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## 2009 Human Rights Report: Nigeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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Nigeria is a federal republic of 36 states and a capital territory, with a population of approximately 150 million. In 2007 Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) was elected to a four-year term as president; the PDP won 70 percent of seats in the national legislature and 75 percent of state governorships. The election was marred by what international and domestic observers characterized as massive fraud and serious irregularities, including vote rigging and political violence. Numerous election tribunals, which continued to hear complaints brought by losing parties at all levels, nullified several state and local elections during the year. In December 2008 the Supreme Court rejected the appeals of two major opposition presidential candidates, upholding the election of President Yar'Adua. While civilian authorities generally maintained effective control of the security forces, there were numerous instances in which elements of the security forces acted outside the law.

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.

Militant and criminal groups in the Niger Delta were responsible for numerous killings, kidnappings, and injuries, as well as the displacement of thousands of persons; however, lead militant groups accepted the president's offer of an amnesty by the October 4 deadline, after which reports of incidents attributed to these militant groups decreased, although violence remained pervasive in the south.

From July 26 to 29, violent clashes erupted in four northern states after supporters of Boko Haram ("western education is sin"), an Islamic extremist group, launched a four-state assault on police stations and other government facilities. In quelling the uprising, security forces committed serious human rights abuses, including executions, extrajudicial killings, and widespread and indiscriminate arrests.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents were responsible for numerous extrajudicial killings, including politically motivated killings of leaders of Boko Haram, an extremist Islamic group.

During the year the Joint Task Force (JTF), a unit formed in 2003 to restore stability in the Niger Delta and composed of elements of the military, police, and security services, conducted raids on militant groups and criminal suspects in the Niger Delta, resulting in numerous deaths and injuries. Credible reports also indicated that military personnel and paramilitary mobile police carried out summary executions, assaults, and other abuses across the Niger Delta (see section 1.g.).

From July 26 to 29, violent clashes between police and militant members of Boko Haram in four northern states resulted in more than 700 deaths; quick burials in mass graves precluded an accurate accounting of the dead. There were numerous injuries, and the Red Cross estimated that approximately 4,000 persons were displaced. The conflict began on July 26, in Bauchi, when approximately 70 members of Boko Haram attacked a police station with grenades and guns in retaliation for the mid-June arrest of several of the group's leaders and the injuring of group members. During the nights of July 27 and 28, the group attacked police stations and government buildings in Maiduguri, Borno state. Police and soldiers counterattacked, and the violence quickly spread to Potiskum in Yobe state and Wudil in Kano state. There were reports of summary executions, use of excessive force, and widespread arrests of suspected extremists, many based on little or no evidence. Some sect members allegedly shaved their beards and changed the style of their dress to avoid being identified. Corpses of militants were found at police stations, and there were numerous reports of persons being pulled from cars and summarily shot. According to Amnesty International (AI), on July 30, security forces killed an estimated 200 alleged members of the sect trying to flee Maiduguri. Religious leaders condemned the philosophy and actions of Boko Haram but criticized the government's use of excessive force and its failure to address the social problems, including poverty and lack of education, that they said triggered the violence.

On July 30, after four days of Boko Haram assaults on police and other local government institutions, the military entered Maiduguri, capital of Borno state and headquarters of Boko Haram, where soldiers located and arrested sect leader Muhammad Yusuf. Credible media reports claimed that police executed Yusuf, whose bruised body was subsequently seen at state police headquarters with multiple bullet wounds. While police initially admitted killing Yusuf in custody, they subsequently claimed he was killed trying to escape. Yusuf's father-in-law, Baba Mohammed, and Buji Fai, a former state government official suspected of funding Boko Haram, were also reportedly killed in custody. On August 4, President Yar'Adua pledged to conduct a full investigation of the Boko Haram uprising, including the circumstances surrounding Yusuf's death; however, there was no public release of the investigation by year's end.

On December 29, in the northern state of Bauchi, a clash between members of the Islamic sect Kala-Kato, town residents, and security forces resulted in approximately 40 deaths, including children, in fighting that lasted approximately three hours. The conflict started when residents complained to police about aggressive open-air preaching against other Muslim groups. Police arrested 20 persons, including children, for allegedly fighting and burning homes. Police claimed they had killed sect leader Mallam Badamasi and recovered "bomb-making tools and explosives." Civil society groups reportedly were trying to locate family members of the 23 children orphaned in the clash. In a December 30 statement, the UN Children's Fund (UNICEF) expressed concern for the orphaned children, noting that millions of children in the northern part of the country lived in precarious circumstances, many away from their families.

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On December 9, AI published *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, which documented 39 cases of security force killings and enforced disappearances and was based on interviews and research conducted between July 2007 and July of this year. According to the report, national police were responsible for hundreds of extrajudicial executions, other unlawful killings, and enforced disappearances each year. Victims were not picked at random and, in a country where "bribes guarantee safety," those who could not afford to pay were at risk of being shot or tortured to death. The majority of cases were neither investigated nor perpetrators punished. When investigations did occur, they did not comply with international standards, and officers suspected of extrajudicial executions were generally sent on training or transferred to other states instead of being prosecuted. Police often claimed that the victim was an armed robber killed in an exchange of gunfire or while trying to escape police custody. AI charged that Police Force Order 237, which permits officers to shoot suspects and detainees who attempt to escape or avoid arrest, "lets the police get away with murder."

National police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects. According to AI, the government executed detainees in custody, suspected armed robbers under arrest, persons who refused to pay bribes, or persons stopped during road checks. While not confirming the report, Parry Osayande, the retired police deputy inspector general in Nasarawa state, told reporters that police killed hundreds of detainees annually, which he blamed on lack of training and inadequate funding.

On January 25, the Ovie of Ozoro, a traditional ruler, and several of his supporters attacked Eugene Ebiri, an individual with mental disabilities who lived in Isoko North Local Government Area, Delta state. Ebiri, whose offense reportedly was to have sat on the Ovie's throne, subsequently died, according to the Network on Police Reform in Nigeria, a network of 39 civil society organizations dedicated to police reform and accountability. Ebiri's body was taken to a mortuary, where it was located later by the family after police authorities refused to provide any information on the death. No action had been taken against the perpetrators by year's end.

On April 15, police in Mowe, Ogun state, indiscriminately fired into the home of Patrick Akama, who had called police because his home was being burgled. Akama died instantly.

On December 1, at Ado-Awaye, Oyo state, two police officers stopped 15 youths traveling by motorcycle, fired into the air to frighten them and then shot and killed one of the youths. One officer was arrested; the other officer fled the scene, was dismissed in his absence, and remained at large at year's end.

On October 27, the district coroner absolved police of any involvement in the August 2008 killing in Lagos of journalist Abayomi Ogundeji and ruled that armed thieves were responsible. Police also claimed Ogundeji had been killed by thieves, but a coroner's inquest in July implicated police in the killing after eyewitness accounts described the victim's unwillingness to get out of his car at a police roadblock. One of the eyewitnesses was shot and killed a few days before the inquest. The district coroner, however, accused police of failing to conduct a proper investigation.

During the year authorities charged a police officer with responsibility in the October 2008 death of bank manager Modebayo Awosika, who was shot in the head for failing to stop after his car collided with a police vehicle. On April 24, however, the trial was adjourned indefinitely to search for the other police officer involved in the killing.

