Everywhere Not Every Right*, observed in the summary of its key findings:

"Since the end of the military rule in 1999, the human rights situation in Nigeria has improved significantly. This has resulted in a more favourable environment for human rights activities and many human rights defenders feel they can now work relatively freely. However, this is particularly true for mainstream organisations working in major cities. Human rights defenders working in certain regions of the country or on certain human rights issues continue to face serious challenges.

"In the Niger Delta, the heavy militarisation particularly affects the work of human rights defenders, and there are frequent instances of attacks and intimidation.

"Some issues like corruption, good governance and impunity are also particularly sensitive, and human rights defenders, including media practitioners, may face retaliation for their work documenting and denouncing abuses.

"Working on gender and women's rights is particularly challenging in the northern part of the country, in the States where Sharia law is enforced.

"Defenders working on discrimination against lesbian, gay, bisexual and transgender (LGBT) people face specific risks throughout the country and often fear for their security.

"Furthermore, despite improvements since the military rule ended, the legislative framework remains insufficient to ensure adequate protection to the work of human rights defenders. The Government seems to be willing to reinforce domestic human rights mechanisms by, for example, introducing human rights desks in some police stations. However, it has at the same time undermined the independence and effectiveness of its National Human Rights Commission. The Government has also failed to amend existing legislation and pass new legislation that would facilitate the work of human rights defenders, including in particular a law guaranteeing access to information." [39c]

Please see the United Nations directory of NGOs operating in Nigeria for further information about human rights institutions and organisations:

<http://www.un.org/africa/osaa/ngodirectory/index.htm>

Another useful source is the Directory of Development Organisations - Directory of NGOs, civil society organisations, and academic and research institutions.

<http://www.devdir.org/>

Also, see [Freedom of speech and media](#)

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19. CORRUPTION

- 19.01 The Freedom House *Countries at the Crossroads 2010 report for Nigeria*, published 7 April 2010, noted:

“Corruption remains a persistent and systemic problem in Nigeria. Oil earnings account for the vast majority of federal revenues, providing politicians with resources for patronage and stunting other sectors of the economy. In addition, because the major political parties generally limit the number of terms that state and federal lawmakers serve, legislators are less able to accumulate the experience necessary to question the executive branch or to develop an institutional culture of integrity.

“Where progress has been made against corruption, it is attributable to vigilant media that regularly expose public wrongdoing, and to the growth of civil society watchdog organizations. The National Assembly also plays a constructive role at times... the failure to enact a freedom of information bill means that Nigeria has no comprehensive legal framework to promote transparency... Still, transparency by itself has so far had little dissuasive effect on the willingness of high officials to engage in corruption. Whistleblowers have virtually no legal protection, though they would gain some recourse if the freedom of information bill were passed.” [30a]

- 19.02 The Human Rights Watch *World Report 2011* covering the events of 2010, published January 2011, stated:

“Nigeria made limited progress with its anti-corruption campaign in 2010. The national Economic and Financial Crimes Commission (EFCC) indicted more than a dozen politicians and senior government officials on corruption charges, including a former federal government minister, a former state governor, and a handful of state officials. However, the EFCC failed to indict other senior politicians implicated in the massive looting of the state treasury, including former Rivers State governor Peter Odili.

“Key convictions included that of a powerful banker, sentenced to six months in prison in October, and a former head of the national anti-drug agency, sentenced to four years in prison in April for taking bribes from a criminal suspect, the longest sentence handed down to a government official to date. Meanwhile, the governing elite continues to squander and siphon off the country's tremendous oil wealth, leaving poverty, malnutrition, and mortality rates among the world's highest.

“Targeted attacks against anti-corruption officials increased significantly in 2010. Gunmen in three separate incidents shot and killed anti-corruption personnel, including the head of the forensic unit and a former senior investigator. Still, Nuhu Ribadu, the former EFCC head, returned to Nigeria in June, after fleeing the country in 2009 following what he believed to be an assassination attempt.” [22a]

- 19.03 The Freedom House *Freedom in the World report 2010*, published 3 May 2010, noted:

“Corruption remains pervasive despite government efforts to improve transparency and reduce graft. In a watershed case, former PDP deputy chairman Olabode George was

sentenced in October 2009 to over two years in prison for graft dating to his tenure as head of the Port Authority. Also in 2009, U.S. oil-services firm Halliburton admitted distributing over \$180 million in kickbacks to Nigerian officials to secure more than \$6 billion in contracts. Seven former governors were charged with corruption in 2007 on orders from the Economic and Financial Crimes Commission (EFCC), the country's main anticorruption agency, but EFCC chairman Nuhu Ribadu was removed from his post in 2008 and fled the country following attempts on his life. The commission's current chairwoman, Farida Waziri, often faces politically motivated meddling in EFCC cases." [30b]

- 19.04 In its *2010 Corruption Perceptions Index* (CPI), released 2010, Transparency International ranked Nigeria 134th in the world in a list of 180 countries, giving it a CPI score of 2.4. (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]

Also see sub-section on [Corruption of Journalists](#)

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20. FREEDOM OF RELIGION

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 the section on [Ethnic groups](#).

- 20.01 The United States State Department *2010 International Religious Freedom Report, Nigeria*, published 17 November 2010, (*USSD 2010 Report on Religious Freedom*) stated in its introductory section that:

"The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice 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 (Islamic law) courts to adjudicate criminal and civil matters for Muslims and customary law courts to adjudicate cases involving non-Muslims.

"The government generally respected religious freedom in practice, although some local political actors stoked sectarian violence with impunity. The government often invoked religious sensitivity as a reason for caution in taking a stance on international issues with religious implications.

"Violence, tension, and hostility between Christians and Muslims increased, particularly in the Middle Belt, exacerbated by indigene/settler laws, discriminatory employment practices, and resource competition." [3b]

- 20.02 The United States Commission *International Religious Freedom Report 2010* (USCIRF Report 2010), released on 29 April 2010, observed:

"The government of Nigeria continues to respond inadequately and ineffectively to recurrent communal and sectarian violence. Religion is a driving force in the violence, as a precipitating factor or proxy for political or social issues. Years of inaction by

Nigeria's federal, state and local governments has created a climate of impunity, resulting in thousands of deaths. Other religious freedom concerns in Nigeria include the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims. Based on these concerns, USCIRF recommends in 2010, for the second year, that Nigeria be designated as a 'country of particular concern,' or CPC. Prior to the 2009 CPC recommendation, Nigeria had been on USCIRF's Watch List since 2002." [60] (p80)

RELIGIOUS DEMOGRAPHY

20.03 The USSD 2010 *Report on Religious Freedom* stated:

"While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent practitioners of indigenous religious beliefs, it is generally assumed that the numbers of Muslims and Christians are approximately equal.

"The predominant sect of Islam is Sunni; however, there is a small but growing Shi'a minority. Christians include Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a rapidly growing number of nontraditional evangelical and Pentecostal Christians. There are also adherents 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. Significant Christian communities have resided and intermarried with Muslims in the North for more than 50 years. Both Muslims and Christians reside in approximately equal numbers in the Middle Belt, including the Federal Capital Territory (FCT), and also in the Southwest, where the Yoruba ethnic group predominates. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southeastern ethnic groups are predominantly Christian. In the Southeast, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists are the majority, although many Igbos continue to observe traditional rites like marriage rites, ceremonies, and culture in tandem with Christianity. In the Niger Delta region, where the Ogoni and Ijaw ethnic groups are most numerous, Christians are the majority and only an estimated 1 percent is Muslim. Pentecostal Christianity is also growing rapidly in the South. Members of the Ahmadiyya movement maintain a small presence in Lagos and Abuja." [3b] (section 1)

LEGAL RIGHTS

20.04 The United States State Department (USSD) *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated:

"The constitution prohibits state and local governments from 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 in 12 northern states to fund construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for pilgrimages to Mecca amounted to the effective adoption of Islam as a state religion. Moreover, the NGO [Non-Governmental Organisation] Civil Liberties Organization contended that establishment of a Ministry of Religious Affairs

and creation of a preacher's council in Zamfara state amounted to adopting Islam as a state religion. However, several states, including northern ones, apportioned funds to finance Christian pilgrimages to Jerusalem, the Sinai, and Rome and to construct churches.” [3a]

GOVERNMENT RESTRICTIONS

20.05 The USSD 2009 Human Rights Report:

“Although the government generally did not restrict distribution of religious publications, it sporadically enforced a prohibition 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 separation of the sexes in public schools, health-care facilities, and public transport services, affected non-Muslim minorities in the north.

“Four states with expanded Shari'a laws (Zamfara, Niger, Kaduna, and Kano) authorized enforcement by private groups known as the Hisbah, funded by state governments. In some cases, these groups had authority to make arrests, but they primarily served as traffic wardens and regulated commercial market activity.

“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. Despite the prohibition, alcohol remained available in Kano at some hotels and restaurants and in Sabon Gari, where a majority of non-Muslims lived. During the year the governor and state Hisbah restricted importation of alcohol into Sabon Gari by establishing checkpoints and impounding vehicles carrying alcohol.

“Hisbah leaders in Kano cited prohibitions of alcohol and prostitution as their primary focus. In April [2009] the director general of the Kano Hisbah Board threatened to enter Sabon Gari to confiscate alcohol and crack down on prostitution if the hoteliers did not comply with an agreement to clean up ‘beer spots and brothels.’ At year's end hotels in Kano continued to serve alcohol.” [3a] (Section 2c)

20.06 The USSD 2010 Report on Religious Freedom stated:

“The law required Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission (CAC). In some northern states, state-level authorities reportedly denied building permits for construction of Christian churches and for expansion and renovation of existing ones. Churches at times have applied for residential permits as an alternative. Officials closed or demolished churches and mosques that ignored registration requirements or violated other zoning laws.” [3b] (section II)

SECTARIAN VIOLENCE

20.07 The USSD 2010 Report on Religious Freedom stated:

“Violence between Christian and Muslim communities increased in several regions due to political and socioeconomic conflicts. Acute communal violence in the Middle Belt heightened tensions between religious groups even in areas that did not experience the violence.

“Religious differences often paralleled and exacerbated differences among ethnic group. In the Middle Belt, identity is simultaneously molded along both ethnic and religious lines. Competition for scarce resources, in concert with livelihood differences and discriminatory employment practices, often underlay the violence. Local politicians and others continued to use religion on occasion to spur hostility among groups.” [3b] (section III)

20.08 A Human Rights Watch (HRW) report of 27 January 2011. *Nigeria: New Wave of Violence Leaves 200 Dead*, observed:

“Plateau State is in an area of central Nigeria known as the Middle Belt that divides the predominately Muslim north from the largely Christian south. Local political elites have long battled for power and control of limited resources and have stoked religious tensions to those ends. Widespread poverty and unemployment, fueled by endemic government corruption and mismanagement, have created an explosive social mix as competition intensifies for scarce opportunities to secure government jobs, education, and political patronage.

“These tensions have been exacerbated by state and local government policies that discriminate against members of ethnic groups classified as ‘non-indigene’ - those who cannot trace their ancestry to what are said to be the original inhabitants of an area. Non-indigenes, in Plateau State and elsewhere, are openly denied the right to compete for state and local government jobs and are subject to discriminatory admissions policies at state-run universities, denying them important avenues of socio-economic mobility. Discriminatory government policies have effectively relegated thousands of Plateau State residents to permanent second-class status.

“Religious and ethnic identity often overlap in Nigeria. The main actors in the deadly struggle for power and resources in Jos have been the Hausa-Fulani and the Berom ethnic groups. The Hausa-Fulani, the vast majority Muslim, are the largest ethnic group in northern Nigeria. They are classified as non-indigenes in Jos, though many are from families that have been there for several generations. The Berom, predominately Christian, along with the Anaguta and Afizere ethnic groups, are designated indigenes.” [22b]

20.09 The USCIRF *Report 2010* observed that:

“Since 1999, a disturbingly large number of Nigerians—12,000, if not more—have been killed in attacks and reprisals between Muslims and Christians. This trend continues... instilling a sense of fear within Northern and Central Nigerian communities. The government of Nigeria has done little, if anything, to address sectarian and communal violence, making no serious effort to investigate or prosecute the perpetrators of the numerous killings and other crimes. Government leaders have failed to heed warning signs of violence, and the federal police have failed to respond effectively and appropriately—or even at all—when violence has erupted. The national legislature has exercised no discernible oversight over either the Ministry of Justice or the National Human Rights Commission to ensure adequate investigation and resolution of religious

violence and intolerance. The Human Rights Commission, both by design and in effect, lacks the independence and resources to address these issues.

“Religion is a driving force in the sectarian violence, as a precipitating factor or a proxy for political or social issues. This, combined with the Nigerian government's toleration of criminal acts, has created a permissive environment for continued sectarian and communal violence, leading to a culture of impunity. The culture of impunity must be broken by the top levels of Nigerian government, including the highest ranking state and federal officials.” [60] (p57)

- 20.10 An AllAfrica article of 14 March 2010, *Nigeria: Critical Time for Nigeria's Future*, by the Professor of History at the State University of New York, Jean Herskovits, observed:

“... the cycle of killing in Jos. Its underlying causes are economic and political, not religious or ethnic ... [The] ... rapid southern advance of the Sahara Desert and the shrinkage of Lake Chad in the last 30 years have increased pressure on the grazing lands that are key to the lives of nomads in northern Nigeria. Most of the country's cattle are found there. ... Competition for land is heightened, but seldom does it descend into Jos-scale violence.

“The pernicious concept of ‘indigenes’ of a state (or city or town) makes matters worse. There are indigenes, while others are ‘settlers’ who can be excluded from school or land ownership or from holding government positions, even if they have lived in the same area for generations and are, often, successful traders. Politicians exploit this, and then, using religion, stoke anger further. Many Muslim Nigerians, condemning all the killings without exception, note the difference in international reaction to the recent deaths when the victims were Christian Berom and those in January when they were Muslim Hausa and Fulani. They say that only Human Rights Watch has given equal coverage, with equal condemnation.” [67c]

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21. ETHNIC GROUPS

- 21.01 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 the section on religious groups above.
- 21.02 On the above point, the United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 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 6)
- 21.03 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 widely practiced by members of all ethnic groups and was evident in private-sector hiring patterns and the effective ethnic segregation of urban

neighborhoods. A long history of tension existed between some ethnic groups.” [3a]
(Section 6)

21.04 According to the Maps of World website, undated, accessed 18 January 2011:

“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]

DISCRIMINATION

21.05 USSD 2009 *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. Ethnic groups of the Niger Delta continued their calls for senior representation on petroleum agencies and committees and within 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 were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

“All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their area, occasionally compelling individuals to return to a region where their ethnic group originated but to which they had no personal ties. The government sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destroying their homes. Those who chose to stay sometimes

experienced further 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 nonindigenous, claimed to face significant discrimination from the local government in scholarships and government representation.

“Ethnic groups claimed economic exploitation, environmental destruction, and government indifference to their problems in the oil-producing Niger Delta region. Incidents of ethnic conflict and confrontation with government officials and forces continued in the delta area.” [3a] (Section 5)

- 21.06 The Freedom House *Countries at the Crossroads 2010, Nigeria* report, published 7 April 2010, observed:

“Ethnic discrimination remains pervasive. Though Nigerians are free to re-side in any part of the country, those who live in an area dominated by another ethnic group frequently suffer discrimination. State and local governments classify such persons as foreigners or ‘non-indigenes’ to exclude them from a host of material benefits to which they are entitled as Nigerian citizens. Such discrimination reflects a widespread belief that the state and local governments exist to serve only the interests of the indigenous population. Non-indigenes are charged higher school fees and have limited ability to compete for government contracts, obtain civil service positions, or secure pensions. Those non-indigenes who are hired by state or local governments are often unable to contest unfair layoffs. Non-indigenes are also likely to face discrimination when competing for federal level positions on the grounds that they are reserved for the local indigenes. The 1999 constitution calls for the federal government, its agencies, and its policies to reflect the ‘federal character’ of Nigeria so as to promote national unity and prevent the dominance of particular ethnic or other groups. This balancing effort is monitored and enforced by the Federal Character Commission, also provided for in the constitution. Despite its intentions, the federal character system often has the effect of subordinating national citizenship to ethnic identity, and spurring ethnic tensions as different groups compete for resources.” [30a]

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22. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

Readers are advised to read [Women](#) in considering the position of lesbians and bisexual women in Nigeria.

LEGAL RIGHTS

- 22.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) noted that:

“Homosexual activity is illegal under federal law, and 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 activity may be subject to execution by stoning, although no such sentences have been imposed.

“Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. The NGOs [Non-Governmental Organisations] Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness.” [3a] (Section 5)

22.02 The International Lesbian and Gay Association report, *State sponsored Homophobia, A world survey of laws prohibiting same-sex activities by consenting adults*, dated May 2010, (ILGA Report 2010), 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). [23a] 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)

22.03 The ILGA *Report 2010* 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.’” [23a]

22.04 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 adopted such laws are:

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

See also [Sharia law](#)

- 22.05 The International Gay and Lesbian Human Rights Commission (IGLHRC) report, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, published 15 February 2011, provided a summary of the legal position in the country:

“Under Section 214 of Nigeria’s Criminal Code Act, any person who ‘has carnal knowledge of any person against the order of nature’ may be imprisoned for up to fourteen years – and under Section 215, anyone who attempts to do so may find themselves imprisoned for up to seven years. Section 217 criminalizes an even broader category of ‘gross indecency’ between males, punishing offenders with up to three years in prison.