No action taken against the four police officers from Ede, Osun state, who in October 2008 beat to death Misitura Ademola following her arrest for theft; or the police officers in Oshogbo, Osun state, who in October 2008 beat to death Dauda Najeem while attempting to extract a confession of theft.

Authorities did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The reports of state or federal panels of inquiry investigating suspicious deaths were not published.

According to the December AI report, police officers from the Ketu Anti-Robbery Squad arrested persons attending a December 2008 community party and released only those who could pay a fine. One of the detainees unable to pay died after being beaten with an iron bar and rifle butt.

In April, after receiving a second petition from the Osun State Civil Societies Coalition against Corruption and Rights Violations, a team of police investigators visited Oshogbo to examine three extrajudicial killings that occurred in 2008 and seven, which occurred in prior years. The investigators had not released a report on their findings by year's end, despite multiple petitions.

A panel, established by Plateau state to investigate the November 2008 security force killings of approximately 700 civilians in the Jos North local government area, attributed the violence to provocation by religious leaders as well as violence by political parties and local government officials; however, the panel's full report had not been released by year's end, and no one had been charged or punished for any of the killings. A second panel called by the president to investigate the incident began public hearings the week of December 14.

No investigation was conducted into the February 2008 police killings of more than 50 persons in Ogaminana, Kogi state; police reportedly attacked the village in reprisal for the killing of a colleague by local youths.

Police use of excessive force, including live ammunition, to disperse demonstrators resulted in numerous killings during the year (see section 1.g.).

There were no developments in the following 2008 police killings of demonstrators: the January shooting deaths of three youths in Okeagbe, Ondo state and the January killings of four demonstrators in Kaduna state.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued during the year, despite numerous announcements by the police inspector general that independent police roadblocks would be eliminated and offenders punished. According to AI's December report, commercial drivers were often stopped and asked to pay a bribe, the amount of which was determined by the weight of the vehicle. Police shot drivers who refused to pay and also shot them when there was a disagreement about the price or when it was unclear whether a bribe had been paid.

Bystanders sometimes were shot by mistake. For example, on April 5, a two-year-old girl was accidentally shot at a checkpoint in Lagos.

On May 15, at a checkpoint in Emene, Enugu state, police shot Aneke Okorie, who later died on his way to the hospital. An eyewitness told AI that a police officer shot Okorie in the stomach and then hung his gun around Okorie's neck to suggest that the officer had been attacked by an armed robber. When radio reports in Enugu state claimed that police had killed an armed robber, the eyewitness and community leaders wrote a petition to the Inspector General of Police stating that Okorie was innocent and asking for the perpetrators to be brought to justice. The three police officers involved in the shooting were arrested; one was dismissed from the police and awaited trial at year's end.

On September 3, in Festac, Lagos state, five police officers stopped the car of Lagos State University student Michael Egwu at a checkpoint and demanded documentation, which Egwu produced. According to eyewitnesses, the officers subsequently demanded money, and an argument ensued, during which one of the police officers shot and killed Egwu. News reports claimed an officer was in custody over the incident, but there was no confirmation by year's end.

On November 7, a 70-year-old man on the way home from the wedding of his son died after being shot in the head at a police checkpoint in Osogbo, Osun state; the man had refused to pay a 20 naira (13 cent) bribe. According to news reports, fellow officers removed the police officer, who was drunk, from the scene.

Despite police pledges to fully disclose details of the prosecution into the October 2008 shooting death of Gabriel Mordi at a checkpoint in Agbor, Delta state, police officers responsible for the killing were quietly redeployed to other locations during the year.

Police and military personnel used excessive and sometimes deadly force to quell civil unrest, property vandalism, and interethnic violence.

For example, on October 19, in Biu, Borno state, two of 100 motorcycle riders protesting the enforcement of required crash helmets were killed during a confrontation with police; several riders also were injured. A mob retaliated by burning Biu government offices.

The torturing and killing of children accused of witchcraft resulted in numerous deaths during the year (see section 6).

Killings carried out by organized gangs of armed robbers remained common during the year. In many regions, groups of street youths, known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists.

Ethnic violence, often triggered by disputes between farmers and herders, resulted in deaths and displacement during the year.

For example, in June Fulani nomadic herders in Plateau state killed an ethnic Chala farmer, whose relatives retaliated the following day by killing three herdsman. Conflicts were exacerbated by drought in the north, since many Fulani nomads had moved south to maintain their herds.

On April 27, government authorities expelled an estimated 2,000 Fulani nomads from Wase, Plateau state, after disputes over grazing their cattle on farm lands; in May another 700 nomads were also expelled from Borno state. Ahmed Idris, a congressman from Plateau state, charged that the expulsions of Fulani herdsman violated the constitution and were an attempt to conduct "ethnic cleansing." The land disputes occurred over traditional grazing rights given by local governments to farmers over the years, leaving no place for the Fulani to graze their herds.

On December 18, at least 30 persons were killed in fighting between farmers and cattle herders in central Nasarawa state, when armed herders raided the farm village of Udeni Gida; a similar clash two weeks earlier occurred after herders led their cattle into rice fields.

There continued to be reports of street mobs killing suspected criminals during the year. There were no arrests reported from these mob actions and no developments in cases from previous years.

#### b. Disappearance

There were increased abductions of civilians by militant and criminal groups in connection with the conflict in the Niger Delta, particularly in Port Harcourt (see section 1.g.).

There was also a dramatic increase in abductions, some of which may have been politically motivated, in other parts of the country. In the first six months of the year, more than 500 persons reportedly had been abducted, 10 of whom were subsequently killed; 353 were reported as abducted in 2008.

While kidnappings for ransom were a common occurrence in the south, none had occurred during the year in the northern part of the country until April 16, when armed men abducted one of five Canadian citizens in the country on a Rotary exchange program. The gunmen demanded a ransom of 20.5 million naira (\$136,000); however, the victim was released two weeks later, with no public confirmation of a ransom payment.

On March 12, in Benin City, the capital of Edo state, four gunmen abducted seven-year-old Etiosa Aghobahi, the son of the chairman of Ovia South West local government area of Edo state. After three days and payment of ransom, the boy was released unharmed. Edo police reported that 14 persons were arrested on kidnapping charges; none had been prosecuted by year's end.

On August 7, armed men abducted two Kogi state council chairmen, killed three police officers, and critically injured three others; the incident occurred while the councilmen were in Kabba for their monthly forum. Eyewitnesses described police vehicles carrying the armed men to the scene.

On September 21, 10 unidentified men dressed in military camouflage uniforms abducted Waje Yayok, secretary to the government of Kaduna state, and released him nine days later. Yayok's family reported that the kidnappers demanded a ransom of 40 million naira (\$265,000). It was unclear whether the ransom was paid or the kidnapping was politically motivated.

On October 23, in what was widely believed to be a politically motivated act, unidentified persons kidnapped the 78-year-old father of Chukwuma Soludo, the PDP candidate for governor of Anambra State and former governor of the Central Bank of Nigeria. The victim was released unhurt after 10 days; there were reports of payment of a significantly lower ransom than originally demanded.

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

JTF use of excessive force during raids on militant groups and criminal suspects in the Niger Delta resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses in the Delta region (see section 1.g.).

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.

Citing the nongovernmental organization (NGO) Social Justice and Advocacy Initiative, the December AI report noted that "intimidation, torture, and extortion of detainees are entrenched practices in the Nigerian criminal justice system." The National Human Rights Commission (NHRC) claimed that "most cases in court are prosecuted by the police based on confessions obtained under circumstances of torture." In May the NHRC and the Legal Research Initiative established a center to create a database on acts of torture by law enforcement agencies.