“While these laws are silent on female homosexuality, they still serve to police same-sex activity between women and stifle lesbian and bisexual organizing. Moreover, the laws of Nigeria are not the only means of controlling sexuality, and lesbian and bisexual women must also deal with customary and religious laws that dictate and limit their behavior. In those northern states which have adopted Sharia, both male and female homosexuality have been outlawed, with death as the maximum penalty for male homosexuality and whipping or imprisonment as the maximum penalty for female homosexuality.” [88] (pages 46 and 47)

- 22.06 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)

- 22.07 A *Behind the Mask* news report of 11 May 2010, *Speculation mounts as Nigeria mourns Yar’Adua’s Death*, recorded:

“As Nigeria grieves the death of President Umaru Musa Yar’Adua, speculations are mounting about the fate of the pending Same Gender Marriage Prohibition Bill which seeks to outlaw same sex marriages, introduced under the leadership of former President Olusegun Obasanjo in 2006. While Yar’Adua would be remembered for setting standards that distinguished him as a good man and a servant-leader, who meant well for his people and his country, under his leadership the Same Gender Prohibition Bill was passed by the House of representatives in 2009 and he never publicly condemned this law which also prohibits the mere witnessing of same sex marriages.

“The Bill would still need to be approved by the Senate before it could become law but Yar’Adua’s government kept mum about it while gay rights activists were optimistic that pressure from both local and international institutions could stop the Bill from being passed into law.

“The Bill was first approved by the Federal Executive Council in January 2007 and was temporarily halted because of the 2007 elections that saw Yar’Adua coming to power. It was later revisited in January 2009, and speculation is that the bill is most likely to be revisited soon, because of pressure from religious leaders who have been vocal in support of the bill.” [73b]

[As at 15 February 2011, no information can be found that the Same Gender Marriage Prohibition Bill has become law]

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

22.08 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]

22.09 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)

22.10 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)

- 22.11 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]
- 22.12 *Global Gayz* referred to an online article of 24 June 2009 wherein it was reported that “... three homosexuals were arrested today by the Edo State police command in Benin City. They were paraded like common criminals and displayed on television. The command Public Relations officer has said they would be charged to court as homosexuality is a criminal offence in Nigeria.” [74]
- 22.13 The 2009 USSD *Human Rights Report* recorded that:
- “No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.
- “As of year's end, the trial of 18 men, originally charged in September 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. Five defendants were able to pay bail, set at 20,000 naira (\$133), and were released; the remaining 13 defendants remained in jail.” [3a]
- 22.14 An article in *The Guardian* of 25 May 2010, *African Statesman condemns homosexuality as an ‘abomination’, set out the views of former president Olesegun Obasanjo*:
- “[He] indicated his support for the sentencing last week of a gay couple in Malawi to 14 years in prison with hard labour, insisting that countries have the right to enforce their own laws... ‘I believe that God who created man, male and female, is a wise God, is to me a God who doesn't make a mistake,’ he said. ‘If he wants sexual relationship between man and man, and between woman and woman, God will not have created them male and female. For me it is an abomination in my part of the world and if anybody practices it then he must be unbiblical, and anything that is unbiblical for me as a Christian is not right.’” [63b]
- 22.15 The same *Guardian* article continued:
- “Obasanjo, whose human rights record was questioned during his two separate spells as president of Nigeria, denied that consenting adults have a right to privacy in their

own homes. 'What is the privacy of your home? Why don't you take an animal and say look, the privacy of your home, you want to make love to a horse? Bestiality. You say that is right? No. 'If the privacy of your home means a socially condemnable act, then you have no privacy. You have done what you should not do and if the law says you should be punished for it, whether you do it in public or the privacy of your home, you have breached the law and you must be punished, according to the law.'" [63b]

- 22.16 An article of 12 January 2011 on the African Veil website noted that the National Gay Forum in Nigeria had endorsed the presidential candidate Atiku Abibakar. The same article continued: "A spokesperson for the Atiku Abubakar Campaign Organisation reacting to the group's endorsement said, 'Honestly, we don't want to get involved in this kind of story. However, we believe that lesbianism and sodomy are unlawful acts in this country, so we are surprised that law and order have so broken down in this country that gays will organise freely, address the press and the police did not arrest them.'" [50]

SOCIETAL TREATMENT AND ATTITUDES

- 22.17 A World Pulse article of 11 February 2010, *Homosexuality in Nigeria – Go online if you're glad to be gay*, noted:

"Many Nigerians strongly disapprove of homosexuality. The dominant role of religion is widely seen as the root of the country's homophobic culture. Punishing gays is one of the few common themes that politicians can promote with equal zest in the mainly Christian south and the largely Muslim north. Under federal law sodomy is punishable by a 14-year jail sentence. An even more stringent bill to ban gay-rights groups and homosexual displays of affection is also under consideration." [85]

- 22.18 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]

- 22.19 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)

22.20 A *Pink News* article of 16 February 2009 stated 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."

22.21 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]

22.22 An article in the *Nigerian Observer* of 31 December 2010, *Community in Abia Moves against Homosexuality*, recorded:

"The Ebem Ohafia community in Ohafia Council Area of Abia has placed a total ban on homosexuality warning that those involved will be ostracised, no matter their status. This was one of the resolutions made in Ohafia in Abia by the generality of the people, who had gathered at their 'Abum' village square to celebrate their 2010 Cultural Carnival...The traditional ruler of the community,...after getting the reaction of the crowd, announced that the community would stone to death any confirmed homosexual in Ebem." [59]

22.23 A *World Pulse* article of 11 February 2010, *Homosexuality in Nigeria – Go online if you're glad to be gay*, noted:

"The founder of House of Rainbow, Rowland Jide Macaulay, a gay Nigerian pastor, knows all about anti-gay intimidation. Two years after he set up his church in Lagos in 2006, the project was brought to a halt. Members of his congregation had been beaten and sometimes raped as they left Sunday services in order—said their assailants—to 'correct their sexuality'. After receiving death threats Mr Macaulay fled to Britain, from where he now preaches via YouTube." [85]

- 22.24 The International Gay and Lesbian Human Rights Commission (IGLHRC) report of 15 February 2011, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, noted that:

“Extortion and blackmail are fundamental realities of homosexual life in Nigeria... Generally, extortion and blackmail is especially common in the male homosexual community. This is because homosexual men in Nigeria more publicly transgress gender norms, especially the belief that men should be dominant over submissive women. By rejecting the privilege enjoyed by heterosexual men, homosexual men represent a visible threat to patriarchal values and the sexual ideologies they support.

“While lesbianism is more tolerated than male homosexuality, a significant number of Nigerian lesbians and bisexual women are also targets of extortion and blackmail. Like their male counterparts, they also break the rules of their patriarchal community. They tend to be independent of men and therefore step outside of the boundaries of their traditional roles. Extortion and blackmail become weapons of choice for those who police female homosexuality, and are routinely used to punish and silence lesbians and bisexual women who transgress the social order.” [88] (page 47)

- 22.25 In an article dated August 2010 in 234Next titled *Gay pride march: Is Lagos ready?*, the author, Bayo Oluphunda, considered the possibility of LGBT pride march in Lagos and the position of the LGBT ‘community’ in Lagos. He observed:

“Will the growing groups of gays and lesbians in this city emerge from their closets to assert their freedom to associate and confront societal discrimination and the law that frown on their sexual choices and orientation... the growing but largely amorphous clan of lesbians and gays (LG) community in Lagos who are having a difficult time dealing with the negative public perception of their sexual choices considered as taboo or perverted... Will Lagos['] LGBT [persons] confront the law and damned the shame once and for all? I have often imagined gays and lesbians taking to Lagos streets... Since gay pride is just like any other public march or protest, the organisers would have to seek a police permit. If they decide to go ahead without a permit, then they will have to contend with the brutality of the Nigerian Police since there is existing law against same sex relationship. But it would also be interesting to see the members of this group come out to identify themselves openly for the first time after years of forced hibernation. I am sure Lagosians would be in for a surprise at the sheer strength and the influence of its members. But the L and G group in Lagos will, apart from worrying about the police, also have to contend with the hostility of anti-gay pride protesters who will quickly regroup to confront the L and G community.” [78b]

- 22.26 In the same article, Mr Oluphunda, described how he had observed in the weeks prior to writing the article a lesbian and a gay couple who had “made out” in public space (a beach and a bar respectively). [78b]

LGBT GROUPS

- 22.27 The 2009 USSD Human Rights Report recorded that: “The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness.” [3a] (section 6)

- 22.28 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) noted the existence of the organisation, Queer Alliance Nigeria, in its directory. The organisation is devoted to LGBTI rights, Lagos-based and has existed since August 2008. [23b]
- 22.29 The online publication LGBT Asylum News of 28 November 2010 noted that "... ten non-governmental organisations (NGOs) have openly declared the protection of LGBTI rights as one of their focus areas of work. These include Alliance Rights Nigeria, the International Centre for Reproductive Health and Sexual Rights (INCREASE), the Centre for Youth Policy Research and Advocacy (CYPRAD) and the Support Project in Nigeria (SPIN), The Initiative for Equal Rights (TIER), Queer Alliance and Global Rights Nigeria." [100]
- 22.30 The International Gay and Lesbian Human Rights Commission (IGLHRC) report of 15 February 2011, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, noted that:
- "Few of the lesbian and bisexual women interviewed for this project were familiar with non-governmental organizations like the International Centre for Reproductive Health and Sexual Rights (INCREASE), Alliance Rights Nigeria (ARN), House of Rainbow Metropolitan Community Church, and Sexual Minorities Against AIDS in Nigeria (SMAAN). All of these organizations cater to the needs of the LGBT community in Nigeria, and attempt to address the persecution and violence they face." [88]
- 22.31 Spartacus International Gay Guide 2009 noted that Nigeria's largest city, Lagos, had a number of gay bars, and mixed dance clubs and fitness studios where gay people could meet. The guide noted that "Lagos is probably the most vibrant city in Sub-Saharan Africa (outside of South Africa). The new democratic government has brought about a revival of life in Lagos with bars and clubs ..." [89]
- 22.32 The website NigeriaFilms.com, in December 2009, noted the existence of lesbians in Lagos clubs and conducted an online debate about such. [62]
- 22.33 In spite of societal discrimination against the LGBT community (described in this section), there was some source material indicating that the internet was being used to facilitate social contact. A Nigerian gay dating website (gay-datanta.com) operated openly and included photographs of men on its site. [90] Another source, a World Pulse article of 11 February 2010, Homosexuality in Nigeria – Go online if you're glad to be gay, noted that a group of 50-or-more gay Nigerian Christians were using the internet "... for an online Bible study class." The article continued, noting that: "This is the only way we can worship because of the stigma,' ... The reason for the secrecy is that the participants, ranging from students to married men, are gay. To go to a mainstream church in Nigeria would risk beatings or even a forced exorcism. So hundreds are turning to House of Rainbow, Nigeria's only gay-friendly church, which is flourishing online after almost meeting a violent end two years ago." [85]

See Behind the Mask and GlobalGayz websites for further information and news stories on the LGBT community in the country

<http://www.mask.org.za/category/africa-by-country/nigeria/>

<http://www.globalgayz.com/country/Nigeria/NGA>

23. DISABILITY

23.01 The United States State Department *country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:

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

“Persons with disabilities faced social stigma, exploitation, and discrimination, and they were often regarded by their families as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. 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 other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs [Non-Governmental Organisations], 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 6)

23.02 The Freedom House *2010 Countries at the Crossroads, Nigeria Report*, published 7 April 2010, noted that:

“Nigeria signed the UN Convention on the Rights of Persons with Disabilities in 2007 but has not yet ratified it. Disabled people continue to face stigmatization in society, with social and economic barriers forcing many to resort to begging. While state governments such as the Lagos State government have made a concerted effort to empower the disabled by allocating funds to organizations devoted to disabled advocacy and assistance, the challenges facing disabled people remain substantial.⁴⁴ In March 2009, the Senate passed the Discrimination against Persons with Disabilities (Prohibition) Bill, which bans discrimination against the disabled, establishes a requirement that public organizations provide access into their buildings, and imposes fines for violations of the law. It is currently awaiting approval by the House.” [30a]

24. WOMEN

For information about girls see the section [Children](#).

OVERVIEW

24.01 The Freedom House *Countries at the Crossroads 2010*, published 7 April 2010, stated:

“While women's rights are enshrined in the constitution, women continue to face violence and substantial barriers to gaining political power. Although many states have passed laws against domestic violence, spousal abuse is still relatively common in rural areas. Female genital mutilation remains widespread, occurring in nearly every state, according to recent statistics. Sharia, in place in a dozen northern states, is often used to discriminate against women, especially in cases of adultery, where the rules of evidence differ depending on the sex of the accused. Both Sharia-based statutes and customary law favor men over women with respect to property rights. Under customary law, all marital property belongs to the man as the head of the household. Therefore, in cases of divorce, the customary court normally awards all the marital property to the husband, leaving the wife with nothing. Women's access to direct political power has improved but remains limited.” [30a]

24.02 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)

24.03 The same document noted a number of areas of concern:

“... [the CEDAW] has yet to be fully domesticated 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 [Children](#), and information on trafficked women see [Trafficking](#).

LEGAL RIGHTS

- 24.04 The constitution provides for equality, prohibits discrimination based on sex, however the government did not enforce the law effectively (USSD 2009 *Human Rights Report*) [3a] (Section 5)
- 24.05 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.

“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)

24.06 An *Inter Press News Agency* article of 28 November 2009, *Rights: Nigeria Failing to End Discrimination Against Women*, observed:

“Nigeria ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) in 1985 without reservations. But few of its citizens have ever heard of the document. Day-to-day life for women in Nigeria is shaped less by international conventions than it is by the diverse cultures, traditions and religions found in the country... ’(Even) if CEDAW is accepted and implemented at the federal level in Nigeria, it will certainly face opposition in the states, due to some provisions (which challenge) religious and cultural values. But the focus should be on how to deal with such opposition’, says Fatima Kwaku. Kwaku was an active member of the CEDAW monitoring committee from 2001 to 2004 and has remained involved in holding government accountable. Herself a Muslim, and a barrister, she knew the opposition that the Convention would face on issues like marriage. She stresses that CEDAW must be advocated with great care, so that people get the correct message and the intended changes in women’s status are acceptable amongst the people at the grassroots levels. This, she said, calls for the document and new laws passed to implement to be framed in such a way as to avoid unnecessary hostility from religious or other cultural forces without sacrificing their empowering content... while the Convention might be well-suited to fighting discrimination against women on the global scale, its implementation was destined to be awkward in local situations, such as in Kano where...the Hausa community – including... its ‘naturally reserved women’ - view with suspicion. ‘Imagine Hausa women discussing about reproductive health or family planning issues when they are being oriented by NGOs. A woman hardly discusses her reproductive health with even her husband.’

“For CEDAW to take root in Nigeria, state and federal governments must show political will and commitment through allocating financial and human resources across sectors. CEDAW must also be seen as a social responsibility for all, rather than the governments alone.” [69c]

POLITICAL RIGHTS

72 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

- 24.07 The Central Intelligence Agency (CIA) *World Factbook*, last updated 24 January 2011, confirmed universal suffrage from the age of 18. [52] The Inter Parliamentary Union's database (accessed 31 January 2011) 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]
- 24.08 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)

- 24.09 An *Inter Press News Agency* article of 10 March 2010, *Politics-Nigeria: In the Shadows of Men: Women's Political Marginalisation*, stated that:

"Ten years after Nigeria returned to civil rule women still play second fiddle in the male-dominated politics of Africa's most populous nation ... there are currently 26 women in parliament.

"Social, cultural and religious factors are largely responsible for the marginalisation of women in politics in Nigeria, particularly in the Muslim-dominated part of the country where politics is seen as men's exclusive preserve.

"Nigerian politics is capital intensive as it requires spending large amounts of money to organise and mobilise support to win an election. In Nigeria, female candidates rarely receive sponsorship from donors. Women in Nigeria are not as economically empowered as men. In most communities women are economically dependent on their husbands who control family income. Even where women are allowed to engage in money-making ventures, their husbands control the purse ... a politician in northern Nigeria's Kano city, said women's weak economic base contributes to their political domination by men.

"Women in Nigeria have far less money than men and even in politics there is a wide economic disparity between women and men, which gives men competitive political advantage over women because they are the ones with money to throw around and win votes', [she] said. Those among us that aspire to political office need the financial support of men who usually prefer supporting their fellow men due to prevalent male chauvinism that runs through the veins of our men', she said.