In 2007 the UN special rapporteur on torture visited the country at the government's invitation to assess reports of official abuse. On the basis of discussions with detainees, visits to prisons and police stations, and forensic medical evidence collected over a one-week period, the rapporteur reported that torture was endemic in law enforcement operations, including police custody, and was often used to extract alleged confessions. According to his report, methods of torture included flogging a suspect with whips; beating a suspect with batons and machetes; shooting a suspect in the foot; threatening a suspect with death and then shooting him with powder cartridges; suspending a suspect from the ceiling; and denying a suspect food, water, and medical treatment.

In 2007 the local NGO Network on Police Reform in Nigeria stated that it had monitored 400 police stations in 13 states for a year and found that killings, torture, extortion, and rape had become routine because authorities shielded police officers from the law.

On August 18, the Economic and Financial Crimes Commission (EFCC) arrested and detained without charge student leader Abduliahi Ebiloma. In July Ebiloma had asked to meet with the education minister to discuss the teachers' strike and the removal of the minister of education; the education minister had rejected his request. During his 78-day detention, Ebiloma was beaten, shocked with electrodes attached to his torso, and not allowed to confer with an attorney. On October 3, he was released without explanation.

Police and military use of excessive force in quelling the late July uprising in Boko Haram communities resulted in numerous deaths and injuries (see section 1.a.).

Police occasionally beat children. For example, on July 3, police in Iket, Akwa Ibom, entered a shelter that held 150 children accused of witchcraft. When the children tried to prevent the arrest of staff members, police beat them, rendering two girls unconscious.

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

No investigation was conducted into the July 2008 beating by police of Baba Mohammad, who subsequently lapsed into a coma; there also were no developments in the November 2008 beating by navy officers of Uzoma Okere.

There were credible reports during the year that security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. AI reported that women frequently were raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. In July 2008 the NHRC reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers.

Varying Shari'a penal codes were in place in 12 northern states, and Shari'a courts delivered "hadd" sentences, for example caning, for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year's end. States did not carry out any death sentences (stoning) pronounced in prior years for adultery. There were numerous Shari'a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. 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.

Ethnic or communal clashes resulted in deaths and injuries during the year (see section 1.a.).

Prison and Detention Center Conditions

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 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, 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.

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.

Following a 2007 visit to 10 prisons in the states of Enugu, Kano, Lagos, and the Federal Capitol Territory (FCT), AI issued a report citing appalling prison conditions, noting that many prisoners were considered "forgotten inmates" because they had been incarcerated for years without trial.

In 2007 the UN special rapporteur on torture also reported appalling conditions in detention centers, noting crowded and unsanitary cells, exacerbated by insufficient food, clean water, and medical care. The rapporteur noted, however, that conditions for female detainees were much better than those for males.

Inmates died from harsh conditions and denial of proper medical treatment during the year; however, an accurate count was not available from prison authorities.

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. 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.

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 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.

Until 2008 the government allowed AI, Prisoners Rehabilitation and Welfare Action (PRAWA), and other NGOs regular access to prisons. After an unflattering report in 2007, AI no longer had unrestricted access to prisoners. During the year the government allowed only PRAWA to conduct regular prison visits.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF arbitrarily arrested hundreds of persons during the year during sweeps for militants.

#### Role of the Police and Security Apparatus

The Nigeria 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 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.

According to AI's December report, only a fragment of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. Officers worked without basic equipment and sometimes made crime victims pay for gasoline and stationery necessary to conduct an investigation.

Such lack of resources contributed to corruption, which remained rampant, particularly at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow them to continue until they paid bribes. The police inspector general attempted to strengthen the Police Monitoring Unit, which was charged with visiting police stations to search officers for signs of accepting bribes; however, the unit was ineffective and had made no arrests by year's end. Citizens could report incidents of police corruption to the NHRC; however, it had no power to act on such complaints, and no other mechanism was available to investigate security force abuse. In its December report, AI noted that families of victims often could not pay for a lawyer, afford court fees, or even pay to retrieve a body.

Police use of alcohol while on duty reportedly contributed to abuses. For example, on November 28, in Effurun, Delta state, a police officer drinking in a local business opened fire, injuring the owner and a customer. On November 17, a foreign diplomat visiting police headquarters in Makurdi, Benue state, was threatened by a drunken police officer in full view of dozens of police officers, who did not intervene.

#### Arrest Procedures and Treatment While in Detention

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.

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.

Security forces arbitrarily arrested numerous persons during the year. During the July fighting between security forces and militant members of the Islamic extremist group Boko Haram, hundreds of persons in Bauchi, Yobe, Kano, and Borno states were arrested, many based on little or no evidence of involvement (see section 1.a.). Bystanders were released within a few days; however, as of September 21, 58 persons were being held without bail.

In August police arrested approximately 4,000 members of Darul Islam, an Islamic sect, and detained them for questioning before deporting them to their states of origin (see section 2.c.).

The Eagle Squad, a special security force sponsored by the commissioner of police in Osun state, continued to arbitrarily arrest citizens and civil society leaders (see section 4.).

Security forces detained journalists and demonstrators during the year (see sections 2.a. and 2.b.).

The EFCC reportedly singled out political opponents in its arrests and detentions of state, local, and federal government officials on corruption charges during the year (see sections 1.c. and 4).

Most of the 78 members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) who were arrested in June 2008 for conspiracy to commit a felony were released during the year; however, members without influence or money to bribe authorities remained in detention. The members were arrested during a commemoration of the Nigerian civil war era secessionist state of Biafra and charged with intent to stage a protest.

Lengthy pretrial detention remained a serious problem, and human rights groups reported that 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 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.

Amnesty

In August Lagos state Governor Babatunde Fashola granted amnesty to three death row inmates; the sentences of 29 death row inmates were commuted to life in prison, and eight others were commuted to various jail terms. The governor said he wanted to give the prisoners "hope of changing their behaviors and being rehabilitated into society."

#### e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. 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.

The Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state level; however, there were no requirements or monitoring bodies for judges at the local level, which resulted in corruption and miscarriages of justice in those courts.

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. 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.

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.

#### Trial Procedures

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.

In both common law and Shari'a courts, indigent persons without representation were more likely to have their sentences carried out immediately upon being sentenced, although all convicted persons have the right to appeal. The federal government instituted a panel of legal scholars in 2003 to draft a uniform Shari'a penal code to replace divergent Shari'a codes adopted by various northern states; however, the panel did not produce a report, and states continued to apply their individual codes.

There were no legal provisions in common law barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. Some "qadis" (Shari'a court judges) allowed separate evidentiary requirements to prove adultery or fornication for male and female defendants. For women pregnancy was deemed permissible evidence in some Shari'a courts. By contrast men could only be convicted by confessing to the crime or if there was eyewitness testimony. However, Shari'a courts provided women with some benefits, including increased access to divorce, child custody, and alimony, because it was significantly easier, faster, and cheaper to get an audience in a Shari'a court than a common law court.

There was a lack of due process in numerous trials during the year. For example, on April 28, the army convicted 27 enlisted soldiers who had served as UN peacekeepers of mutiny and sentenced them to life in prison; the soldiers had protested after officers had stolen their stipend during deployment. After the case garnered international media attention, prison guards took reprisals against the jailed soldiers. In August the army reduced the sentences of the 27 to seven years. Meanwhile, the army found the officers guilty of theft and reassigned or forced them to retire; however, none received a prison sentence.