"Politicking is time-consuming with politicians travelling far and wide and often staying overnight in hotels far from their homes during political rallies. Such political rallies are often rowdy and at times violent with political thugs taking centre-stage, hurling insults and brandishing assortments of locally made weapons. Given such scenarios, women politicians are generally seen as promiscuous in a society that believes that women's role should be confined to domestic management." [69b]

SOCIAL AND ECONOMIC RIGHTS

- 24.10 The World Economic Forum Global Gender Gap Report (GGGR) 2010 noted that in percentage terms labour force participation in 2010 was 45% for women against 85% for men. The same GGGR noted that the literacy rate was 49% for women against 72% for men. Enrolment for secondary education was listed at 22% for women against 29% for men; and enrolment for tertiary education was listed at 8% for women against 12% for men. The ratio of women in parliament was at 7% to men at 93%; and women in ministerial positions amounted to 10% for women and 90% for men. [103] (pages 236 and 237)
- 24.11 The United Nations International Children's Emergency Fund (UNICEF) State of the World Children's Report 2011 noted from statistics on women gathered from 2005 to 2009 that 39% of women had a skilled birth attendant and 35% had an institutional delivery. And in terms of antenatal care coverage for women over the same period, 58% were seen at least once and 45% at least four times. [19h] (page 118)
- 24.12 The Freedom House *Freedom in the World 2010* report, published 3 May 2010, noted that: "Nigerian women face societal discrimination, although their educational opportunities have improved and several key governmental positions are held by women. Women in some ethnic groups are denied equal rights to inherit property, and spousal rape is not considered a crime." [30b]
- 24.13 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) stated that:
- "Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. No laws barred women from owning land, but some customary land tenure systems allowed only men to own land, and women could gain access to land only through marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all 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)

24.14 The same USSD report stated that:

"Women also experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO Coalition expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. According to credible reports, many businesses operated with a 'get pregnant, get fired' policy. Women remained underrepresented in the formal sector but played active and vital roles in the country's informal economy. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work. According to the UNDP's [United Nations Development Programme] 2007-08 Human Development Report, women earned only 40 percent of what men earned and often found it difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households. Unmarried women, in particular, endured many forms of discrimination." [3a] (Section 5)

Marriage

24.15 EveryCulture.com, in a section on marriage in its undated profile of the country accessed 18 March 2011, noted:

"There are three types of marriage in Nigeria today: religious marriage, civil marriage, and traditional marriage. A Nigerian couple may decide to take part in one or all of these marriages. Religious marriages, usually Christian or Muslim, are conducted according to the norms of the respective religious teachings and take place in a church or a mosque. Christian males are allowed only one wife, while Muslim men can take up to four wives. Civil official weddings take place in a government registry office. Men are allowed only one wife under a civil wedding, regardless of religion. Traditional marriages usually are held at the wife's house and are performed according to the customs of the ethnic group involved. Most ethnic groups traditionally allow more than one wife." [104]

24.16 The Social Institutions and Gender Index (SIGI) undated profile for Nigeria, accessed 18 March 2011, stated:

"There are three forms of marriage in the country: monogamous marriage registered under the civil marriage law, customary marriage, and Islamic marriage. In southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, depending on the region; in the north it ranges from 12 to 15 years. In some regions, customary law allows girls to marry from the age of only nine years; such marriages are banned in two states, but remain common overall. The incidence of early marriage is high in Nigeria ..." [68]

24.17 An IRIN article of 26 November 2008, *Nigeria: Early marriage adds to socioeconomic woes, NGOs say*, stated:

"In northern Nigeria it is estimated that more than half of girls are married before age 15, according to Mohammed Aliyu Mashi, head of the General Improvement in Persons

Initiative (GIOPINI), a Kano-based NGO that has researched early marriage in the north. NGOs and residents of the north say long-held cultural values - and poverty - dictate the futures of most young girls ... Attempts to bar early marriage have come under severe criticism from Islamic clerics, parents and state parliamentarians in northern Nigeria, who say it contravenes cultural and religious norms of the region's people." [21b]

- 24.18 The law in the country is contained in the provisions of the Marriage Act, the Marriage (Validation) Act and the Matrimonial Causes Act. <http://www.nigeria-law.org/Marriage%20Act.htm>; [http://www.nigeria-law.org/Marriages%20\(Validation\)%20Act.htm](http://www.nigeria-law.org/Marriages%20(Validation)%20Act.htm); and <http://www.nigeria-law.org/Matrimonial%20Causes%20Act.htm> Section 34 of the Marriage Act (Chapter 218) 1990, notes that: "All marriages celebrated under this Act shall be good and valid in law to all intents and purposes." Section 33(2)(c) of the Marriage Act records that: "A marriage shall be null and void if both parties knowingly and willfully acquiesce in its celebration... without a registrar's certificate of notice or licence..."
- 24.19 In an email from the British High Commission in Abuja to UKBA of 1 December 2008 it was stated that: "... Although proxy marriages are not recognised under Nigerian civil law, they are allowed under customary law." [2a]
- 24.20 An undated BAOBAB Women's Human Rights document, *Women's Access to Justice and Personal Security in Nigeria: A Synthesis Report*, stated:

"In principle, statutory law takes precedence over all other forms of law. However, there is an area where statutory law is most frequently not followed and that is personal law...It is often argued that a marriage under the [Marriage] Act takes precedence over any other subsisting or subsequent form of marriage ... in terms of personal laws (marriage, divorce, child custody and guardianship, inheritance etc) it is various customary laws and Muslim law that govern the lives of the huge majority of women, rather than statutory law." [27b]

- 24.21 The United States State Department Reciprocity Schedule, in an undated section on marriage certificates in the country, recorded that: "... both parties to the marriage technically must be physically present at the same location with witnesses to sign certain marriage documents, proxy marriages have ceased to be valid but still occur." [3e]
- 24.22 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 [Women's Aid Collective], 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)

See <http://www.wacolnigeria.org/> for further information on this NGO

- 24.23 An article in the *Daily Champion* of 9 April 2010, *Nigeria: Ugly Sides of Forced, Early Marriages*, recorded:

“Forced and early marriages are interwoven because both entrap young girls in relationships that deprive them of their basic human rights. Though, different reasons abound for entrants into early marriages as in the long run, the persons involved see themselves as being forced into it, because, sometimes, it is not consented and they end up being victims of early and forced marriages. In other words, a forced marriage is the union of a man with woman but with at least one of them not given their full and free consent to the marriage. ...

“To families living in poverty or economic instability, a daughter may be seen as an ‘economic burden’, who must be married as soon as possible to take financial strain off the family. To another, it could be used as settling a debt, or to strengthen family or caste status through social alliances.

“Evidences (sic) have shown that fears about sexual activity before marriage, or of rumours about such activity ruining a daughter's opportunity to marry willingly, also fuel early and forced marriages. In many cultures, a family's honour depends on a girl's virginity. So, a girl sometimes may get married soon after her first menstruation so as to ‘protect’ her virginity.” [67a]

- 24.24 An article in the British Broadcasting Corporation (BBC) News of 22 October 2010, *Nigeria court rejects ‘forced marriage’ case*, noted: “A Nigerian high court has dismissed a case brought by a 26-year-old woman who says her father forced her to marry a senator. The judge said her human rights had not been violated and it was a matrimonial matter for an Islamic court ...” [8y]

Divorce

Divorce for Christians

- 24.25 A Canada Immigration and Refugee Board (CIRB) Response to Information Request (RIR) of 21 March 2006, *Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family*, noted:

“... in Christian marriages, either spouse may seek a divorce... However, divorce may only be sought on the grounds of infidelity.

“Under Civil Law

“For Christian marriages that have taken place under civil law, the 1970 *Matrimonial Causes Act* governs divorce... According to this *Act*, both the man and the woman have the legal right to seek divorce, if the ‘marriage has broken down irretrievably’... The

spouse petitioning for a divorce must satisfy the court that the marriage has broken down irretrievably as a result of one or more of the following:

“(a) that the respondent has wilfully and persistently refused to consummate the marriage;

“(b) that since the marriage the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

“(c) that since the marriage the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;

“(d) that the respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of the petition;

“(e) that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent does not object to a decree being granted;

“(f) that the parties to the marriage have lived apart for a continuous period of at least three years immediately preceding the presentation of the petition;

“(g) that the other party to the marriage has, for a period of not less than one year failed to comply with a decree or restitution of conjugal rights made under this Act;

“(h) that the other party to the marriage has been absent from the petitioner for such time and in such circumstances as to provide reasonable grounds for presuming that he or she is dead.

“According to ... Executive Director of BAOBAB for Women's Human Rights, grounds for divorce under civil law also include the ‘commission of rape, sodomy or bestiality’. ... information obtained from the British High Commission in Nigeria, related that under customary law, both parties are also able to seek a divorce, and that a marriage can be dissolved for any reason... Citing a law professor from the University of Arizona who is a native Nigerian, the Centre for Reproductive Rights indicated that customary law courts, however, will consider ‘adultery; cruelty; desertion; and impotence, sterility, or the presence of any reproductive health problem’ as grounds for divorce.

“The high court in any Nigerian state, with the exception of Imo, has jurisdiction over the dissolution of marriages that have taken place under civil law. In Imo state, the Magistrate's Court has jurisdiction. In ... correspondence, the Executive Director of BAOBAB for Women's Human Rights noted that filing a divorce petition is the procedure by which Christians in Nigeria obtain a civil divorce. The Executive Director further indicated that ‘no proceedings for divorce may be instituted within two years of a marriage without leave of court’.

“A civil divorce is final once the high court granting the divorce issues a ‘Decree Absolute’... Other documents issued prior to the ‘Decree Absolute’, which mark the divorce process but do not indicate a final divorce, include the ‘Enrolment of Order’, the ‘Decree Nisi’ [a separation agreement which presumes that the couple can still reconcile, and the ‘Certificate of Decree Nisi’.

“Under Customary Law

“A Christian marriage under customary law is dissolved ‘non-judicially’ by the customary court in the area where the marriage occurred. The customary courts provide a divorce certificate to render the divorce final. In Imo state, it is the Chief Magistrate's Court that issues divorce decrees.

“According to the Executive Director of BAOBAB for Women's Human Rights, customary law marriages are dissolved through the ‘unilateral action of a spouse’, where the divorce is deemed final upon the return of the ‘bride price’. The Executive Director noted that this method of dissolving a marriage is, in some parts of Nigeria, ‘conferred only on the husband’.

“Among the Igbo, the dissolution of a marriage under customary law may involve negotiating and mediating between the families in an attempt to salvage the marriage. If this process fails, then the ‘bride price’ is returned and the marriage is considered dissolved.” [38k]

Divorce for Muslims

24.26 An Inter Press Service News Agency article of 20 August 2009, *Divorce a Tool To Relegate Women*, stated:

“Under Muslim law, a woman can also seek for divorce. The woman can ask for ‘redemption’ from her marriage, get her freedom if she feels that the marriage is no longer working for various reasons. It could be on the ground of battery, domestic violence. It could also be on the ground of the sexual state of the husband. But what we find in Nigeria is that any time a woman attempts to seek for divorce using this method - especially in Kano because the judges that are there are also patriarchal in their thinking - they make the process difficult for a woman to achieve.” [69e]

24.27 A Canada Immigration and Refugee Board (CIRB) Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practice among Muslims, including grounds, procedures, length of process, property disposition, child custody and consequences for the woman and her family (March 2006)*, noted:

“Under Islamic law, divorce is ‘frowned upon’, but is permitted if the marriage is unsalvageable... In Nigeria, only Islamic courts have jurisdiction in cases of the dissolution of marriages that have taken place under Islamic law... a woman can enter conditions into the marriage contract, which allow her to seek divorce from her husband should he fail to meet certain conditions. Regardless of the conditions entered into the marriage contract, however, the woman maintains the legal right to seek a divorce from her husband if he is physically or mentally cruel towards her ... or ‘maltreats’ her, if he deserts her ... or is ‘missing’ ... if he no longer has conjugal relations with her ..., if he fails to provide maintenance (i.e., to provide the woman with clothes, food, and shelter among other needs) ... or if he suffers from an ‘intolerable disease’. ...The wife can also seek a divorce if the marriage is between unequal partners, the husband is unable to fulfill his marital obligations, the husband accuses his wife of being unchaste, the husband does not treat his wives equally in a situation where he has more than one wife [under Islamic law, a man can have up to four wives] ... or the woman, forced to marry as a minor, objects to the marriage..

“Divorce is relatively easy to obtain for both men and women among the Fulani; however, it is more common for men to initiate divorce ... According to BAOBAB for

Women's Human Rights, Muslim women in northern Nigeria rarely leave or divorce their husbands. According to correspondence ...from a Master of Law (LL. M) candidate of Nigerian origin at the University of Arizona 'there [are not many] divorce cases in Nigeria because of the deep rooted culture ... most women will remain in an unhappy marriage in the interest of their children and fear of the society's ridicule.'

"A 2005 report on Islamic marriages among the Hausa-Fulani in Northern Nigeria noted that some husbands 'misuse' the divorce clause under Shari'a law...For instance, some wives are divorced by their husbands for not cooking or completing household chores, or are abandoned because they are no longer attractive to their husbands.

"If the woman initiates the divorce, the bridewealth [bride price], paid by the husband at the time of the marriage, must be returned and the amount is usually decided by the courts .

"Following the divorce of a Muslim couple, the woman must complete a period of retreat, or *idda* [also spelled *iddah* ...[A] source indicated that this period of retreat lasts approximately forty days... while another source noted that it could last as long as three months ... The purpose of the *idda* is to be certain that the woman 'does not remarry before it is established beyond reasonable doubt that she is not pregnant with the previous husband's child'. During this period of retreat, the husband must continue to maintain the woman. If the woman is pregnant, the husband must continue to support her throughout the pregnancy. If the husband should die during this period, the woman maintains her inheritance rights as his widow.

"One divorce process that is occasionally used by husbands within the Muslim Hausa community is *saki uku*, where the husband pronounces the divorce three times. This process 'make[s] reconciliation impossible and the divorce irrevocable'. *Saki uku* is disapproved of as it deprives the woman of her divorce entitlements, such as child custody and the right to maintenance during the period of retreat." [381]

Inheritance

24.28 A Canada Immigration and Refugee Board Response to Information Request of 28 August 2000, *Nigeria: Rights of widows to inherit property in a civil marriage where there was neither will nor children; inheritor of the property upon her death*, noted:

"Two sources stated in separate telephone interviews, on 22 and 23 August 2000, that Nigerian law provides for a widow of a civil marriage to be entitled to the couple's property upon the death of her husband. However, both stated that the Nigerian reality is different and that this right of the widow will often be ignored, or challenged, by the family of her dead husband. The sources are the principal consultant with Alart Consultancy in Toronto, who is a political scientist by training and a specialist on Nigeria, and an Associate Professor of Anthropology at Franklin & Marshall College in Lancaster, Pennsylvania. Her research interests are: symbolic and historical anthropology; cosmology, gender, and space; Igbo ethnography; West Africa.

"Both sources stated that the law on civil marriages is modelled on British law and that it is clear from this law that inheritance is to be shared by the widow and the children. The associate professor said that the husband's family will often demand a hearing before a traditional court, a regular court, or both. Despite the clarity of the marriage laws, the rights of the widow are often not upheld in regular courts and 'almost never' in traditional

courts. The common view in Nigeria is that the family members are more closely related to the deceased by reason of blood, than is the widow. Particularly in cases where there are no children, the family will often suspect the widow had been involved in the husband's death. The associate professor described the family as a 'corporate group' that is very large and with varying degrees of links to the deceased. She said that if the man died without the couple having had children, it would be much more likely that the family would challenge the widow's inheritance rights. She added that a widow rarely inherits and that many women have fought for their rights in court, but with inconsistent results. In rural settings, widows are at a particular disadvantage where the husband's family is much more likely to go directly to traditional courts, which 'always rule against widows.' In an urban setting the regular courts may rule in her favour, but the widow will then often face the obstacles of getting the property back from the family. For instance, family members may have moved into the home, or taken the car, or cleaned out the family bank account. The associate professor said that a woman may sometimes demand a levirate marriage in order to ensure that she has access to her inheritance.

"This same example was used by the principal consultant. She said that if a man dies intestate then the property is commonly divided amongst his family and that the widow's needs are generally not taken into account. As such, if a widow wants to ensure her financial security then she will marry into the family again. The principal consultant said that the law is one thing, but general practice is another. Challenges can be taken to court, both legal and customary, but the woman has to be quite strong to be able to handle the pressures a challenge would bring on. The law provides that when a marriage takes place under statutory (civil law), the legal courts have precedence over the traditional courts. However, despite this, the deceased's family will often take their claims to traditional courts...In Nigeria there are three recognised inheritance laws. According to statutory law a wife inherits half of the whole estate if there are no children, while under Islamic law the widow will get only one quarter of her husband's estate, but customary law says that a wife cannot inherit but can stay in her husband's family by agreeing to be inherited by one of his kinsmen. Courts have expressed the view that there is nothing wrong with the custom...Customs are far more influential than modern law, and in all the ethnic groups, matrilineal as well as patrilineal, widows are deprived of inheritance rights...Whatever the modern law may say on paper, a widows' rights are, in general, completely ignored by the deceased husband's relatives who regard his estate as their birthright. Very rarely does a widow attempt to claim her rights in court...The few husbands who make wills usually do not make much provision for their widows; if they do, the wills are normally ignored by the in-laws, resulting in the widow receiving nothing." [38m]

Child custody

24.29 A Canada Immigration and Refugee Board Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family (February 2006)* noted:

"... information obtained from the Visa Section of the British High Commission in Nigeria, noted that the woman usually maintains custody of the children in cases, generally speaking, of divorce between Christians. However, the father may fight for custody of his children through family courts, although this is rarely done. Children born outside of the marriage remain in their mother's care.

“Pertaining to the dissolution of a civil law marriage, the mother usually maintains custody of her children; however, a father may fight for custody by going to court. Custody disputes are decided under the 1970 *Matrimonial Causes Act*, which determines spousal and child maintenance based on the ‘means, earning capacity and conduct’ of both parties to the marriage, and ‘all other relevant circumstances’ (Nigeria 1970, Part IV 70 (1)). According to one source, the age of the children also affects the court’s rulings: custody of older children is reportedly more likely to be granted to the father, while custody of younger children is more likely to be given to the mother. In cases where maternal custody is granted, the man must pay for the maintenance of his children until they reach the age of 21 years.

“According to the British High Commission in Nigeria, in cases of divorce under customary law, the father retains custody of the children should he wish to, yet such instances are rare and the responsibility for the children rests with the mother and her family...BAOBAB confirmed that customary laws favour the father and added that custody is usually granted to men in cases where children are over the age of seven, whether or not the father is in a position to care for the children. According to BAOBAB, ‘a woman could try a claim of custody in a court in the event of divorce. This is in general very difficult as the child, according to customary law, belongs to the father’s family or lineage. Divorced women, who find themselves in a weak family position, will also find it very hard to return to their home village. In such circumstances the children often stay with their father.’” [38k]

- 24.30 A Canada Immigration and Refugee Board Response to Information Request of 21 March 2006, *Nigeria: Divorce law and practice among Muslims, including grounds, procedures, length of process, property disposition, child custody and consequences for the woman and her family (March 2006)*, noted:

“Following the dissolution of civil, customary, and Islamic marriages, decisions with respect to child custody lawsuits are reportedly based on the 1970 Nigeria *Matrimonial Causes Act*. This *Act* ‘directs that the interests of the child shall be paramount’.

“In an interview with *Human Rights Dialogue*, Ayesha Imam of BAOBAB for Women’s Human Rights stated in that Nigeria’s Shari’a Courts had been recognizing divorced women’s rights to child custody, as well as possession of property belonging to their children.

“According to Islamic law, child custody belongs to the woman but is subject to her physical and mental capacity to care for the children. If she is unable care for her children, then custody rights are transferred to one of her female relatives. Generally, daughters remain with the mother until they are married, while sons remain with the mother until they reach puberty. Although the former husband must bear the costs of maintaining the children following the divorce, he is granted custody only as ‘the very last resort’.

“Citing information from J.O. Debo Akande’s 1979 report, *Law and the Status of Women in Nigeria*, an Emory Law School report indicated that, among the Hausa, a divorced woman maintains custody of children only until they reach the age of seven (Emory Law School 2002). Among the Fulani, it is the husband who decides who will have custody of the children following a divorce, according to a 2002 publication on Islamic Family Law (*Islamic Family Law in a Changing World* 2002, 291)... information obtained from the Visa Section of the British High Commission ... stated that, following a divorce,

children remain with the father if that is his wish. The woman may contest this arrangement through the court, but this is rarely done and she is unlikely to be successful.

“However, the report further cited information obtained from BAOBAB for Women's Human Rights, indicating that, following a divorce, child custody belongs to the mother, or a female relative of the mother if she is unable to care for the children. Any child born outside of the marriage remains in the custody of the mother.

“BAOBAB for Women's Human Rights also noted that it is possible for a mother to lose custody of her children following a divorce if she lives more than 48 kilometres away from the father's residence, if she is seen to be living an 'immoral' life, or if she neglects the child.” [38]

VIOLENCE AGAINST WOMEN

24.31 The Amnesty International *World Report 2010*, published 28 May 2010, stated that:

“Violence against women remained pervasive, including domestic violence, rape and other forms of sexual violence by state officials and private individuals. The authorities consistently failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity. While some states in Nigeria have adopted state legislation to protect women from discrimination and violence, the UN Women's Convention had yet to be implemented at federal and state level almost 25 years after its ratification.” [12e]

24.32 The Social Institutions and Gender Index (SIGI) profile for Nigeria (undated but accessed 1 February 2011) noted that: “Women's physical integrity is not sufficiently protected in Nigeria. Only one Nigerian state has a law in place to address violence against women, and the country's Penal Code grants husbands permission to beat their wives, provided the violence does not result in serious injury. Domestic violence is common, particularly in polygamous families, and affects one-fifth of couples.” [68]

24.33 The Nigeria CEDAW Committee on the Elimination of all Forms of Discrimination Against Women) *NGO Coalition Shadow Report*, published in July 2008, noted that “Four Nigerian states namely Ebonyi, Jigawa, Cross Rivers and Lagos states have enacted domestic violence laws.” [31]

24.34 According to Nigeria's [Federal Ministry of Health] *Demographic and Health Survey [November] 2008 (NDHS)*, of 21,468 women surveyed about domestic violence, 28 per cent reported experiencing physical violence since the age of 15 years; 15 per cent had experienced violence within the previous twelve months. However, the NDHS report also stated that collecting information about domestic violence “... is challenging because many women may not disclose their experiences out of shame or fear”. The report further states that interviewers were provided training on gender-based violence to help them collect survey information. [9] (p 261, 262)

24.35 The Institute for Policy Studies project Foreign Policy in Focus, in a report of 1 December 2010, *Assessing Women's Rights in Nigeria*, recorded:

“The protocol [The Protocol to the Africa Charter on Human and Peoples' Rights on the Rights of Women in Africa] guarantees women freedom from violence. In reality, there is

a prevalence of violence against women in our society. Violence takes several forms, including domestic violence, early and forced marriages, female genital mutilation, widow torture and inheritance related violence. There are also direct forms of violence against women in Nigeria. For instance, in discussing the impact of the activities of militias, cults and security forces on women in the Niger Delta, [the author] states, ‘... When a culture of armed gang violence takes root in a society that does not recognise and respect women’s rights, the result is a higher level of gender-based violence against women. In this case, the proliferation of guns in the Niger Delta has increased the risk that girls and women will be targets of sexual assault.’ In another section of the same article, [it was] stated that, ‘The consequence has been disastrous, as women have suffered massive massacre, rape, sexual abuse, social psychological trauma ... aggravated poverty, unemployment, hunger, anger, low self esteem, bitterness, frustration, desperation, fear, tension and more conflicts.’

“Some violence is performed by law enforcement agents. This can be direct or indirect. Direct assault by security officers is becoming prevalent. For instance, a case was brought before the Gwagwalada High Court in Abuja in which a police man raped two girls. In the Odioma community of Brass Local Government in the Niger Delta, Amnesty International reported a case where a rape victim described how she was raped alongside her mother by security officers. Two-months pregnant at the time, she lost her baby.” [64]

24.36 The United Nations Human Rights Council noted in a report entitled *Report of the Special Rapporteur on violence against women, its causes and consequences*, published on 23 April 2010, that the United Nations Special Rapporteur noted a case where a Nigerian women had been gang raped (she subsequently died from her injuries) for ‘dressing inappropriately’ in khaki trousers. The Special Rapporteur noted what “... some perceive as a pattern of increasing vigilante action enforcing vague notions of feminine decency and appropriate dress codes, which encourage various forms and manifestations of discrimination and violence against women, and foster a climate of impunity.” [97]

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

“About one-third of ... woman in Nigeria 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.” [31]

24.38 The same CEDAW report noted:

84 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

“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).” [31]

24.39 The same CEDAW report recorded:

“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]

24.40 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]

Rape and sexual abuse

24.41 The *USSD 2009 Human Rights Report* stated:

“The law criminalizes rape and provides penalties of 10 years' to life imprisonment as well as fines of 200,000 naira (approximately \$1,330) for those convicted of rape, but societal pressure 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 issued a report criticizing the judicial system

for a conviction rate of only 10 percent of the total number of rape prosecutions.” [3a] (section5)

- 24.42 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]

- 24.43 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]

- 24.44 The Human Rights Watch report of August 2010, *Everyone’s in on the Game’- Corruption and Human Rights Abuse by the Nigeria Police Force*, stated:

“The police sometimes use the threat of rape and other forms of sexual assault as a means to extort money from women stopped at checkpoints, accosted by the police in public places, or detained in police custody. In some cases, women are told they have the ‘option’ of providing sex in lieu of payment. In a number of cases documented by Human Rights Watch and Nigerian human rights groups, police officers carried out their threats and subjected their victims to rape and other forms sexual assault, particularly when women who had been detained refused to pay all or part of the demanded sum. Although human rights groups have documented numerous cases of sexual assault, the police officers who commit these crimes are rarely held accountable. ...

“Human Rights Watch interviewed seven female sex workers in Lagos who described being frequently subjected to police raids and threats of sexual assault or rape by police officers. Sex workers may be particularly vulnerable because the police can detain them under the pretext of cracking down on prostitution, which is illegal in Nigeria. The police’s actions appear to have little to do with enforcing the law, however; sex workers are rarely charged with prostitution offenses.” [22c]

- 24.45 An Open Society Justice Initiative report of May 2010, *Criminal Force: Torture, Abuse and Extrajudicial Killings by the Nigeria Police Force*, recorded:

“Rape and sexual abuse—especially of female suspects and detainees—is a routine but unspoken aspect of policing in Nigeria. The report of the second Presidential Committee on Police Reform in 2008 acknowledged rape to be one of the ‘forms police brutality’ committed by personnel of the NPF [Nigeria Police Force] ... In Nigeria, victims of rape have few incentives to report the crime. They face social and cultural pressures to refrain from bringing shame to their families by going on record with their ordeal. The police lack both the skills and sensitivity to investigate this most intrusive of crimes. Victims lack access to medical, psychological, and emotional support services. Where rape is perpetrated by the police, the victims additionally face real threats of intimidation or reprisal if they report their experience to the authorities.” [81]

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

Female Genital Mutilation

24.46 The Federal Ministry of Health (FMoH) *2008 National Demographic and Health Survey* (NDHS) stated:

“Female genital cutting (FGC), also known as female circumcision or female genital mutilation (FGM) is practiced in many societies in Nigeria and is present throughout the country. In many cultures, FGC is a recognised and accepted practice that is considered important for the socialisation of women, curbing their sexual appetites, and preparing them for marriage. Despite its cultural importance, FGC has drawn considerable criticism because of the potential for both short- and longterm medical complications, as well as harm to reproductive health and infringement on women’s rights.” [9] (p299)

24.47 The Federal Ministry of Health 2008 Demographic and Health Survey noted that 30 percent of females in the country had been subjected to FGM. While practiced in all parts of the country, FGM was most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM, was infrequently practiced in northern states but common in the south. 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, most women were subjected to FGM before their first birthday. [9] (chapter 18)

24.48 The USSD 2009 report observed:

“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; or any person who, for 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 \$332), one year’s imprisonment, or both for a first offense and doubled penalties for a second conviction.

“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. Twelve states banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the local government 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; however, underfunding and logistical obstacles limited their contact with health care workers.

“FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). 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. The absence of treatment greatly reduced prospects for work and family life, and women affected were often left to rely on charity.” [3a] (Section 6)

See also [Children](#), subsection [Female Genital Mutilation](#)

FREEDOM OF MOVEMENT

24.49 An undated report on Nigeria in the *Social Institutions and Gender Index* (accessed 4 February 2011) observed that:

“Nigerian women face severe limitations in the exercise of their civil liberties. Women’s freedom of movement is restricted in that they are obliged to obtain their husbands’ permission to obtain a passport or to travel outside the country. The practice of purdah, whereby women are secluded from public observation, prevails within the Muslim community in some northern areas. Women in purdah cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women’s freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress.” [68]

24.50 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....

“UNIFEM added that [while seeking to relocate] 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.” [20] (p9)

24.51 The same source noted that: “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.” However, economic constraints may mean that women wishing to relocate may be required to seek assistance from relatives. In addition, social and cultural constraints may leave women stigmatised in their new communities. “BAOBAB further added that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers” [20] (p10 & 21)

BAOBAB For Women's Human Rights is a non-governmental women's human rights organization. The following link provides more details about the organisation:

<http://www.baobabwomen.org/>

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

“... 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 [have been exhausted] ...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)

24.53 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 ... [However, the source noted that]... some of the women stayed beyond the official maximum four weeks duration ...” [20] (p12)

24.54 The report further added:

“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)

24.55 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. ... 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)

24.56 The report further stated:

“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 has almost no bearing regarding internal relocation to Lagos or Abuja. ...

“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. ... [However, noted that 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)

HEALTH AND WELFARE

See also socio-economic statistics referred to in [Socio-economic rights](#) above.

24.57 An undated profile of the country by the Centre for Development and Population Studies, accessed on 16 March 2011, noted that “Women and girls in Nigeria face daily challenges in leading healthy, fully productive lives. Nigeria has a 40 percent rate of illiteracy among women, one of the highest infant and maternal mortality rates in the world, and the third largest number of HIV infections.” [105]

24.58 An Inter Press Service (IPS) News Agency article of 2 September 2009, *Health-Nigeria: Maternal Mortality, a Rural Community's Example*, noted:

“Sidiki Coulibaly, the United Nation's Population Fund (UNFPA) representative in Nigeria, described maternal mortality rate in Nigeria as ‘unacceptably high’ and stressed the need for active collaboration between all stakeholders to reduce the trend. Nigeria makes up about two percent of the global population, but bears ten percent of the global burden of maternal mortality, according to UNFPA. [A local medical officer] explained that maternal and infant mortality, especially in rural areas, is the result mainly of lack of health facilities, and where there are such facilities, poor management of them and the people's suspicious attitude to healthcare delivery. Statistics show that close to 80 percent of Nigeria's population are rural dwellers who do not have access to adequate healthcare delivery.

“In places where health centres do exist, there is a lack of funds to provide the necessary drugs. As a result, some people have decided to adopt spiritualism instead of seeking a medical solution to their health problems,’ [the local medical officer] said. The situation is compounded by the fact that many health workers have left Nigeria seeking better prospects due to the ailing economy and inadequate remuneration for health workers at home. The cost of healthcare is another obstacle. ‘My experience in this environment is that most people are poor and cannot afford to see a doctor. That is why this present state administration has made it mandatory that free healthcare facilities should be spread across rural areas.’” [69e]

24.59 An Integrated Regional Information Networks (IRIN) article of 3 June 2009, *Nigeria: Childbirth still deadly*, observed:

“Nigeria's maternal mortality rate is still comparable to those countries at war or [just emerging from war],’ [the] chair [of] the Nigerian senate health committee, told IRIN. Half of Nigeria's maternal deaths are due to postpartum haemorrhaging, which unskilled health workers lack the know-how or equipment to stop, said [a] maternal health expert... Many Nigerian women, particularly in the conservative north, give birth in their

teenage years. But reducing early pregnancy can be tough given women's disadvantaged social position.” [21b]

24.60 An undated entry on the avert.org website, on the issue of HIV in women, stated:

“...Nigeria's programme to prevent the transmission of HIV from mother to child (PMTCT) started in July 2002. Despite efforts to strengthen PMTCT interventions, by 2007 only 5.3 percent of HIV positive women were receiving antiretroviral drugs to reduce the risk of mother-to-child transmission. This figure had risen to almost 22 percent by 2010, but still remains far short of universal access targets which aim for 80 percent coverage.” [28]

For more general information on healthcare see [Medical Issues](#)

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25. CHILDREN

OVERVIEW

25.01 Save the Children, in its 2008/2009 *Country Brief* for Nigeria (undated), noted that: “Children and young people make up 60% of the population. Maternal, newborn, and child mortality rates in Northern Nigeria are unacceptably high. One in five children dies before their fifth birthday. Many don't have enough to eat and can't get treatment when they are ill. Some 40% of children miss out on school and have to work to survive. Nearly 2 million children have lost one or both parents to an AIDS-related disease.” [75]

25.02 The *Nigeria Overview* on the United Nations Children's Fund (UNICEF) website, undated, accessed on 28 January 2011, 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]

25.03 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)

25.04 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." [20] (p29)

25.05 An article in Vanguard of 29 June 2010, *Nigeria: Child and the Child Rights Act*, on the subject of the 2003 Act, stated that: "The Act is a legal document that sets out the rights and responsibilities of a child in Nigeria and provides for a system of child justice administration. However, more than seven years after, only 24 States in the country have passed the Act for onward enforcement. These include; Abia, Akwa Ibom, Anambra, Benue, Cross River, Delta, , Edo, Ekiti, Imo, Jigawa, Kwara, Kogi, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, and Taraba." [29b]

See also [Women](#)

Basic legal information

25.06 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]

25.07 Persons in Nigeria have the vote from age 18. Military service is voluntary from the age of 18. (Central Intelligence Agency (CIA) *World Factbook* updated January 2011) [52]
The age of consent is 13. (*Avert*, undated, accessed 28 January 2011) [28]

25.08 The United States Department of Labor (USDOL) 2009 Report, *Findings on the Worst Forms of Child Labor*, published 15 December 2010, stated:

“In Nigeria, legislative power to protect children is reserved for its states. However, the Federal Government has the authority to establish labor standards. The Federal Labour Act is in force in all 36 states of Nigeria and sets a minimum age of employment at 12. Nigeria’s Labour Act establishes an exception to its minimum age law permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture. Nigeria also has a Federal Child Rights Act, which states must adopt for it to be force in that state’s territory ... Where [the Act] is in force, the Child Rights Act raises the minimum age to 14 and supersedes the Labour Act. ...