There were no developments in the trial of MASSOB leader Ralph Uwazurike and 10 others accused of treason in 2005; all of the accused remained free on bail.

On July 11, the trial of Hamza Al Mustapha and his four codefendants resumed; subsequent defense procedural filings resulted in another court adjournment. The five defendants, who were arrested in 2001 on treason charges for alleged assassination attempts on former president Obasanjo and other prominent prodemocracy activists, remained in prison at year's end. Al Mustapha, an army intelligence officer on the staff of late military leader Abacha, still had not been allowed to retrieve personal papers and evidence that he claimed would exonerate him.

#### Political Prisoners and Detainees

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

#### Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters. However, the executive and the legislature exerted undue influence and pressure in civil cases. Official corruption and lack of will to implement court decisions also interfered with due process. The law provides for access to the courts for redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were extremely difficult to enforce.

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

The law prohibits such actions, but authorities infringed on these rights during the year, and police raided homes without warrants.

The Federal Capital Development Authority (FCDA) continued to demolish homes and businesses illegally in the FCT that allegedly did not comply with the city's master plan. The government typically claimed that demolished homes or offices lacked proper permits, even if owners were able to produce paperwork indicating the structures were built legally. There was no transparent legal process for deciding which homes would be demolished, and persons who had their homes destroyed had no recourse to appeal and received no compensation. According to the Swiss-based Center on Housing Rights and Evictions, authorities have demolished more than 800,000 homes in the Abuja area since 2003. There was widespread opinion that the demolitions were primarily motivated by corruption and discrimination based on socioeconomic class, since mostly lower- and middle-class persons lost their homes and property, which, once vacated, were sold to wealthy persons with connections to government officials.

In July a Lagos state government special task force demolished hundreds of homes and buildings along the route of the Lagos-Badagry highway to make way for a major road expansion project. Authorities warned that only home owners able to provide genuine title documents would be compensated and denied the claims of many homeowners, alleging fraud.

The government also destroyed the homes of suspected opponents. For example, in January the JTF expanded its operations beyond the Niger Delta to raze 10 villages of the Abala community in Abia state. Residents were injured, and more than 80 homes were destroyed. The JTF, in conjunction with Abia state vigilante services and police forces, accused residents of sheltering armed robbers. No action was taken against the soldiers and vigilantes.

On April 27, authorities expelled 2,000 Fulani nomads from the Wase Local Government Council in Plateau state after disputes over grazing their cattle on farm lands; in May another 700 nomads were expelled from Borno state (see section 6.).

After the July uprising by Boko Haram, the government of Niger state forcibly relocated 1,200 members of the Darul Islam sect (see section 2.c.).

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

The Niger Delta region is home to one of Africa's largest oil industries, which exported nearly 2 million barrels of crude per day. Particularly since 2006, militant groups have used violence, including kidnapping oil company workers, to demand greater control of the region's resources. Abductions for ransom, armed robberies, gang wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued during the year and contributed to the region's general insecurity and lack of economic vitality.

Criminal gangs, called "cults" in some areas, have copied the methods of more sophisticated militants to amass wealth and power, including kidnapping. In a new trend, kidnappings targeted citizens of modest means--including businessmen, doctors, teachers, and priests--as well as expatriates. Gangs extended their reach beyond the core Niger Delta states, where they originated as politically sponsored thugs to intimidate opponents and aid election rigging. Kidnappings, perpetrated primarily for ransom, occurred all across the country, including in the north. Power struggles between gangs resulted in hundreds of deaths in the previous two years, including of civilian bystanders, and resulted in extensive property damage.

On June 25, the government announced a general and unconditional amnesty for militants in the Niger Delta, and all major militant groups had accepted the offer by the October 4 deadline. Early reports indicated the amnesty program

resulted in a significant decline in militant violence; however, some observers were skeptical that the militants had surrendered all of their weapons.

### Killings

The JTF was responsible for numerous killings during the year, but no investigations were conducted.

For example, on February 22, the JTF reportedly killed 10 persons during an attack on a Rivers State community.

On August 26, soldiers shot and killed Clement Nwode in Abakaliki, Ebonyi state, claiming he was a militant involved in the Ezza-Ezillo community clashes in the state.

On October 12, in the Bundu waterfront neighborhood of Port Harcourt, JTF troops used firearms to disperse a crowd demonstrating against a planned demolition; three persons were killed, and 11 were injured. According to eyewitness accounts, two armored vehicles drove into the crowd, and several soldiers fired directly into the crowd. Security forces arrested 23 demonstrators, who were charged with conspiracy, breaching the peace, and destruction of public property; all 23 remained in prison without charge at year's end.

There were no developments in the following 2008 JTF killings in the Niger Delta: the March killing of four men near Isaka in the Okrika Local Government Area, Rivers state; and the July killing of 12 suspected militants in Bayelsa and Rivers states. There also were no developments in the following 2008 deaths that resulted from clashes between the JTF and armed militants: the August deaths of 35 persons in Bayelsa, Delta, and Rivers states; and the September deaths of an estimated 15 to 30 persons in the Elem Tombia and Ogboma communities of Rivers state.

Militants were responsible for numerous killings. For example, on July 1, a gang of unidentified gunmen ambushed a convoy of police and expatriate workers in the city of **Aba**, Abia state, and killed five police officers as the convoy was escorting workers to their offices at a bottling company. No arrests were made.

On June 1, militants attacked two police officers who were escorting a Scottish oil services worker from Port Harcourt; one of the officers died from his injuries. No arrests were made.

### Abductions

Hostage takings increased during the year. According to the minister of police affairs, there were more reported kidnapping cases in the first seven months of the year than in all of 2008. In the past kidnappers targeted foreign nationals, but an increasing number of citizens, including women and children, were being abducted. Police reported that most kidnappings involved the complicity of persons close to the victim's family, including relatives.

In some areas tensions remained high between oil-producing communities and oil company employees and contractors.

Some kidnappings were perpetrated by militant groups trying to force the government to develop local economies, increase local control of oil revenues, or release prisoners; others were conducted for ransom. Oil facility guards and JTF soldiers were among those killed in these incidents. During the year criminals continued to kidnap the relatives (usually children or mothers) of prominent state politicians for ransom or to force payment for services, such as protection details and voter intimidation during elections.

On January 5, unknown persons abducted Chief Nelson Effiong, the house speaker of Akwa Ibom state; he was released unharmed with no official report of ransom paid.

Also on January 5, gunmen hijacked a foreign oil supply vessel and took nine crew members hostage, demanding a ransom of \$25 million. Four days later, all crew members were released safely, with no public report of ransom being paid.

In separate incidents on February 3, criminals kidnapped the wife of a former petroleum minister, an electoral commission member of Rivers state, and an AGIP Oil Nigeria employee. The victims were released safely, with no public report of ransom being paid.

On June 5, in Enugu state, gunmen abducted Uchenna Ani, a UN Development Program (UNDP) employee. On June 10, Ani was released after his family reportedly refused to pay ransom.

Government authorities responded to kidnappings in the Niger Delta by deploying the JTF, which used excessive force and engaged militants and criminals in gun battles. Such battles resulted in deaths and injuries, widespread civilian displacement, destruction of communities and property, and decreased security during the year.