“The Labour Act sets different age thresholds for various hazardous activities. For example, a youth age 15 or older may work in industries or on vessels when they are run by family members. The law prohibits youth under age 16 from being employed underground or working with machines, but explicitly permits children age 16 to 18 to perform these hazardous activities. However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety, or morals.” [77]

LEGAL RIGHTS

Domestic legislation

25.09 A UNICEF document of July 2008 on Nigeria in relation to the Child’s Rights Act (CRA) of 2003 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]

25.10 With regard to labour rights the United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), stated that:

“The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January 2008 to June 2009, the Labor Ministry conducted more than 29,882 inspections with 408 officers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Complaints were rarely 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 was 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 Prohibition of Trafficking in Persons] bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

“The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is

responsible for enforcing labor laws. The ministry reported that 10 training and awareness raising programs and additional child labor staff were funded by the government during the year.

“During the year four states (Akwa Ibom, Benue, Osun, and Edo) passed the Child Rights Act... the federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. UNICEF continued to advocate passage and enforcement in all other states.

“Private and government initiatives to eliminate child labor continued but remained ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor Sustainable Tree Crop Program in the cocoa and other agricultural subsectors, a component of which sensitized farmers on hazardous child labor and child trafficking for labor exploitation issues. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year.” [3a] (Section 6d)

- 25.11 USSD *2009 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

- 25.12 A UNICEF information sheet, dated August 2007 (accessed 31 January 2011), 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]

- 25.13 The USSD *2009 Human Rights Report* went on to note that

“Although the law precludes the imprisonment of children, Justice Minister Aondoakaa acknowledged in 2008 the presence of more than 300 children in the country's prisons, many of whom had been born there. Despite a government order to identify and release such children and their mothers, the problem had not been solved by year's end. In November 2008 the Committee for the Defense of Human Rights, a coalition of human rights organizations, reported the imprisonment of 97 juveniles with adults in Port Harcourt, Rivers state. Authorities had taken no action to remove juveniles from these prisons by year's end.” [3a] (Section 1c)

VIOLENCE AGAINST CHILDREN

- 25.14 An undated section on *Violence against children* in the Nigeria section of UNICEF's website, accessed 31 January 2011, noted:

“Physical and psychological violence against children occur both in schools and within families – not to mention violence that affect children living on the streets or exploited by adults. Although educational institutions should have the capacity to train and socialise children without exposing them to violence, corporal punishment is still considered as a positive educational tool.

“Reliable data on violence against children in Nigeria is scarce because violence is often not reported as it occurs mostly within the context where it is regarded as ‘normal’ such as within the family circle or behind the privacy of homes. The predominant cultural belief is that children must be submissive to elders therefore behaviour not in conformity with this is punished. The Committee on the Rights of the Child noted with concern that there is a generally high level of acceptance of domestic violence even amongst law enforcement officers and court personnel.” [19f]

25.15 The USSD 2009 *Human Rights Report* noted that:

“Child abuse was common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent ‘indecent’ associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north... 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.

“In the north between two and 10 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. In 2008 the government distributed 90 million naira (approximately \$600,000) to 15 states to introduce Koranic education into the mainstream educational system to rehabilitate, integrate, and educate almajirai. There were no reports that the program resulted in removing almajirai from the streets.” [3a] (Section 5)

Female Genital Mutilation (FGM)

25.16 The USSD 2009 *Human Rights Report* noted that FGM was commonly performed on girls in southern areas of the country. [3a] (Section 5) An undated section on violence against children in the country on UNICEF’s website noted that: “Another disturbing trend is the high prevalence rate of Female Genital Mutilation (FGM) in Nigeria despite the various policies and legislations that have been put in place against the practice. Consequences of this practice include infibulations, shock due to severe bleeding, intense pain due to the traditional methods usually used, risk of HIV/AIDS and death in some cases.” [19f]

For more details on FGM see the section on [FGM](#), Women

Witchcraft

25.17 A United Nations High Commissioner for Refugees (UNHCR) research paper of January 2011, *Breaking the spell: responding to witchcraft allegations against children*, noted:

“Witchcraft allegations against children have become the focus of increased international attention in recent years. Recent reports by ... the United Nations, Stepping Stones Nigeria, UNHCR and UNICEF have all highlighted increasing concerns regarding violence and abuse towards children accused of witchcraft.

“Accusations of witchcraft cause direct violations of children's rights. Children are isolated or even rejected from their family and community, end up living on the streets, become victims of different forms of trafficking, suffer from physical and mental health problems and trauma due to the abuses they have experienced ... Already vulnerable children become even more vulnerable as a result of witchcraft accusations. Cases of children being harmed, abused or killed due to accusations of being a witch or for the purpose of witchcraft have been documented in many countries around the world, though the vast majority of cases investigated to date have been African.” [76]

- 25.18 A report by Stepping Stones Nigeria of December 2009, *Witchcraft Stigmatisation and Children's Rights in Nigeria*, stated:

“The belief in child witches is widespread throughout Nigeria and children are particularly vulnerable to accusations of witchcraft and the resulting stigmatization. There have been reports of child witchcraft stigmatization from many areas of Nigeria including Akwa Ibom, Abia, Cross Rivers, Delta, Bauchi, Edo and Kaduna States, which demonstrates that this problem is not just confined to one area. The general belief is that certain people possess a mystical power which enables them to separate their soul from their physical body whilst asleep at night and enter into the spirit or witchcraft world. In this world it is thought that the soul takes the form of an animal where it will then cause all manner of unimaginable horrors and destruction. It is also believed that witchcraft spells are transferred between children, often passed through food or sweets.

“In these modern-day accusations of witchcraft, Christian teachings combine with traditional beliefs and practices. Pastors of a minority of churches including both Pentecostal Revivalist churches and more mainstream denominations are frequent perpetrators of witchcraft-related abuse, often stigmatising children during services and then charging parents large sums of money to extract a ‘confession’ from the child and exorcise their ‘possession’. Such exorcisms and confessions often entail subjecting children to horrific abuse, which at times amounts to torture.” [71]

- 25.19 A UNICEF study of April 2010, *Children Accused of Witchcraft*, noted:

“All the ‘spiritual’ treatments offered by pastors and prophets belonging to Pentecostal, revivalist and other churches require some form of payment ... The earnings from a deliverance ceremony, and also during a regular service when the collection plate goes around, are not insignificant. Consequently, a number of pastor-prophets, including women, have found their calling in the anti-witch hunt, as is the case with Prophet Helen Ukpabio in Nigeria. She founded the Liberty Foundation Gospel Ministries, whose primary goal has become the detection and deliverance of child witches. For these pastor-prophets, ‘detecting’ child witches brings not only money, but also a certain social status and popularity that draws new members and ‘clients’, and leads to yet more income. Accusations against children therefore form part of this vicious circle of the prophets’ ‘business’ and their status.” [76]

25.20 The Stepping Stones Nigeria report of December 2009, *Witchcraft Stigmatisation and Children's Rights in Nigeria*, noted:

“Some prominent churches have produced a number of publications about witchcraft. One book includes advice for parents on how to identify whether or not their child is a witch, saying ‘a child under two years of age that cries at night and deteriorates in health is an agent of Satan’. These sorts of writings foster a climate of fear and doubt which immediately puts children in a vulnerable position. Some ‘Nollywood’ (the Nigerian domestic film industry) films, which are immensely popular in Nigeria, also disseminate and promote the belief in child witches. Some Pentecostal churches are involved in the production of these films; for example, one church produced perhaps the most well-known movie of this genre entitled ‘End of the Wicked’. There have been instances of other countries noting the influence of Nollywood films and linking this to an increase in the practice of witchcraft accusations and abuse.” [71]

25.21 The same *Stepping Stones* Nigeria report added:

“... in December 2008 the Akwa Ibom State Government both enacted the [Child Rights Act] CRA and added a clause to the CRA making it illegal to stigmatise children as witches. This additional clause makes this punishable with an imprisonment of 10 to 15 years without any option of a fine. This is particularly welcome as Akwa Ibom is a state which has seen a large number of witchcraft accusations made against children in recent years ... Evidence from national NGOs suggests that these abuses are not isolated incidents but are the result of a wider systemic failure to protect and uphold the rights of children who have been stigmatised as witches. The Child Rights and Rehabilitation Network (CRARN), working in Akwa Ibom State, are currently full to capacity with over 200 children, the majority of whom have been stigmatized as witches, in their care. They receive new cases on an almost daily basis. CRARN estimate that 4-6 children each day are abandoned or abused due to the belief that they are witches or wizards.” [71]

25.22 The *Stepping Stones* Nigeria report also commented on health issues for children accused of witchcraft:

“Children stigmatised as witches frequently experience psychological, emotional and spiritual abuse as well as physical suffering. They are rejected by their families and communities ... Often children are forced into making confessions of witchcraft which distorts their notion of truth and weakens their trust in adults. They therefore require specialist rehabilitation in addition to shelter, food and medicine.

“It is clear that child witchcraft stigmatisation and abuse both results from and is causative of mental and physical disabilities ... Certain medical conditions, because they are not properly understood, are often considered to be evidence of witchcraft. For example, there is a high prevalence of autism in Nigeria, yet this condition is not widely acknowledged. In consequence, the particular behaviour of autistic children is often interpreted as witchcraft. ... Accusing a child of witchcraft can also lead to the onset of mental illness and physical disability. Some children are permanently damaged by the abuse that they have suffered. They may be so traumatised from the extent of their pain that they never fully recover. By way of example, Stepping Stones Nigeria has previously found children in a distressed state at a church where they were chained up. They had been deprived of food and were manifesting signs of mental illness. Stepping Stones Nigeria has also witnessed cases of physical disability due to child witness

stigmatisation, including a child who was found roaming the streets after having a nail driven into her head.” [71]

Child marriage

25.23 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)

25.24 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)

25.25 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]

Trafficking

- 25.26 A Daily Trust article of 29 June 2010, *Poverty Blamed for Child Trafficking*, noted that “[the] Inspector General of Police...yesterday said poverty and evil religious practices are some of the factors that promote child trafficking.” [56b]
- 25.27 The USSD 2009 Report observed:
- “Child trafficking occurred most frequently in the southeast states of Abia, Ebonyi, and Enugu, specifically the selling of babies through illegal and unregistered hospitals and maternity homes. Many young girls, upon discovering they were pregnant, decided to enter these hospitals to obtain money from selling their babies. NAPTIP officials reported that the girls received 20,000 to 30,000 naira (approximately \$133 to \$200) for selling a baby; the baby was then resold for 300,000 to 400,000 naira (\$2,000 to \$2,650) in illegal and undocumented transactions. Reportedly babies were sometimes sold to legitimate couples who wanted a child, but many babies also were sold for use in rituals during which they were killed.” [3a] (section 6, *Trafficking in Persons*)
- 25.28 An article of 27 July 2010 in the publication *Leadership* (Abuja), *Child Labour or Child Favour*, noted:
- “It is no news that a huge percentage of Nigerian children within schooling age are not in school, owing to the fact that their parents do not have the luxury of sponsoring them through school, hence, such parents are left with little or no choice but to abuse the rights of their kids by labouring them, in a manner that is morally unacceptable, in order to raise funds for the upkeep of the household. The desperation of some of these parents make them susceptible to the lies and deceitful schemes of relatives and so-called well wishers, who offer to sponsor one or two of their kids through school, usually in another state, for no price. These kids are subsequently trafficked - traded illegally - and made to undertake hard tasks by their new masters, for income generating purposes. The females are often groomed to be sex workers against their will as the alternative option was to return to their parents' homes of which they may be incapable of doing, may be, because of their age or financial status. Child trafficking can be very lucrative, which explains why some people are willing to travel across countries on foot to ensure that those who need the services of these children get them and provide payment in advance, including travel expenses. The parents of these children are often oblivious of these happenings, holding the belief that their sons and daughters are somewhere being productive. When they do find out, however, the true whereabouts of their kids, there is usually very little or nothing they can do to salvage the situation.” [79b]
- 25.29 The United States Department of Labor (USDOL) 2009 Report, *Findings on the Worst Forms of Child Labor*, published 15 December 2010, stated:
- “Policies concerning the trafficking of children for exploitive (sic) labor were strengthened during the reporting period by the adoption of the ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on sectors, such as begging. The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. Nigeria's policies related to trafficking of children are also based on a multilateral agreement with Liberia, Burkina Faso, Guinea, Niger, Mali, Benin, and Côte d'Ivoire; bilateral trafficking agreements, including those with Benin, Britain, Spain, and Italy; and the Libreville Common Platform Declaration to Combat Trafficking in West and Central Africa. As part

of its efforts to work with Benin, Nigeria takes part in a joint committee to combat child trafficking, which is implementing a 2009-2010 Joint Action Plan to combat the trafficking of children from Zakpota, Benin to Abeokuta, Nigeria, for labor in stone quarries." [77] (page 498)

See also [women](#), [Forced marriage](#), and [Trafficking](#)

CHILDCARE AND PROTECTION

Orphans and vulnerable children

25.30 An article of 20 December 2010 in the online publication Leadership (Abuja), *Nigeria: How well are orphans and vulnerable children provided for*, noted:

"The phenomenon of orphans and vulnerable children (OVC) in Nigeria is rapidly on the increase, stated the Head of OVC division in the Child Development Department of the Federal Ministry of Women Affairs and Social Development ... [There is according to a report] ... carried out in 2008 ... 1.75 million OVC in the country cutting across households, homeless children and institutions. Though the health-related MDGs report for Nigeria states that the number of AIDS orphans in Nigeria remains on the decline, children and young persons, particularly, orphans and vulnerable children are especially susceptible to HIV/AIDS infection and its impact." [79]

25.31 The same Leadership (Abuja) article added:

"The Head of OVC Unit, FMoW explained that orphans and vulnerable children, most especially those orphaned or made vulnerable by HIV/AIDS face multiple challenges such as low access to health care, education, nutrition, and psycho-social support. In addition, she says, in communities where stigma and discrimination prevail, this group of children tends to fare more poorly than those orphaned by other causes. 'Care and support for OVC is imperative because most of these children, as a result of their conditions, are exposed to problems such as sex abuse, exploitative child labour like street hawking, house-help syndrome etc. It is disheartening to note that most of these children do not go to schools while the girls are forced into early marriage.' At the 2010 World AIDS Day, President, Dr Goodluck Jonathan, said the effect of the AIDS pandemic such as stigmatization, discrimination, increase in children orphaned by it, drop in life expectancy and generally, the drawback on the country's economic growth constitute serious challenges for Nigerians as communities and as a nation. President Jonathan said that the goal of his government was to give attention to orphans and vulnerable children (OVC) considering the fact that Nigeria is one of the countries with the highest number of AIDS orphans worldwide." [79]

25.32 The same Leadership (Abuja) article continued:

"Though there are many efforts actually channelled (sic) towards providing relief for OVC and children from indigent [poor] parents, there still remains a great lacuna [gap]. Christ Embassy Ministries, through its outreach arm, Inner city Mission is providing care and support, scholarship and even feeding to them and children born of indigent parents. Philanthropic individuals running NGOs guided towards taking care of these OVCs are also not finding it easy shouldering the burden alone. One of such is

Vantaged Teens Centre situated at Bwari, a municipal of the Federal Capital Territory and founded by Rotarian Rhoda Bassey. At the graduation/empowerment of her wards recently, she called on well-meaning Nigerians to come to her aid.” [79]

- 25.33 The same Leadership (Abuja) article noted that churches and NGOs have provided assistance to OVC. One venue referred to is Vantaged Teens Centre situated at Bwari, a municipal of the Federal Capital Territory. [79]

See the Directory of Development Organisations, Nigeria, for a list of organisations operating in this field in the country <http://www.devdir.org/files/Nigeria.PDF>

EDUCATION

- 25.34 The Nigeria section of Europa World (accessed 29 January 2011) 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]

- 25.35 An undated section on *Children’s education* on the UNICEF website (accessed 29 January 2011) stated:

“Forty per cent of Nigerian children aged 6-11 do not attend any primary school with the Northern region recording the lowest school attendance rate in the country, particularly for girls. Despite a significant increase in net enrollment rates in recent years, it is estimated that about 4.7 million children of primary school age are still not in school. Increased enrollment rates have also created challenges in ensuring quality education and satisfactory learning achievement as resources are spread more thinly across a growing number of students. It is not rare to see cases of 100 pupils per teacher or students sitting under trees outside the school building because of the lack of classrooms.

“This situation is being addressed by current efforts of the Nigerian Government with the implementation of the Basic Education scheme. The compulsory, free Universal Basic Education (UBE) Act was passed into law in 2004 and represents the Government’s strategy to fight illiteracy and extend basic education opportunities to all children in the country. However the number of schools, facilities and teachers available for basic education remain inadequate for the eligible number of children and youths. This is more so in urban areas where there is population pressure. Under these conditions, teaching and learning cannot be effective; hence the outcomes are usually below expectation.” [19g]

- 25.36 The same UNICEF report added:

“Another challenge in Nigeria is the issue of girls’ education. In the North particularly, the gender gap remains particularly wide and the proportion of girls to boys in school ranges from 1 girl to 2 boys to 1 to 3 in some States. Many children do not attend school because their labour is needed to either help at home or to bring additional income into the family. Many families cannot afford the associated costs of sending their children to school such as uniforms and textbooks. For others, the distance to the nearest school is a major hindrance. Another cause of low enrolment, especially in the North, is cultural bias. Most parents do not send their children, especially girls, to school and prefer to send them to Qur’anic schools rather than formal schools. Even when children enrol in

schools, many do not complete the primary cycle. According to current data, 30% of pupils drop out of primary school and only 54% transit to Junior Secondary Schools. Reasons for this low completion rate include child labour, economic hardship and early marriage for girls.

“In the last few years, especially since the launching of the Universal Basic Education Act, much has been achieved in the reconstruction of dilapidated school buildings and construction of new ones, supply of desks and other needed furniture as well as the provision of toilet facilities. However, the child friendly school concept, which UNICEF is advocating for, is not comprehensively adopted by the various States in Nigeria. A majority of primary schools, especially in rural areas, lack water, electricity and toilet facilities. For example, on average, there is only one toilet for 600 pupils in the primary school system. Despite political commitment to trying to reverse years of neglect in the education sector and a significant increase of the Federal funding, investment in basic education is still low compared to other Sub-Saharan countries.” [19g]

25.37 The USSD 2009 *Human Rights Report* stated:

“Public schools remained 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 to age 12. However, compulsory primary education rarely was provided, and there were numerous mandatory school fees. Most educational funding came from the federal government with state governments required to pay a share; however, not all state governments released their funding share. As a result of the government's failure to pay them for months at a time, primary, secondary, and university teachers were frequently on strike. 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 elementary and secondary schools.” [3a] (Section 6)

25.38 The US Department of Labor (USDOL) 2009 Report, *Findings on the Worst Forms of Child Labor*, published 15 December 2010, stated:

“In [northern] Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component. While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter. Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations. The number of *almajirai* in urban areas is reportedly on the rise.” [77]

HEALTH AND WELFARE

25.39 An undated section of the UNICEF website (accessed 31 January 2010) on *Maternal and child welfare* noted:

“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 also [Medical Issues](#), [Women](#), and [Overview](#)

25.40 A Federal Ministry of Health (FMoH) report of January 2011, *Saving Newborn Lives in Nigeria*, stated that:

“While some progress has been made to reduce deaths *after* the first month of life (the post-neonatal period), there has been no measurable progress in reducing neonatal deaths over the past decade. About 5.9 million babies are born in Nigeria every year, and nearly one million children die before the age of five years. One quarter of all under-five deaths are newborns – 241,000 babies each year. Many deaths occur at home and are therefore unseen and uncounted in official statistics.” [9b] (p15)

25.41 The same FMoH report also noted in relation to girls that: “Secondary school attendance among females is at less than half. A quarter of girls are married before age 15 (a dramatic increase from 15% in 2003). Use of modern contraceptives among girls aged 15–19 is just 11%. Immunisations, such as tetanus toxoid (TT), to school-age females are not routine. Female genital cutting, which has a prevalence rate as high as 80% in some states of the country, poses significant reproductive health challenges.” [9b] (page 18)

25.42 The same FMoH report observed that

“Birth registration is basic to ensuring a child’s legal status and, thus, basic rights and services. In Nigeria, vital registration of births is generally low despite the Births, Deaths Compulsory Registration decree which came into effect 1 December 1992 ... [it was] reported that only 30% of under-five children had their births registered, and this represented little increase from previous surveys ... The National Bureau of Statistics reported an adult female literacy of 57%, compared with 75% among males. However, these rates vary widely: there are lower literacy rates in the rural areas and in the northern part of the country.” [9b]

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26. TRAFFICKING

26.01 Trafficking is prohibited by law but is a serious problem. People are trafficked both in to and out of Nigeria as well as within the country. Information about the practice is provided in the United States State Department (USSD) *Trafficking in Persons Report 2010*, published 14 June 2010, which stated:

“Nigeria is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Trafficked Nigerian women and children are recruited from rural areas within the

country's borders – women and girls for involuntary domestic servitude and forced commercial sexual exploitation, and boys for forced labor in street vending, domestic servitude, mining, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, primarily Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, and The Gambia, for the same purposes. Children from West African states like Benin, Togo, and Ghana – where Economic Community of West African States (ECOWAS) rules allow for easy entry – are also forced to work in Nigeria, and some are subjected to hazardous jobs in Nigeria's granite mines. Nigerian women and girls are taken to Europe, especially to Italy and Russia, and to the Middle East and North Africa, for forced prostitution. Traffickers sometimes move their victims to Europe by caravan, forcing them to cross the desert on foot, and subjecting them to forced prostitution to repay heavy debts for travel expenses. During the reporting period, Nigerian girls were repatriated from Libya and Morocco, where they were reportedly held captive in the commercial sex trade.” [3d]

26.02 The same *USSD Trafficking in Persons report* continued:

“The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. It demonstrated sustained progress to combat human trafficking during the reporting period. In 2009, the government convicted 25 trafficking offenders and provided care for 1,109 victims, increases over the previous reporting period. It also continued to undertake strong efforts to raise awareness of human trafficking. In addition, its National Agency for the Prohibition of Trafficking in Persons (NAPTIP) ceased the practice of interrogating trafficking suspects at the same Lagos facility housing its shelter for trafficking victims. To better ensure victims' rights are respected, NAPTIP formed a committee in mid-2009 to review victim care policies, aiming to strike a balance between ensuring victims' safety in shelters and promoting their freedom of movement. The Nigerian government in 2009 pledged over \$7 million in annual funds for NAPTIP's operation and activities; all government programs received partial payment pending budget approval by legislative and executive branches. Due to a four-month delay in approval of the 2010 national budget, funds were distributed to all federal agencies in April 2010.” [3d]

TRAFFICKING OF WOMEN

26.03 The International Organisation for Migration (IOM) report, *Migration in Nigeria, A Country Profile, 2009, published in 2010*, noted that: “Most of the trafficked women in Europe are believed to be from the State of Edo, with Italy being the most important destination for trafficked persons from Nigeria.” [44c]

26.04 The United Nations Office on Drugs and Crime (UNODC) report, *Transnational Trafficking and the Rule of Law in West Africa*, of July 2009, in a section on victims of trafficking for sexual exploitation from West Africa to Europe, stated:

“It appears that the modern European market for trafficked women from West Africa began in Italy in the 1980s and in The Netherlands in the early 1990s. Women of the Edo ethnic group from Benin City in Nigeria (colloquially known as ‘Binis’) began to migrate to Europe in search of work, and found a market for sexual services. They began to recruit other women from their region, fronting the money for travel and creating a system of debt bondage that evolved into human trafficking. Remarkably, it appears that this market has remained in the control of Edo traffickers, and Nigerians remain the predominant African nationality in prostitution across Europe ... According to

an INTERPOL report from 2000, about 90% of the Nigerian prostitutes trafficked to Europe were from Benin City and the countryside around it. Similarly, Italian repatriation data indicate that mainly Edo victims were trafficked at that time. More recently, traffickers have tried to widen the area of recruitment, and victims of trafficking now include Nigerians from other states (Akwa-Ibom, Cross River, and Delta).” [91]

INTERNAL AND EXTERNAL TRAFFICKING

26.05 A European Journal of Scientific Research (EJSR) article of 2008, *Combating Trafficking in Persons: A Case Study of Nigeria*, noted on internal trafficking:

“Internal trafficking occurs within the country from one state to the other, through a job placement network or through family relation. Internal movement of children for trafficking usually occurs during festive periods and other cultural activities (March, April and December) ... The victims of trafficking serve as maids, cleaners, beggars, street vendors, farm workers, prostitutes or are used in the country for other purposes. Koranic schools are the source of supply of street children engaged in begging and are often used as human shields during religious conflicts or as agents to provoke social unrest. The payment for the children’s service often never reaches the poor parents, since the middlemen do not allow the children to settle in one place. In Nigeria, women are trafficked from Shaki in Oyo state, many parts of Akwa-Ibom, Cross River, Ebonyi, Imo, Benue and Kwara states to cities like Lagos, Abeokuta, Ibadan, Kano, Calabar and Port-Harcourt.” [92]

26.06 The same EJSR article listed some common routes for external trafficking:

- Nigeria – Cotonou – Togo- Morocco by road – Europe (by air)
- Nigeria – Ghana- Morocco – Libya – Spain (by road)
- Kano, Kwara, Kaduna – Saudi Arabia (by air)
- Abuja – Maiduguri – Chad – Libya – Spain (by road)
- Akwa-Ibom – Cameroun – Gabon (by road and by sea)
- Lagos – Spain – Germany (by air)
- Lagos – Liberia (by air)
- Lagos – Cote D’Ivoire (by air)
- Lagos – US/London (by air)
- Shaki (Oyo) – Guinea – Mali – Cote D’Ivoire (by road)
- Edo – Italy (by air)
- Kano – Niger(by road).” [92]

26.07 The United Nations Office on Drugs and Crime (UNODC) report, *Transnational Trafficking and the Rule of Law in West Africa*, of July 2009, in a section on victims of trafficking for sexual exploitation from West Africa to Europe, stated:

“Air routes include direct flights from Lagos to the final destination, or to a transit country within Europe. Ghana is another popular embarkation point. Some victims are diverted to transit points farther afield, including Ethiopia and South Africa. Victims may be even be flown to Moscow or Istanbul, and trafficked by land through East or South-East Europe. Victims may be exploited en route at several points before reaching their final destination. Victims trafficked to the United Kingdom generally fly direct, whereas those trafficked to Norway have generally spent time in Spain or Italy. Land and sea transport clearly follow the same routes adopted for the irregular migrants; from West Africa through the Sahara desert to North Africa, and to the Canary Islands, south Spain or Italy. Italy is frequently mentioned as the primary destination for these victims.” [91]

26.08 A Human Rights Watch (HRW) report of 21 August 2010, *Cote d’Ivoire/Nigeria: Combat Trafficking for Prostitution*, stated:

“In July 2010, Human Rights Watch traveled to three Ivorian towns and met with groups totaling around 30 Nigerian women believed to have been trafficked for prostitution. Eight victims were interviewed individually. Scores of similar cases involving Nigerian women and girls were documented by interviews with Ivorian officials, United Nations personnel, and Nigerian embassy staff. Many victims were either between the ages of 15 and 17 or had been minors when brought to Côte d’Ivoire ... In two small towns in central Côte d’Ivoire, with populations of about 40,000 and 50,000, respectively, Human Rights Watch documented the presence of five separate brothels of Nigerian women and girls. A gendarme in one of the towns estimated that at least 100 Nigerian women were working there as prostitutes. Human Rights Watch investigations indicated that the majority of them were likely to have been trafficked.” [22h]

26.09 The same HRW report added:

“All of the women and girls interviewed by Human Rights Watch described being deceived into migrating with promises of work as apprentice hairdressers or tailors, or to work in other businesses elsewhere in West Africa or in Europe. They said that Nigerian women recruited and transported them overland through Benin, Togo, Ghana, and Burkina Faso. The majority of victims told both Human Rights Watch and the Nigerian embassy that they came from Delta and Edo States in southern Nigeria. Nigerian embassy staff in Abidjan told Human Rights Watch that they have repatriated scores of women trafficked for prostitution, including dozens this year alone, and noted that the problem is on the rise.” [22h]

GOVERNMENT RESPONSE

26.10 The USSD *Trafficking in Persons Report 2010*, published 14 June 2010, stated:

“The Government of Nigeria sustained law enforcement efforts to combat trafficking during the last year. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law’s prescribed penalties of five years’ imprisonment and/or a \$670 fine for labor trafficking, 10 years’ imprisonment for trafficking of children for forced begging or hawking, and 10 years to life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Nigeria’s 2003 Child Rights Act also criminalizes child trafficking, though only 23 of the country’s 36 states, including the Federal Capital Territory, have enacted it. According to the Nigerian constitution, laws pertaining to

children's rights fall under state purview; therefore, the Child Rights Act must be adopted by individual state legislatures to be fully implemented. NAPTIP reported 149 investigations, 26 prosecutions, and 25 convictions of trafficking offenses during the reporting period under the 2003 Trafficking in Persons Act. Sentences ranged from two months to 10 years, with an average sentence of 2.66 years' imprisonment; only two convicted offenders were offered the option of paying a fine instead of serving prison time. Together with international partners, the government provided specialized training to officials on how to recognize, investigate, and prosecute instances of trafficking. Police and immigration officials, including those who work at border posts and airports, at times allegedly accepted bribes to overlook trafficking crimes. NAPTIP dismissed two staff members from public service who were found to have diverted victims' funds; they were made to refund the money." [3d]

- 26.11 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Report), noted:

"NAPTIP, a 555-employee agency with 175 investigators and 32 prosecutors nationwide, has primary responsibility for combating trafficking. The NPF [Nigerian Police Force] and the Nigerian Immigration Service also had antitrafficking units...The NPF Antitrafficking Task Force staffed 22 units in states with the worst trafficking problems. Officials complained of insufficient funding to support investigative field work...State-level antitrafficking committees, consisting of immigration officials, civil society organizations, law enforcement agents, and federal ministries, operated in 26 states, but not all were active. These groups coordinated actions in trafficking cases between their respective organizations." [3a] (section 6, Trafficking in Persons)

- 26.12 The USSD *Trafficking in Persons Report 2010*, published 14 June 2010, stated:

"Nigeria continued its efforts to protect trafficking victims in 2009. Police, customs, immigration, and NAPTIP officials systematically employed procedures to identify victims among high-risk persons, such as young women or girls traveling with non-family members. Data provided by NAPTIP reflected a total of 1,109 victims identified and provided assistance at one of NAPTIP's eight shelters throughout the country during the reporting period; 624 were cases of trafficking for commercial sexual exploitation and 328 for labor exploitation. Various government agencies referred trafficking victims to NAPTIP for sheltering and other protective services: immigration referred 465; police referred 277; Social Services referred 192; and the State Security Service referred nine. Shelter staff assessed the needs of victims upon arrival and provided food, clothing, shelter, recreational activities, and instruction on various skills, including vocational training; psychological counseling was provided to only the most severe cases. While at NAPTIP's shelters, 70 victims received vocational training assistance provided by government funding. NAPTIP estimated the government's 2009 spending on its shelter facilities to be \$666,000. The 2003 Trafficking in Persons Law Enforcement and Administration Act provides for treatment, protection, and non-discriminatory practices for victims. The law specified no trafficking victim could be detained for any offense committed as a result of being trafficked. During the reporting period, the government took steps to relocate victims' quarters a considerable distance from detention areas for trafficking offenders, greatly reducing the possibility traffickers could exert undue influence over their victims. Victims were allowed to stay in government shelters for six weeks. If a longer time period was needed, civil society partner agencies were contacted to take in the victim. Officials encouraged victims to assist with the investigation and prosecution of traffickers, and victims served as

witnesses in all of NAPTIP's successful cases. Victims could theoretically seek redress through civil suits against traffickers, or claim funds from a Victims' Trust Fund set up in 2009 through which assets confiscated from traffickers are transferred to victims. The Trust Fund committee is chaired by the Minister of Justice and meets four times per year. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution – short-term residency that cannot be extended.” [3d]

Government shelters

26.13 The National Association for the Prohibition of Trafficking in Persons (NAPTIP) website (accessed 14 January 2011) referred to the running of seven shelters in the country in Abuja, Lagos, Benin, Uyo, Enugu, Kano, Sokoto with capacities to accommodate numbers ranging from 120 to 50. The same website stated:

“[The] Medical unit is responsible for the medical welfare of the victims. Each of the seven NAPTIP shelters is attached with qualified medical personnel in charge of the Agency's mini-clinics. Also the unit is working hand in hand with private hospitals and government hospitals to take care of complex, and emergency medical cases. Voluntary HIV test is administered on victims of sexual exploitation after medical counseling.” [93a]

26.14 The Danish Immigration Service fact-finding mission report, published in April 2008, *Protection of Victims of Trafficking in Nigeria* noted on the subject of government assistance:

“It was also emphasized that any victim of trafficking who is ready to cooperate would be assisted in Nigeria with the following:

- Security and protection arrangements, if necessary for instance if the victim has testified against the trafficker
- Counselling regarding her oath and assistance to understand that *ju-ju* is not a real thing
- Family reunification
- Rehabilitation and reintegration
- Avoiding being re-trafficked.” [5]

NGO assistance

26.15 The Danish Immigration Service fact-finding mission report, published in April 2008, *Protection of Victims of Trafficking in Nigeria* noted that:

“A number of NGOs are assisting victims of trafficking in Nigeria. Among the most prominent of those are GPI [Girls' Power Initiative], COSUDOW [Committee for the Support and Dignity of Women], IRRRAG [International Reproductive Research Rights Action Group], WOCON [Women's Consortium of Nigeria], WOTCLEF [Women Trafficking and Child Labour Eradication Foundation], AWEG [African Women's Empowerment Guild], Idia Renaissance and the Catholic Secretariat of Nigeria/Caritas Nigeria.” [5]

- 26.16 The same Danish report noted that WOTCLEF ran a shelter for victims of trafficking in Abuja. The report also referred to COSUDOW having opened a shelter in Benin City. In addition, the report noted the existence of other NGO shelters for women that were not reserved for victims of trafficking: these shelters were in Abuja, Lagos, Abeokuta, Akwa Ibom and Kano. [5]
- 26.17 A report published by Womensshelter noted in an undated report (created on 5 September 2008) that there were a number of faith based non-governmental organisations in Nigeria that provide shelters for women in crises situations. [93b]

See websites of NGOs operating in this field: <http://www.wotclef.org/>
<http://www.humantrafficking.org/uploads/updates/COSUDOW.doc>

See also Children, subsection on [Trafficking](#)

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27. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 27.01 The International Organisation for Migration (IOM) *IRRICO Country Sheet for Nigeria*, last updated 13 November 2009, stated:

“The principal arm of Government in health care delivery is the Federal Ministry of Health. The Ministry is charged with coordinating all health activities throughout the Federation. Medical and health services are also the responsibility of the state governments, which maintain hospitals in the large cities and towns. Most of the state capitals have public and private hospitals, as well as specialised hospitals. Each city also has a university teaching hospital financed by the Federal Ministry of Health.