#### Physical Abuse, Punishment, and Torture

On January 21, following the razing of 10 villages in Abala, Abia state, the Abia state vigilante forces, local security forces hired by state government, arrested five members of the Abala community and placed them in jails in Umuahia, Aba, and in Owerri, Imo state. Police reportedly beat detainees regularly with the butts of guns and knives. One of the detainees, Ikechukwu Nwagbara, was released after two months, but the location of the remaining four detainees remained unknown at year's end.

On June 24, during another JTF attack in the same area of Abia state, JTF forces raped numerous women and girls. Thousands of residents were displaced, property was destroyed, and refugees in camps were left without adequate food and water. No arrests were made in connection with the attack, which triggered extensive media criticism.

#### Other Conflict-related Abuses

In May and June, the JTF conducted a military offensive against Tom Polo, an ethnic Ijaw and one of the country's most influential and effective militant leaders. Using helicopter gunships, the JTF destroyed Polo's base in Gbaramatu Kingdom, attacked communities suspected of harboring militants, killed and injured numerous persons, and scattered survivors into local creeks. JTF patrol boats closed waterways while searching for militants. Civil society groups and Ijaw leaders reported the destruction of Oporoza, Benikrukru, Okenroekoko, and two other communities. Tens of thousands of persons were either displaced or lost their livelihoods as a result of the attacks. Critics charged that the attacks reduced security in the area because Polo's followers escaped with their arsenal intact and moved into surrounding communities.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, sometimes for reporting on sensitive issues such as the president's health. Journalists practiced self-censorship, and local NGOs claimed that newspaper editors and owners did not report some killings and other human rights abuses, due in part to government intimidation.

Government authorities attempted to impede public criticism. For example, on August 18, SSS officers arrested *The Guardian* newspaper journalist John Nnia Nwodo after a speech in which he urged army officers to "not keep quiet if they see political changes need to be made." No charges were filed, and Nwodo was released after being flown the next day from his home to Abuja for "a routine chat."

A large and vibrant private domestic press frequently criticized the government. Only one national, government-owned daily newspaper was published. State and local governments controlled the majority of print and electronic media, and

several state governments owned daily or weekly newspapers. These state-owned publications tended to be poorly produced, had limited circulation, and required large state subsidies. There were 15 privately owned major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

During the year journalists were killed. For example, on September 20, unknown assailants in Lagos shot and killed Bayo Ohu, a journalist with *The Guardian*, when he opened his front door. The assailants took only his laptop and cell phone, generating speculation that his killing was linked to his work as a journalist. No arrests had been made in the case by year's end.

There were no developments in the following 2008 killings of journalists: the August killing by unknown assailants of Paul Abayomi Ogundeji and the October killing by six unknown assailants of Eiphraim Audu.

Security forces beat journalists. For example, on June 23, in Asaba, Delta state, police assaulted six journalists, seized their identification cards, and prevented them from covering the demolition of several buildings built on government land without official approval (see section 1.f.). On June 29, the international NGO Committee to Protect Journalists urged the inspector general of police to investigate the incident. The inspector general subsequently apologized to the six journalists, and the Ministry of Lands paid to replace a journalist's eyeglasses that were broken during the assault.

Journalists were also attacked by unknown assailants. For example, on January 15, unidentified gunmen broke into the apartment of *The Scroll* editor Janet Mba; the assailants fled when police, whom Mba had called before the assailants entered the apartment, arrived. Reporters Without Borders described the incident as the latest in a long series of violence, threats, and intimidation against the country's journalists.

There were no developments in the following 2008 attacks on journalists: the August beating by security operatives of a Channels TV cameraman, who attempted to take pictures of a raid on the house of Niger Delta Peoples Volunteer Force leader Asari Dokubo, or the September beating by police officers in Lagos of three journalists for attempting to cover an opposition political rally.

Security forces detained journalists and seized newspapers during the year. For example, on March 24, police in Bayelsa State arrested and detained Akin Orimolade, the Abuja bureau chief of the weekly newspaper *National Life*, and accused him of publishing a report that defamed Governor Timipre Sylva. Police held Orimolade for one week until Sylva ordered his unconditional release.

On March 25, police detained Olusola Fabiyi, a journalist from the independent newspaper *The Punch*, alleging that he failed to disclose the source of a story that a PDP governor in a northern state plotted to kill former Lagos governor Ahmed Tinubu. After interrogation police released Fabiyi on bail.

On July 22, police arrested and detained for six hours editor Shaka Momodu of a Lagos-based private newspaper for publishing allegedly defamatory information about a prominent businessman.

On November 18, SSS agents raided the offices of the newspaper *Leadership* and seized several computers. In November 2008 SSS agents arrested and detained *Leadership* publisher Sam Nda Isaiah and questioned him for two days about a story reporting that the president was critically ill.

There were no developments in the following 2008 cases of arbitrary arrest: the August arrest without charge of online editor Jonathan Elendu after he published several reports speculating about the president's health; the October arrest of Murtala Muhammad for speculating on the president's health in his online magazine Web site; the November arrests of *Daily* editor Abdulrazaque Bello Barkindo, *Weekend* editor Laura Olugbemi, and *Weekend's* former associate editor Simon Imoboswam for "defamation of character" after the three published articles about the president's health.

There were 19 independently owned, private radio stations. The government owned one radio network with 34 stations.

On May 11, the National Broadcasting Commission (NBC) ordered the closure of a private radio station in Akure, Ondo state, for failure to pay a fine imposed for broadcasting an interview with opposition political leaders; NBC claimed the interview was "capable of inciting people to violence on the eve of an April 24 local election." On May 12, the Ondo state high court ordered NBC to allow the station to resume broadcasting, charging that it had not followed due process.

On September 16, security agents in Owerri, Imo state, detained and beat Wale Oluokun, a Radio Nigeria correspondent, after he reported on youths with visual disabilities who had marched on state offices to protest government neglect. Oluokun said he was taken to the chief security officer, who took off his shoe and beat the reporter, followed by more beatings by subordinates. Oluokun, who was hospitalized and later discharged, claimed this was the second beating he had received from security personnel after a radio report.

There were 14 independently owned private television stations and two privately owned direct-to-home satellite network stations. The government owned one television network, the Nigerian Television Authority, with 96 affiliate stations. The law requires local television stations to limit programming from other countries to 40 percent and restricts foreign content of satellite broadcasting to 20 percent. In 2008 NBC chief executive Yomi Bolarinwa ordered that all local prime-time news broadcasts contain no more than 20 percent foreign content and that international news be broadcast live. The 2004 NBC prohibition of live broadcasts of foreign news and programs remained in force but did not apply to international cable or satellite services.

Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The government controlled much of the electronic media through the NBC, which was responsible for monitoring and deregulating broadcast media.

The government suspended television and radio stations during the year. For example, on May 11, the NBC suspended for two weeks the broadcast license of radio station Adaba 88.5 FM, based in Akure, because it not paid an April fine for political reporting that constituted "incitement to violence."

Hamisu Lamido, a filmmaker who was arbitrarily arrested in March 2008 for releasing a film before submitting it to the state censorship board, was released on bail after three months. The attorney general ordered a retrial due to the court's improper handling of the case.

Libel is a civil offense and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries or pay penalties. This limited the circumstances in which media defendants could rely on the defense of "fair comment on matters of public interest" and restricted the right to freedom of expression. Penalties for defamation of character included two years' imprisonment with possible fines.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. However, several Internet news sites critical of the government experienced server problems, which site owners attributed to government interference. Such disruptions usually lasted a few hours.

Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 7 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

State governments continued to restrict academic freedom by controlling curriculum at all levels, including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of gangs on campuses, particularly in the south, continued to hamper educational progress. During the year academic and nonacademic unions, along with student groups, went on strike for four months before resuming class.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

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 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 (see section 1.a.).

On March 23, police forcibly dispersed students from the University of Ibadan after they barricaded the entrances to the school to protest the lack of electrical power and water in dormitories; some students received minor injuries as a result.

##### Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest 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.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected religious freedom in practice, although local political actors stoked sectarian violence with impunity.

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 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.

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

Although several northern states continued to ban public proselytizing to forestall ethnoreligious violence, some Christian proselytizing groups nonetheless remained active. The prohibitions generally were enforced on a case-by-case basis. The constitution does not require students to receive religious instruction in secular public schools. However, state governments occasionally passed laws seeking to incorporate religious studies into the curriculum. NGOs such as the Civil Liberties Organization claimed that the 12 northern states had made Islamic religious education compulsory in previously secular schools. Authorities of several states claimed that schools did not require students to attend classes of religious groups other than their own and that students could request teachers of their own religious beliefs to provide alternative instruction. Nonetheless, there often were no teachers capable of teaching Christianity in northern schools or of teaching Islam in southern schools.

On August 15, following the July uprising by Boko Haram militants across four northern states, Niger state police forces raided the compound of Darul Islam, an Islamic sect. According to state officials, civil society groups, and press reports, police arrested approximately 4,000 persons, detained them for questioning, and searched the compound for weapons. Although no weapons were found, the government forcibly relocated sect members, including children, in an effort to disperse the group before any violence could develop in their isolated village. The government provided no notice and minimal compensation to residents, evicted approximately 1,250 members from their village, and sent them by bus to their states of origin. Another 300 members were deported to Niger after police determined that they lacked proper citizenship documentation. Family members were moved into vacant schools and government buildings in their states of origin, where the lack of sanitation, food, and sleeping facilities resulted in outbreaks of cholera among sequestered groups. Police claimed that the arrests and evictions were intended to preempt the violence that had occurred the previous month in Boko Haram communities and that police had received reports that the community was forcibly holding women and children. However, human rights observers charged that the government violated the constitutional and human rights of thousands of innocent persons.

Following the Boko Haram violence in Maiduguri, the state government suspended some religious services and instructed selected clerics on how to preach without inciting violence. In September the Borno assembly passed a law providing for a censorship board to regulate the preaching licenses for imams.

On January 24, in Port Harcourt, gunmen abducted a Catholic priest from the steps of his church. News media reported he was released under orders of an unnamed militant leader and was returned without ransom payment.

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 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.

In January the Kano Hisbah Board reportedly ordered the Association of Divorcees, Widows, and Orphans to refrain from staging a rally in Kano, calling the rally "un-Islamic"; rally organizers had intended to publicize legislation that would improve the lives of female divorcees. Hisbah leaders claimed they prohibited the rally to prevent conflict following November 2008 violence in Jos, but they agreed to grant the association permission to host radio programs instead.

#### Societal Abuses and Discrimination

Violence between Christians and Muslims increased. Political and socioeconomic conflicts often divided persons along religious lines and were expressed in the targeting of religious symbols and spaces. Acute sectarian violence in the Middle Belt heightened tensions between religious groups, even in parts of the country that did not experience the violence. Ethnoreligious violence resulted in numerous deaths and the displacement of thousands of persons throughout the country.

Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently, ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups.

The law prohibits religious discrimination in employment and other practices. Private businesses, however, frequently discriminated on the basis of religion or ethnicity in hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between "indigenes" and "settlers" resulted in societal discrimination against more recently arrived minority ethnic and religious groups.

A few instances of societal abuse and discrimination occurred against members of Jehovah's Witnesses, who refused for religious reasons to join local age-grade associations or women's associations.

No action was taken against police, whose use of lethal force to quell November 2008 ethnoreligious violence in Jos resulted in numerous civilian deaths.

There were no reports of anti-Semitic acts during the year. An estimated 30,000 members of the Jewish community resided in the country and worshipped in 26 synagogues.

For a more detailed discussion, see the 2009 *International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee, on which the UNHCR has observer status, governed the granting of refugee status, asylum, and resettlement, and it also reviewed refugee resettlement.

During the year state officials imposed dusk-to-dawn curfews in response to sectarian conflicts. For example, curfews were imposed from February 21 to March 7 in Bauchi, after churches and a mosque were burned and more than 1,000 persons were displaced, and on December 2, in Oyo state, when rival youth gangs started to fire weapons injuring approximately 50 youths. In late July the government imposed curfews in the northern towns of Bauchi, Maiduguri, Potiskum, and Wudil as a result of fighting between security forces and Boko Haram militants (see section 1.a.)

The FCDA continued to demolish homes, businesses, and churches in the FCT illegally, which left numerous persons homeless. During the year authorities in Port Harcourt forcibly displaced residents on the Bundu waterfront in an area slated for redevelopment, an action that left thousands of residents homeless.

Since 2001 the government repatriated 2,557 Liberian refugees during the UNHCR's voluntary return program that ended in April.

#### Internally Displaced Persons

There were an estimated 80,000 internally displaced persons in the country.

After the July uprising by Boko Haram, the government of Niger state forcibly relocated 1,200 members of the Darul Islam sect (see section 2.c.).

Ethnic disputes over land and political power along the borders of Benue, Taraba, and Ebonyi states resulted in the displacement of hundreds of persons. The governors of Benue, Taraba, and Ebonyi states attempted to quell the violence through meetings with local leaders, curfews, and development programs. The federal government deployed mobile police units to affected areas to prevent further violence.

In November as many as 1,000 fishermen and their families from the Bakassi Peninsula sought refuge near Calabar due to reported violence by Cameroonian police forces. This area was part of the lands moved from Nigeria to Cameroon in response to the International Court of Justice's 2007 Greentree agreement to settle the disputed land border between the two nations. Rivers state emergency services were trying to provide permanent housing and services for displaced citizens at year's end.

#### Protection of Refugees

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 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.

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

The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. 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.

#### Elections and Political Participation

In May 2007 Umaru Musa Yar'Adua was sworn in as president with his vice president, Goodluck Jonathan. The inauguration marked the first transition from one elected presidential administration to another since the country gained independence from the United Kingdom in 1960. Forty-three parties participated in the national assembly elections, and 50 parties were listed on the ballot in the presidential election. However, presidential, national assembly, gubernatorial, and state-level elections were marred by poor organization, widespread fraud, and numerous incidents of violence. Although INEC claimed 60 percent voter turnout nationwide, most independent observers estimated it at less than 20 percent. All major independent observer groups, international and domestic, issued statements questioning the fairness of the elections and cited problems throughout the country, including ballot stuffing, intentional miscounting at both polling stations and ballot compilation stages, underage voting, multiple voting, intimidation, violence, and at least 300 deaths, including some politically motivated killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those by other parties.

In 2007 as part of his pledge to address the shortcomings in the electoral system, President Yar'Adua established the Electoral Reforms Committee, consisting of governmental and NGO representatives, which was charged with bringing the electoral process to international standards. The committee submitted its report to President Yar'Adua in December 2008,

citing lack of independence for INEC and state electoral committees as key deficiencies in the 2007 electoral process. The report recommended a system of proportional representation for both legislative and local elections as well as the reinstatement of independent candidacies. The report also called for the creation of three new commissions that would relieve INEC of many responsibilities to allow it to focus solely on conducting elections. The national assembly had not taken action on the recommendations by year's end.