“*Public (State-owned) Hospitals:* These consist of general hospitals, as well as university teaching and specialist hospitals. Charges are moderate but some of them lack equipment and adequate amenities. There are often delays and the large number of patients means that they may not be attended to promptly. Consultation and registration fees in government-owned hospitals are N500 (€2.30). Laboratory tests cost between N700-N1,200 (€3.21-€6).

“*Private Hospitals:* These are standard-sized hospitals. While some have adequate hospital equipment, others do not and have to refer patients to bigger hospitals for laboratory tests and X-rays. They are generally more expensive but are accessible to anyone who can afford their services. Consultation fees in private hospitals range from N4,000-N6,000 (€18.35-€28). Laboratory tests cost between N1,000-N1,500 (€5-€7) per test. [44b]

- 27.02 The same IOM *IRRICO Country Sheet* observed:

“The main health problem in Nigeria is malaria. Malaria is the leading cause of morbidity and mortality, with transmission throughout the entire country. It is preventable and treatable but malaria kills nearly one million people every year. In addition to the hundreds of thousand of Nigerians that die each year, malaria also makes millions of Nigerians sick. This single disease accounts for about 60% of outpatient visits, 30% of

hospitalisations, 25% of deaths in children under one year old, and 11% of maternal deaths. It lays a heavy burden on Nigeria's families, communities, health system, and workforce. ...

"Other prevalent health problems are hypertension, diabetes, HIV, tuberculosis, cerebrum spinal meningitis, sickle cell disease, and typhoid. HIV and tuberculosis are treated free in Nigeria at almost all public hospitals (subject to the availability of drugs).

"Drugs are available but may be expensive ... There are many pharmacies throughout Nigeria. The National Agency for Food and Drug Administration and Control (NAFDAC) has worked hard to ensure that these pharmacies are regulated and sell genuine medicines to the Nigerian public. But, data obtained from a study in 36 countries from all World Health Organisation (WHO) geographical regions, and covering World Bank income groups, has revealed an alarming lack of essential medicines in the public sector. The study, which included Nigeria, shows that this is driving patients to pay higher prices in the private sector, or go without any. Results show an average public sector availability of medicines of only 38% across surveys. This forces patients to buy medicines from the private sector where treatments are more expensive and often unaffordable." [44b]

27.03 The British-Danish *2008 Fact Finding Mission report in Nigeria (FFM)*, dated October 2008, 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." [20]

27.04 The British-Danish *2008 FFM report* continued:

"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.” [20]

27.05 The British-Danish 2008 FFM report recorded that:

“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.” [20]

27.06 The British-Danish 2008 FFM report observed:

“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 Federal Ministry of Health has produced a Standard Treatment Guidelines 2008 and there is an Essential Drugs List of 2003, both of which contain details of drugs and treatments that should be available in the country. Links to documents can be found here: <http://apps.who.int/medicinedocs/documents/s17035e/s17035e.pdf> and <http://collections.infocollections.org/whocountry/en/d/Js6890e/> 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

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

27.07 *Avert.org*, in its undated *HIV and AIDS in Nigeria* section (accessed 4 February 2011), recorded:

“In Nigeria, an estimated 3.6 percent of the population are living with HIV and AIDS. Although HIV prevalence is much lower in Nigeria than in other African countries such as South Africa and Zambia, the size of Nigeria’s population (around 149 million) meant that by the end of 2009, there were almost 3 million people living with HIV.

“Approximately 192,000 people died from AIDS in 2009. With AIDS claiming so many lives, Nigeria’s life expectancy has declined significantly. In 1991 the average life expectancy was 54 years for women and 53 years for men. In 2009 these figures had fallen to 48 for women and 46 for men.” [28]

- 27.08 The US State Department *Country Report on Human Rights Practices 2008, Nigeria*, released on 11 March 2010, (USSD 2009 Human Rights Report) observed:

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

“In September 2008 the Bauchi state Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to accept or reject a suggested partner. As of March [2009], 94 HIV positive couples were matched and had married. The Joint UN Program on HIV/AIDS voiced concern over the plan due to the increased risk of passing the virus on to any children born and the possibility of leaving the children orphaned.” [3a] (Section 6)

- 27.09 *Avert.org*, in its undated *HIV and AIDS in Nigeria* section (accessed 4 February 2011), continued:

“... in 2006 Nigeria opened up 41 new AIDS treatment centres and started handing out free ARVs to those who needed them. Treatment scale-up between 2006-7 was impressive, rising from 81,000 people (15% of those in need) to 198,000 (26%) by the end of 2007.

“Resources needed to provide sufficient treatment and care for those living with HIV in Nigeria are seriously lacking. A study of health care providers found many had not received sufficient training on HIV prevention and treatment and many of the health facilities had a shortage of medications, equipment and materials.

“The government’s National HIV/AIDS Strategic Framework for 2005 to 2009 set out to provide ARVs to 80 percent of adults and children with advanced HIV infection and to 80 percent of HIV-positive pregnant women, all by 2010. However, only 34 percent of people with advanced HIV infection were receiving ARVs in 2010. In the revised framework (from 2010 to 2015), the treatment goals were set back to 2015.” [28]

- 27.10 The American Project for Supply Chain Management System has been successful in supplying Nigeria with anti-retroviral drugs as its website (accessed 4 February 2011) explained: “As of the end of 2009, 312,000 of an estimated 3 million adults and children in Nigeria living with HIV/AIDS received antiretroviral therapy (ART). The Government of Nigeria has an ambitious goal to provide antiretroviral (ARV) treatment to 694,000 recipients by the end of 2011. Strengthening the country’s supply chain system for ARVs is essential to making this happen.” [49]

114 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

- 27.11 According to information published on the Drugs for AIDS and HIV Patients (DAHP) website (accessed 4 February 2011), the ARV [antiretroviral] drugs, Zidovudine, Lamivudine, Nevirapine and Stavudine are available in Nigeria to treat people suffering with HIV/AIDS. [37]
- 27.12 The UNAIDS 2010 report on *the Global AIDS Epidemic* noted that HIV incidence has fallen by more than 25% between 2001 and 2009 in a number of sub-Saharan African countries, including Nigeria. [94] (page 8)

CANCER TREATMENT

- 27.13 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. ...

“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.” [29]

- 27.14 An article of 6 April 2010 in the *Daily Independent (Lagos)* (via AllAfrica.com), *Nigeria: It's Shameful to Treat Cancer Abroad*, stated that: “... radiotherapy facilities used in this country are limited. Currently ... the functional ones are in LUTH, Lagos, UCH Ibadan, National Hospital in Abuja and Ahmadu Bello University Teaching Hospital, Zaria.” [54b]
- 27.15 A *Punch* (Nigerian newspaper) report, dated 24 September 2008, about cancer in Nigeria, stated:

“... 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 ...” [51a]

- 27.16 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)
- 27.17 An article of 23 February 2010 in *Nigerian Compass, Nigeria: Overcoming the cancer challenge*, noted that: “... experts say that only 20 per cent of cancer patients in Nigeria and Africa get medication.” [70]

KIDNEY DIALYSIS

- 27.18 An article in the *Daily Champion* of 25 March 2010, *Dangote Donates Dialysis Machines to Lagos Hospital*, noted the donation of two machines and funding the cost for the running of such. The article also stated that “... recent estimates put the number of dialysis units in Nigeria at about 27.” [95]
- 27.19 The Nigerian Association of Nephrology provides details of kidney dialysis facilities available in different parts of the country on its website:
<http://www.nanephrology.org/centres.html> .

MALARIA

- 27.20 The WHO *World Malaria Report 2009*, in relation to Nigeria, observed:
- “Nigeria accounted for one fourth of all estimated malaria cases in the WHO African Region in 2006. Transmission occurs all year round in the south but is more seasonal in the north. Almost all cases are caused by *P. falciparum*, but only a small fraction are parasitologically tested. The surveillance data show neither the true magnitude of the malaria burden nor evidence of a systematic decrease, because of inconsistent and incomplete reporting. IRS [Indoor Residual Spraying] was piloted in some project areas in 2008. The national malaria control programme delivered about 11.5 LLI Ns [Long Lasting Insecticide Treated Nets] and 7.3 million ITNs [Insecticide Treated Nets] during 2006–2008 (7.7 million LLI Ns were delivered in 2007 and 2008), covering only 5% of the population at risk. The programme delivered about 8 million ACT [Artemisinin Combination Therapy] treatment courses in 2006 and 12 million in 2008, far fewer (10%) than the estimated treatment needs. Funding for malaria control was reported to have increased from US\$ 17 million in 2005 to over US\$ 82 million in 2008, provided mainly by the Government, the Global Fund and the World Bank. This amount is unlikely to be sufficient to reach the national targets for prevention and cure.” [32b]
- 27.21 The Ministry of Health’s National Malaria Control Programme Anti Malarial Policy document from 2005 stated that “current drugs for treatment of uncomplicated malaria are Artemisinin based combination therapies.” Such drugs included in the therapies were Artemether and Lumefantrine. [87] (Pages 13, 14 and 15)

HEART DISEASE

- 116 The main text of this COI Report contains the most up to date publicly available information as at 18 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 5 April 2011.

27.22 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)

See the websites of the Nigeria Heart Foundation and Nigeria Cardiac Society for more information. <http://www.nigerianheart.org/> <http://www.nigeriancardiacsociety.org/>

SICKLE CELL DISEASE

27.23 An article in *Vanguard* of 23 February 2010, *Eradication of Sickle Cell Disorder is Fallacy, Says Akinyanju*, contained an interview with the Director of the Sickle Cell Foundation Nigeria who stated that the foundation was able to run a number of “... clinical services with donor supports.” In addition to Sickle Cell clinics, it was able to provide free drugs “... and some equipment in a few States in Nigeria. In Lagos we support Massey Children Hospital and Gbagada General Hospital with some funds from MTN Foundation which also applies to Benin Sickle Cell Anaemia Centres. General Hospital Okwe in Asaba, Muritala Mohammed hospital in Kano.” [29c]

27.24 The Ministry of Health’s National Malaria Control Programme Anti Malarial Policy document from 2005 stated that: “Individuals, both children and adults, with sickle cell anaemia are widely recognised to be at increased risk of sickle cell crisis from malaria infections. It is recommended that children with known sickle cell anaemia be given chemoprophylaxis. The most common prophylactic agent is proguanil. The recommended dose is 100mg daily for children or 200mg for adults.” [87] (page 17)

See the website of the Sickle Cell Foundation of Nigeria for more information <http://www.sicklecellfoundation.com/>

MENTAL HEALTH

27.25 The World Health Organisation 2005 *Mental Health Atlas* stated:

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

state has a school of Health Technologists for [the] training of primary care professionals including health care workers.

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

27.26 *Facts on mental health in Nigeria*, an article published by the news website Next on 4 April 2009 reported,

“Recent studies found that only around 10% of those with severe mental illnesses like schizophrenia received treatment. Annual expenditure on health in Nigeria is less than 3% of Gross Domestic Product, amounting to \$7 per capita. Mental health services receive only a very small part of this total health budget. The majority of the expense of care is paid by patients and families. This is usually difficult as mental illness can last for many years.

“There are only 4 psychiatric hospital beds per 100,000 people in Nigeria. Very few of these are accessible outside the major cities. Even though the Federal and University hospitals see many patients, the majority of the population in the rural areas cannot access the care they offer. For most patients and families, the first point of call is the traditional healer or prayer house. In many cases, owners of these facilities are not aware of which cases they should refer on.” [78a]

27.27 An article of 14 November 2010 in Nigerian Newsworld, *Contending with Mental Disorder in Nigeria*, noted that:

“So far, the federal government has not come up with a policy to expand health care facilities that will cover a large number of patients. The World Health Organisation, WHO recommends five percent of a country’s GDP to be set aside for mental health care. But in Nigeria, less than one percent is allocated to mental health. Treatment for the illness is equally expensive. The National Health Insurance Scheme, NHIS does not cover mental illness.” [96]

Annex C of the British-Danish FFM report of 2008 provides a list of psychiatric drugs available http://rds.homeoffice.gov.uk/rds/pdfs08/nigeria_ffm0108_291008.doc

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28. FREEDOM OF MOVEMENT

28.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report), stated that:

“The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, 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 travelers. Security

officials continued to use excessive force at checkpoints and roadblocks, which were sometimes maintained every few miles.” [3a] (Section 2d)

28.02 Freedom House’s *Countries at the Crossroads* report 2010, released 7 April 2010, stated:

“All Nigerians have the right to own property under the constitution. However, under the 1978 Land Use Act, all land ownership is effectively vested in the state governments, which have the power to license all land within their jurisdiction and make it available to individuals through an elaborate land-use application process. This normally culminates with the governor of the state issuing the applicant a certificate of occupancy, and only after the granting of such a certificate can an individual legally make use of landed property. Given that the application process can take many years, individuals living on land without a certificate are often subjected to undue hardship because they cannot legally sell or develop it. This policy also allows the government, whether at the federal or state level, to arbitrarily seize land or revoke property rights without regard to due process. According to a Joint Senate Committee on the Federal Capital Territory (FCT) and Housing, this policy was invoked arbitrarily and with impunity by then minister of the FCT Mallam Ahmad Nasir el-Rufai, who served from July 2003 through May 2007. Most revocations were done under the guise of clearing illegal structures from around Abuja. The committee also reported the allocation of 3,645 plots of land in the final two weeks of the Obasanjo administration under questionable circumstances. Even after el-Rufai’s departure, widespread destruction of community housing in Abuja continued into 2009. In early May 2009, Yar’Adua sent draft legislation to the National Assembly to reform the Land Use Act. The legislature has not yet acted on this bill.” [30a]

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29. INTERNALLY DISPLACED PERSONS (IDPs)

29.01 An Internal Displacement Monitoring Centre (IDMC) report of 3 December 2010, *Simmering Tensions Cause New Displacement in the ‘Middle Belt’*, noted:

“Displacement across the country is a common result of both communal violence and internal armed conflict. While some of the conflicts appear to be caused by religious or ethnic differences, benefits of a political, social and economic nature are generally behind the violence in a country with endemic poverty, low levels of education and a huge and alienated youth population. Nigeria also regularly experiences displacement as a consequence of natural disasters such as flooding or soil erosion. The government has not yet adopted a national IDP [internally displaced persons] policy, and national, international and local agencies have only assisted IDPs on an ad-hoc or selective basis. The signing of the African Union’s IDP convention in October 2009 may indicate the government’s intention to address internal displacement in a more consistent and coherent manner.” [7]

29.02 The same IDMC report observed that: “Nigeria has been affected by recurrent internal conflicts and generalised violence since the end of military rule and the return to democracy in 1999. The systematic and overlapping patterns of inequality in the country have been described as ‘breeding grounds’ for conflict. As a result, the country is faced with the ongoing challenge of responding to a fluctuating but always sizeable internally displaced population.” [7]

29.03 The IDMC report stated:

“There are no official IDP camps of a long-lasting nature in the country. Temporary shelter is normally provided in army or police barracks, schools or hospitals but they serve as IDP camps only for a limited period. The vast majority of displaced people in Nigeria reportedly 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]

29.04 The IDMC report added:

“There is no national legislation upholding the rights of IDPs in Nigeria. A national IDP policy has been planned since the creation of the Nigerian Presidential Committee on IDPs in January 2004, but it was yet to be approved by the Federal Executive Council in November 2010. At the end of October 2009, however, Nigeria signed the African Union’s Convention for the Protection and Assistance of Internally Displaced Persons. Its ratification could provide an opportunity for Nigeria to adopt a comprehensive approach to the continuing internal displacement situations in the country.” [7]

29.05 The IDMC report added:

“Most internal displacement situations are managed on an ad-hoc basis and only in the emergency phase. The Nigerian Red Cross (NRC), the most prominent humanitarian organisation, has the structure and the personnel to respond at very short notice, and often provides immediate assistance ahead of the local governments. Although it is not in their mandate, the military has also been called on several occasions to respond to IDPs’ needs especially when military barracks serve as temporary IDP camps. While faith-based organisations play an important role in both immediate relief and longterm support to IDPs of their religion, international organisations have also responded on a case-by case basis, most often without coordination. [7]

FORCED EVICTIONS

29.06 Amnesty International’s *World Report 2010*, published 27 May 2010, observed:

“Forced evictions continued throughout Nigeria. The authorities failed to provide compensation or alternative housing to people forcibly evicted from their homes. Some communities faced their third forced eviction. In Port Harcourt, capital of Rivers state, forced evictions were carried out throughout the year along the waterfront, affecting thousands of people.

“On 28 August, thousands of people were forcibly evicted from Njemanze Community, Port Harcourt. On 12 October in Bundu Community, Port Harcourt, at least three people died and 11 were seriously injured after combined troops of the JTF and police used firearms to disperse a crowd demonstrating against intended demolitions and blocking their entry into the community.” [12e]

29.07 An Amnesty International report of 3 October 2010, *‘Just move them’, Forced evictions in Port Harcourt, Nigeria*, stated:

“[The] Njemanze informal settlement in Port Harcourt, Rivers State, Nigeria, was demolished as part of the state authorities' urban renewal programme for the city. It is estimated that between 13,800 and 19,000 people were forcibly evicted from their homes. These evictions were carried out without prior and genuine consultation with residents and without the provision of adequate notice, compensation or alternative accommodation and legal remedies. Thousands of people, including children, women and the elderly were left homeless and vulnerable to other human rights violations.

“Njemanze is one of more than 40 waterfront settlements in Port Harcourt, which make up some of the city's most densely populated areas.. If the authorities continue with the planned demolitions of all remaining waterfront settlements without first implementing adequate human rights safeguards, more than 200,000 people will be at risk of losing their homes and livelihoods.” [12n]

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30. FOREIGN REFUGEES

30.01 The United States State Department *Country Report on Human Rights Practices 2009, Nigeria*, released on 11 March 2010 (USSD 2009 Human Rights Report) stated that:

“The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; it is a member of the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

“According to the National Commission for Refugees, the country had approximately 10,000 refugees, most of whom were from Sudan, Chad, Cameroon, and the Democratic Republic of Congo.

“Refugee status for refugees displaced by the civil war in Sierra Leone terminated on January 1, when the camps were closed. Subsequently, 553 persons were repatriated to Sierra Leone. Another 240 refugees who requested residency were provided two-year residency permits and help in obtaining passports from Sierra Leone; the refugees also received job training and small grants from the UNHCR United Nations High Commissioner for Refugees to begin their lives in the country.

“The government also assisted in the repatriation of numerous Liberians and the resettlement in third countries of 232 Liberians. Another 349 Liberian refugees were registered for local integration in the country and resided in refugee camps administered by the UNHCR.

“As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. The UNHCR provided food, education, and job skills training, and refugees were able to move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

“The government also provided temporary protection to a few hundred individuals who may not qualify as refugees.” [3a] (Section 2d)

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31. CITIZENSHIP AND NATIONALITY

31.01 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]

31.02 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]

31.03 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]

31.04 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

31.05 An Immigration and Refugee Board of Canada Response to Information Request (CIRB RIR) 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.” [38f]

31.06 The same CIRB RIR continued:

“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.” [38f]

31.07 The same CIRB RIR noted:

“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 number[s] 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." [38f]

31.08 The same CIRB RIR stated:

"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 'Business Day', ... the national ID card is 'difficult to authenticate because it lacks serial numbers.'" [38f]

31.09 The same CIRB RIR observed:

"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]

31.10 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.” [56a]

32. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

32.01 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)

32.02 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)

32.03 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)

32.04 The Immigration and Refugee Board of Canada (CIRB) response to information request of 27 July 2010, *False documents available in Nigeria and from Nigeria*, noted:

“Information on false documents available in and from Nigeria was scarce among the sources consulted by the Research Directorate.

“Two sources consulted by the Research Directorate indicate that, following his research conducted on illegal immigration to Europe, a Radio France internationale (RFI) correspondent in Mali stated that Lagos, a major city in Nigeria, is a centre for false document manufacturing (*Jeune Afrique* 11 Feb. 2008; *Le Potentiel* 10 Sept. 2009). According to an article published in *Jeune Afrique* on 11 February 2008, the RFI Correspondent discovered that two [translation] ‘factories that manufacture passports’ in Lagos were behind the circulation of false passports, particularly Cameroonian and Malian passports.

“False documents in Nigeria have been reported by the media in the following specific instances: referring to the dismantling of a Nigerian prostitution ring in the French cities of Bordeaux, Limoges and Paris, a 24 October 2009 article published by *Le Nouvel Observateur*, a Parisian magazine, indicated that Nigerian prostitutes exploited by this ring had used [translation] ‘false documents’ to enter France. Another prostitution ring controlled by Nigerians and dismantled in the city of Trieste, Italy, also provided false documents to the Nigerian women it exploited (France24 21 Nov. 2008). According to a 4 January 2010 article published by Agence France-Presse (AFP), a Nigerian soccer player was allegedly arrested with two fake passports in the Netherlands.” [38]

32.05 The same CIRB response to information request continued:

“According to an article published by Interpol's National Central Bureau in Dakar, during operations conducted in 2008 in certain neighbourhoods of Dakar, police officers allegedly uncovered a network of Nigerians who produce false documents, such as [translation] ‘fake refugee cards, fake money transfers and a fake letter from the head of the international promotion department at Microsoft, ensuring a potential victim ... a gain of 25 million dollars American’ for seeking assistance on the Internet in order to make fake transfers of funds (7 Aug. 2008). In addition, according to a 29 January 2009 article published by the Swiss magazine *l'Hebdo*, insurers cite Nigeria, among others, as a source country for fake receipts that are presented in order to obtain reimbursements.

“In a report on mass marketing fraud in Canada and in the United States (US) published in March 2008, the authors report that to achieve the trust of their victims, three members of a gang of Nigerian swindlers who were arrested in the Netherlands and extradited to the US during the course of an investigation on Internet fraud operating from the Netherlands, sent false documents to their potential victims, including [English version] ‘a ‘Letter of Authority’ or a ‘Certificate of Deposit’” (Canada/US Mar. 2008, 32).” [38j]

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33. EXIT AND RETURN

- 33.01 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 [United Nations High Commissioner for Refugees] 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 [Corruption](#), [Birth Certificates](#), [National Identity Cards](#) and [Passports](#)

FAILED ASYLUM SEEKERS

- 33.02 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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34. EMPLOYMENT RIGHTS

34.01 The United States State Department *Country Report on Human Rights Practices 2009*, Nigeria, released on 11 March 2010 (USSD 2009 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; while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Some of these restrictions were implemented 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.” [3a] (Section 7a)

34.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2009 *Human Rights* report:

“Workers not defined as ‘essential’ had the right to strike, although they had to provide advance notice. Workers under collective bargaining agreements cannot participate in strikes unless their unions complied with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers can bring labor grievances to the judicial system for review; however, courts do not ensure due process in protecting workers’ rights. Laws prohibit workers from forcing persons to join strikes, closing airports, or obstructing public by-ways, with violations subject to stiff fines and possible prison sentences.” [3a] (Section 7a)

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Annex A

CHRONOLOGY OF MAJOR EVENTS

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

1983

August –

September Local government, state and federal elections take place. Shagari wins the presidential election and begins a second presidential term. [1]

December

Major-General Muhammad Buhari seizes power in bloodless coup. The government is replaced by a Supreme Military Council; the National Assembly is dissolved, and all political parties are banned. [1]

1985

In August, Ibrahim Babangida seizes power in a bloodless military coup and curtails political activity. [8d]

1989

May

New constitution is promulgated. Babangida announces the end of the prohibition of political parties. [1]

1990

April

A coup attempt led by Major Gideon Orkar is suppressed. Some 160 members of the armed forces are subsequently arrested. [1]

July

Following their conviction by a military tribunal on charges of conspiring to commit treason, 69 prisoners, including Orkar, are executed. [1]

1991

In December, the seat of the federal government is formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place. [1]

1992

July

National Assembly elections take place. [1]

December

National assembly is formally convened. [1]

1993

June

The military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola. [1]

November

Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha. [1]

1994

Chief Moshod Abiola is arrested after proclaiming himself president. [8d]

1995

March

Olusegun Obasanjo and others are jailed for alleged coup plotting. [17a]

November

Ken Saro-Wiwa, writer and campaigner against oil industry damage to his Ogoni homeland, and eight other activists from the Movement for the Survival of the Ogoni People (MOSOP), are executed following a trial. In protest, the European Union imposes sanctions until 1998, and the British Commonwealth suspends Nigeria's Commonwealth membership until 1998. [8d][17a]

1998

Abacha dies and is succeeded by Major-General Abdulsalami Abubakar. [8d]

1999

February

National legislative elections are held on 20 February. In those elections, the PDP wins 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election is held on 27 February, which is won by Olusegun Obasanjo. [1]

- May Obasanjo is formally inaugurated as President of Nigeria on 29 May. A new constitution was formally promulgated on 5 May, and comes into force on 29 May. [1]
- 2000** Adoption of Shari'a law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims. [8d]
- 2001** In October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers. [8d]
- 2002**
- February Some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly Islamic north and ethnic Yorubas from the predominantly Christian south west. [8d]
- March An appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death. [8d]
- October The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. [8d]
- November More than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain. [8d]
- 2003**
- 12 April First legislative elections since end of military rule in 1999. Polling marked by delays and allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority. [1]
- 19 April First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 per cent of the vote. Opposition parties reject result. [1]
- September An Islamic appeals court in the northern state of Katsina acquits a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. [1]
- 2004**
- April Suspected coup attempt. President Olusegun Obasanjo's Government announce that some 20 army officials had been arrested following the discovery of a conspiracy to seize power, believed to be instigated by Major Hama al-Mustapha. [1]
- May Communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor is suspended. [9]
- October Major Hama al-Mustapha and three senior military officers, are charged in connection with a coup attempt that reportedly took place in March 2004. [1]
- November State of emergency lifted in Plateau State. The suspended state governor is reinstated. [1]

2006

- February More than 100 people are killed when inter-religious violence flares in mainly Muslim towns in northern Nigeria and in the southern city of Onitsha. [8d]
- May The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third presidential term in 2007. [8d]
- August Nigeria hands over the disputed Bakassi peninsula to Cameroon under the terms of a 2002 International Court of Justice ruling. [8d]
- December The National Population Commission publishes provisional results of the 2006 national census which indicates that the national population was 140 million. [43a]

2007

- April Gubernatorial, National Assembly and presidential elections take place. [46]
- May On 29 May 2007, Umaru Yar'Adua is formally inaugurated as President of the Federal Republic of Nigeria. The new President, in his inaugural address, declares that he will be a servant leader to the Nigerian people. He also makes many pledges, amongst these is to improve the standard of education and the country's infrastructure, and strengthen the rule of law. [43c]

2008

- February A tribunal upholds the 2007 presidential election results following a challenge by political rivals who wanted the vote annulled. President Yar'Adua remains president. [8d]
- April Two former health ministers and a daughter of former president Olusegun Obasanjo, as well as other government officials, are charged with embezzling around 470m Naira of government funds. [8d]
- August The Nigerian government formally hands over the Bakassi Peninsula territory to Cameroon, in accordance with an international court ruling, ending a long-standing dispute over the territory. [8h]
- 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. [81]
- 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]
- July Hundreds die in northeastern Nigeria after the Boko Haram Islamist movement launches a campaign of violence in a bid to have Sharia law imposed on the entire country. Security forces storm Boko Haram's stronghold and kill the movement's leader. [8d]
- August Two-month offer of a government amnesty for Niger Delta militants comes into force. [8d]
- October Nigeria's main armed group in the oil-rich Delta region has announced a new, indefinite ceasefire. The Movement for the Emancipation of the Niger Delta (MEND) said it had been encouraged by the government's 'readiness to engage' in serious talks. [8q]
- November President Yar'Adua travels to Saudi Arabia to be treated for a heart condition. His extended absence triggers a constitutional crisis and leads to calls for him to step down.

2010

- January At least 149 people are killed during two days of violence between Christian and Muslim gangs in the central city of Jos.
- February Parliament votes to transfer power to Vice-President Goodluck Jonathan until Mr Yar'Adua is able to resume presidency.
Mr Yar'Adua returns to Nigeria but does not return to work.
- March More than 120 people are killed in clashes between Muslims and Christians in the flashpoint city of Jos.
Acting president Goodluck Jonathan sacks entire cabinet in a bid to consolidate his grip on power.
- April Acting president Goodluck Jonathan swears in a new cabinet.
- May President Umaru Yar'Adua dies after a long illness. His vice-president, Goodluck Jonathan, already acting in Yar'Adua's stead, succeeds him. [8d]
- September Presidential elections set for 22 January 2011.
- October Nigeria marks 50 years of independence. Celebrations in Abuja marred by deadly bomb blasts.
- November Nigeria intercepts arms shipment from Iran, reports find to UN Security Council.
Presidential elections scheduled for January 2011 pushed back until April.
- December Christmas Eve bomb attacks near central city of Jos kill more than 30 people. [8d]

2011

- January Nigerian President Goodluck Jonathan has won ruling party primaries, making him favourite in April's elections. [8x]

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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 – Hon. Mohammad Lawal Malado

Action Alliance [18]

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

Action Congress [18]

Registered political party. Based in Abuja. National Chairman – Chief Adebisi Bamidele Akande

Action Party of Nigeria [18]

Registered political party. National Chairman – Alhaji Lateef Kayode Jakande

Advanced Congress of Democrats [18]

Registered political party. National Chairman – Yusuf Buba

African Democratic Congress [18]

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

African Liberation Party [18]

Registered political party. National Chairman – Chief E.O. Okereke

African Political System [18]

Registered political party. National Chairman – Sir Lawrence Famakinde Adedoyin

African Renaissance Party [18]

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

All Nigeria's People's Party [18]

Registered political party. Based in Abuja. National Chairman – Chief Okey Nwosu

All Progressives Grand Alliance [18]

Registered political party. Based in Abuja.

Alliance for Democracy [18]

Registered political party. Based in Abuja.

Allied Congress Party of Nigeria [18]

Registered political party. National Chairman – Alhaji Moh Sanusi

Better Nigeria Progressive Party [18]

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

Change Advocacy Party [18]

Registered political party. Based in Abuja. National Chairman – Abah Lewis Elaigwu

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 - Alhaji Musa Bukar Sani.

Congress for Democratic Change [18]

Registered political party. National Chairman – Edozie Madu.

Congress for Progressive Change [18]

Registered political party. National Chairman – Senator Rufai Hanga

Democratic Alternative [18]

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

Democratic Front for People's Federation [18]

Registered political party. Based in Abuja. National Chairman – Prof. Wole Soyinka

Democratic People's Alliance [18]

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

Democratic People's Party [18]

Registered political party. Based in Abuja. National Chairman – General J.T. Useni (Rtd.)

Freedom Party of Nigeria

Registered political party. Based in Abuja. National Chairman – Frank Ohwopa

Fresh Democratic Party [18]

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

Hope Democratic Party [18]

Registered political party. National Chairman – Chief Barr. Ambrose A. Owuru

Justice Party [18]

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

Kowa Party

Registered political party. Based in Abuja. National Chairman – Alh. Umar Mustapha

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 – Barr. Edreez Alibi

Mega Progressive Peoples Party [18]

Registered political party. Based in Abuja. National Chairman – Hon. Aderemi Banjo

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 – Alh. Mohammadu A. Gambo.

National Action Council [18]

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

National Conscience Party [18]

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

National Democratic Liberty Party [18]

Registered political party. Based in Abuja. National Chairman – Alh. Umaru Mohammed Maizabura

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 Movement of Progressive Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. I U C Atiana

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 – Chief Udemba Chukwudolue

National Transformation Party [18]

Registered political party. Based in Abuja. National Chairman – Mok Emmanuel

National Unity Party [18]

Registered political party. National Chairman – Chief Perry C. 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 Advance Party [18]

Registered political party. National Chairman – Dr. Olatunji Braithwaite

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 for Democratic Change [18]

Registered political party. Based in Abuja. National Chairman – Abdulrahman Mohammed

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 – Prof. Edward Oparaoji.

Peoples Party of Nigeria [18]

Registered political party. Based in Abuja. National Chairman – Prince Abiodun Odusanya

People's Progressive Party [18]

Registered political party. National Chairman – Solomon Iyabosa Edebiri

People's Redemption Party [18]

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

People's Salvation Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Junaidu Mohammed.

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 – Clement Ebri.

Republican Party of Nigeria [18]

Registered political party. National Chairman – Shittu Mohammed.

Social Democratic Mega Party [18]

Registered political party.

United Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United National Party for Development [18]

Registered political party. Chief (Mrs) Ebiti Jegede

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

CIA *World Factbook, World Leaders*, as at January 2011

President	Goodluck JONATHAN
Vice President	Namadi SAMBO
Minister of Agriculture	Ahmed ABDULLAH
Minister of Aviation	Fidelia Akaubata NJEZE
Minister of Commerce & Industry	Jibril Martins KUYE
Minister of Culture & Tourism	Abubakar Sadiq MOHAMMED
Minister of Defense	Adetohunbo KAYODE
Minister of Education	Raqayyatu Ahmed RUFAl
Minister of Environment	John Ogar ODEY
Minister of the Federal Capital Territory	Bala MOHAMMED
Minister of Finance	Olusegun AGANGA
Minister of Foreign Affairs	Henry Odein AJUMOGOBIA
Minister of Health	Otu ONYEBUCHI
Minister of Information & Communications	Dora AKUNYILI
Minister of Interior	Emmanuel IHEANACHO
Minister of Justice	Mohammed Bello ADOKE
Minister of the Niger Delta Affairs	Peter Godsdan ORUBE BE
Minister of Police Affairs	Adamu Maina WAZIRI
Minister of Women's Affairs	Iyom Josephine ANENIH

[52]

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

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 seventh Party [18] Re.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.

Jonathan, Goodluck [8u]

He was sworn in as president in May 2010 following the death of Umaru Yar'Adua, having been acting president since November 2009. Born in 1957 in the oil-rich Niger Delta region, he is a Christian from the Ijaw ethnic group.

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.

Okah, Henry [8p]

He is a senior militant (alleged to be the leader) in the armed group, the Movement for the Emancipation of the Niger Delta (MEND).

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. He died in May 2010 after a long illness. [8u]

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex E

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Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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