Following the elections, election tribunals received more than 1,250 legal motions filed across the country to overturn the results of individual elections for all levels of government posts, including the presidency. Both major rival candidates of Yar'Adua--Atiku Abubakar and Muhammadu Buhari--petitioned for the annulment of the presidential race. The tribunal upheld the election, but Abubakar and Buhari appealed to the Supreme Court. In December 2008, in a 4-to-3 decision, the Supreme Court rejected the appeals, thereby upholding the election of President Yar'Adua. By the end of 2008, tribunals had nullified nine senatorial and 11 gubernatorial elections, and courts continued to hear and adjudicate cases during the year. Most of the nullifications were based on technicalities such as ballots lacking the party logo or not having the party name listed, rather than for criminal activity or fraud related to the elections.

Political violence occurred at federal, state, and local levels, as well as within political parties. The South Africa-based Institute for Democracy claimed that as many as 280 persons were killed in the country between February and March 2007. The government made little effort to investigate or bring charges in any of these cases of political violence.

Authorities did not investigate the January 2008 clash between members of the PDP and Action Congress in Ibadan, Oyo State, which injured 10 persons.

Violence marred local elections during the year. In Ekiti state, in the August 14 senatorial rerun election, youth gangs attacked election observers and burned cars. During the September 19 Ondo state by-election, youth gangs attacked a candidate, allegedly in the presence of police and INEC. Intimidated voters in both elections stayed away from the polls, and turnout was low.

During the December 5 by-election to fill a House seat in Ondo state, politicians and citizens caught three sitting PDP legislators in the act of stealing and stuffing ballot boxes. The legislators were taken into police custody, INEC rejected more than 4,000 illegitimate votes, and the opposition Labor Party candidate won.

During the year INEC registered three new political parties, bringing the total number of parties to 57. Establishing a political party was relatively easy if fees were paid. Parties generally formed around individuals rather than on ideological grounds. In 2008 there were allegations that new parties were established by the PDP to confuse voters with large numbers of candidates.

PDP membership conferred advantages, primarily in employment. Police arbitrarily arrested opposition leaders. For example, in Oyo state, police arrested an Action Congress candidate who challenged the 2007 election results and imprisoned him for confronting the ruling PDP local government chairman. The candidate was released, but police continued to harass him.

Opposition party members accused the president and the PDP of "tyranny" and "plotting to turn Nigeria into a one-party state." On June 24, the Bauchi state house of assembly served Deputy Governor Muhammad Gaba Gadi with an impeachment notice for alleged financial wrongdoing. The impeachment notice followed Gadi's refusal to defect from the All Nigeria Peoples Party and join Bauchi governor Isa Yugudain in his move to the PDP in April. According to press reports, two-thirds of the house of assembly had signed the impeachment notice even before an impeachment offense had been named. Legislators reportedly were offered 10 million naira (\$67,000) each for their signatures.

According to January 27 media reports, the Federal High Court in Abuja ruled in favor of the diaspora leaders' lawsuit to allow citizens living abroad to vote; however, no expatriate voters had been registered by year's end, and no polling booths had been prepared in the country's high commission offices in Commonwealth countries.

Men continued to account for more than 90 percent of the country's appointed and elected officials, which included more than 500 ministerial and national assembly positions. There were only six female ministers out of 42, nine female senators out of 109, and 30 female representatives out of 360. Although there were no female governors, five of 36 states had female deputy governors.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The Yar'Adua administration was an example of this diversity. President Yar'Adua is a Fulani from the northern city of Katsina, the vice president is an Ijaw from the southern state of Bayelsa, and the senate president is an Idoma from the central state of Benue. The government also attempted to balance other key positions among the different regions and ethnic groups. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the government.

#### Section 4 Official Corruption and Government Transparency

Corruption was massive, widespread, and pervasive at all levels of government and throughout the security forces. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office.

There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling.

The EFCC's anticorruption efforts were largely ineffectual. Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who were out of favor with the government, while those that were in favor continued their activities with impunity. The EFCC claimed that approximately 10 former state governors were facing corruption charges; however, none of the cases had moved forward by year's end. In December the judge dismissed the 170 counts of illegal activity against former Delta state governor James Ibori, although the judge ordered a retrial. Ibori remained free on bail at year's end.

The EFCC's inability to bring a number of corruption investigations to closure; the 2008 replacement of its internationally respected chairman; and the 2008 transfer of many of its senior personnel raised questions about the government's commitment to fighting corruption. During the year the EFCC was accused of using its authority to harass citizens who objected to government policies (see section 1.c.).

In June the newly appointed Central Bank governor fired the managing directors of eight banks with large portfolios of nonperforming loans. Seven of the accused executives were free on bail, and their cases were pending at year's end. The eighth managing director escaped arrest by leaving the country. By year's end the EFCC claimed that it had recovered 300 billion naira (approximately \$2 billion) in loans issued without sufficient collateral.

In October the courts convicted the former Nigerian Ports Authority (NPA) board chairman Bode George and five other commissioners of abuse of public office in the improper awarding of contracts. George was sentenced to 30 months in prison without the option of paying a fine.

On December 9, the EFCC arrested former Sokoto state governor Attahiru Bafarawa, who was attending an opposition meeting to plan a new "mega" opposition party. Bafarawa was charged with embezzlement of public funds in 2007, which Bafarawa denied. Observers charged that the arrest was an attempt to harass opponents of the ruling party.

The corruption trial of former Ekiti state governor Fayose had not been heard by year's end, despite a December 2008 court ruling against Fayose's request for a delay. Fayose subsequently requested an exit visa to travel outside the country for alleged "urgent medical attention." The visa had not been granted by year's end.

Trials also remained pending in the 2008 corruption cases against: former aviation ministers Femi Fani-Kayode and Babalola Borishade for the alleged embezzlement of 19.5 billion naira (approximately \$130 million); former Adamawa state governor Boni Haruna for misappropriating 93 million naira (approximately \$618,000); former chairman of the NPA Board of Directors and five other NPA members for illegally awarding contracts worth 84 billion naira (approximately \$558 million); and former Edo state governor Lucky Igbinedion, against whom the EFCC was appealing a December 2008 verdict due to the light sentence he received for the alleged embezzlement of more than 3.6 billion naira (approximately \$24 million).

There were no developments in any of the 2007 pending corruption cases against former government officials.

There are no laws that provide for access to government information; in practice the government provided limited access.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Numerous domestic and international NGOs 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.

The NHRC, 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 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.

During the year the government arbitrarily arrested NGO members. For example, on May 12, members of the Eagle Squad, a special police force sponsored by the government of Osun state, arrested 12 leaders of the Osun state Civil Societies Coalition Against Corruption and Rights Violations; the arrests occurred immediately after revocation of bail for the 12, who were arrested in July 2008 for protesting an election tribunal decision.

Police detained and harassed civil society activists from the Osun state Coalition Against Rights Violations in Oshogbo throughout the year. The courts repeatedly adjourned their cases, leaving the accused in legal limbo for extended periods.

On December 9, AI published *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, which documented 39 cases of security force killings and enforced disappearances and was based on interviews and research conducted between July 2007 and July 2009 (see section 1.a.).

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the government did not enforce the law effectively.

#### Women

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.

In October the government implemented its Niger Delta amnesty program to rehabilitate former militants. In November a group was relocated adjacent to the University of Port Harcourt, where shortly thereafter the former militants raped dozens of female students. There were no arrests reported, but the federal and Rivers state governments relocated the former militants to an unknown location.

The constitution provides for equality and freedom from discrimination; however, there are no laws that criminalize gender-based violence, and some federal laws condone such violence. For example, the penal code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman.

Domestic violence was widespread and often considered socially acceptable. In a survey released on November 23, 28 percent of women reported experiencing violence after age 15, the majority of which was inflicted by a husband or partner. Police did not intervene in domestic disputes. In rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

Project Alert on Violence Against Women, a local NGO, continued various outreach efforts to combat domestic violence, including training programs to sensitize police to domestic violence, support groups and programs for male abusers, and

assistance to faith-based organizations in counseling victims of domestic abuse. Project Alert also operated a shelter, Sophia's Place, for victims of domestic violence, which offered services such as counseling, legal aid, and skills acquisition. The Women's Rights Advancement and Protection Alternative also served as a leading voice in the campaign on violence against women and continuously advocated passage of legislation to protect women's rights.

Prostitution remained pervasive, particularly in urban areas. Statutes at both the federal and state levels criminalize prostitution. All states that adopted Shari'a had criminalized prostitution but enforced such prohibitions with varying success. The police frequently used the antiprostitution statutes as tools for harassment, arresting prostitutes and holding them until they paid bribes but rarely prosecuting the cases in court. Corporate prostitution (hiring of women as corporate employees to perform sexual acts to attract or retain clients) remained a problem, particularly in the banking sector.

Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but authorities may prosecute violent forms under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades was common. Women suffered harassment for social and religious reasons in some regions. Purdah, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. Although this practice restricted women's movement during daylight hours, many women pursued economic and social activities outside the home in the evening.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of children; however, safe and effective information and counseling on reproductive health were not widely available to women and couples. According to the 2009 NDHS, 70 percent of women knew about at least one method of family planning; however, only 15 percent used any kind of birth control, and only 10 percent of women used modern methods. Approximately 50 percent of the population were adolescents, many of whom were sexually active, but few of whom had access to contraceptives. Maternal mortality, partially due to births to adolescents and women at high risk of complications from pregnancy, was high. Women married young and averaged 5.7 children; 36 percent of mothers did not receive any prenatal care, and only 38 percent of new mothers received postnatal check-ups within two days of delivery. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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 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.

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.

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

Women in the 12 northern states were affected to varying degrees by Shari'a. In Zamfara state, local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. Kano state's 2005 prohibition on commercial motorcycle taxis taking women as passengers remained in place; however, it was not strictly enforced.

The testimony of women was given less weight than that of men in many criminal courts.

#### Children

Citizenship of a child is derived from the parents. The government does not require birth registration, and the majority of births were unregistered; however, this did not result in denial of education, health care, or other public services.

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.

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 "indecency" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.

The 2008 NDHS reported 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.

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.

Child prostitution is prohibited, with penalties of up to seven years' imprisonment for the adult involved. The minimum age of consensual sex is 18. The Child Rights Act, which provides penalties for pornography, was not implemented in all states.

During the year reports of missing children in Kano more than doubled. In July approximately 50 parents placed radio announcements about missing children; 20 announcements were placed in July 2008. The reason for the increase in missing children was unclear.

Children accused of witchcraft were kidnapped, tortured, and killed, particularly in Akwa Ibom state. According to local NGOs Stepping Stones Nigeria and Child's Rights and Rehabilitation Network (CRARN), attackers drove nails into children's heads, cut off fingers, tied children to trees, and abandoned them in the jungle. Self-proclaimed "bishop" Sunday Williams publicly claimed to have killed 110 child witches and asserted that Akwa Ibom had as many as 2.3 million witches and wizards among its population of 3.9 million. In November 2008 authorities arrested Williams and charged him with torture and murder; he was arraigned in May, and the case continued at year's end. The government did not acknowledge the wider problem of accusing children of witchcraft.

On July 3, police in Eket, Awka Ibom state, raided a CRARN shelter that housed 150 abused and neglected children, some of whom had fled their homes after being accused of witchcraft. Police beat children who tried to stop the arrest of two staff members, who were later released after the governor's office intervened; two girls, aged 11 and 12, were left unconscious.

In December UNICEF reported that 10 percent of the country's children--or 7.3 million children--were orphans, based on a survey released by the Ministry of Women's Affairs and Social Development; according to 2007 UN statistics, 1.2 million children were orphaned due to HIV/AIDS. UNICEF added that 25 percent of children in the country, including orphans, were vulnerable due to inadequate nutrition, poor access to health care, and infrequent school attendance.

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.

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes; however, persons were trafficked to, from, through, and within the country. The extent of the problem was unknown.

The country was a source, transit, and destination country for trafficked persons during the year. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for Prohibition of Trafficking in Persons (NAPTIP) came from Edo state.

Criminals smuggled citizens to Europe, the Middle East, and other countries in Africa for forced labor, domestic servitude, and sexual exploitation. Traffickers moved girls and women for forced prostitution and domestic labor to Italy, Austria, Spain, Norway, Belgium, the Netherlands, Greece, the United Kingdom, Russia, and countries in West and Central Africa. The UN Office on Drugs and Crime (UNODC) estimated that 72 percent of female trafficking victims for prostitution in Italy came from the country. Traffickers moved children for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated 5,000 Beninese children were trafficked into Abeokuta, Ogun state, and forced to work in the granite quarries.

Women and children were most at risk of being trafficked, and 70 percent of all trafficking victims in the country were female. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Traffickers moved children from rural areas to cities to work as domestics, street peddlers, and beggars.

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

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.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Prison terms range from 12 months to life, while fines range from 50,000 to 200,000 naira (approximately \$332 to \$1,330).

NAPTIP, a 555-employee agency with 175 investigators and 32 prosecutors nationwide, has primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service also had antitrafficking units.

During the year the government took steps to implement the National Plan of Action passed in August 2008. The action plan is a broad framework of antitrafficking programs that cover research, prevention, prosecution, and protection and requires coordination between government, law enforcement agencies, the legislature, and NGOs.

By year's end the government had obtained 25 trafficking convictions. Preliminary data indicated that during the year NAPTIP investigated 149 new cases and prosecuted 37 new cases, with 88 cases pending. Observers attributed the low conviction rate to witnesses' reluctance to testify and to the slow progress of cases through the courts.

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.

The government increased collaboration on investigations with law enforcement agencies in the Netherlands, France, Spain, Italy, and Benin. By year's end NAPTIP had signed mutual cooperation agreements with eight nations. Officials attended international workshops on trafficking, and the government collaborated with Benin to arrest traffickers and repatriate trafficking victims. The Ogun State government signed a memorandum of understanding with Benin to stop the trafficking of Beninese children in the rock quarries of southwest Nigeria.

Reports continued from informants and foreign officials that law enforcement officers and other individuals in the immigration and airport authorities collaborated in trafficking persons across the country's borders. NAPTIP provided training to police and customs officials on trafficking. The law provides penalties for officials who aid or abet trafficking.

The government provided protection and rehabilitation for trafficking victims, although funding was insufficient. NAPTIP served as the point of contact for immigration and police officials who discovered victims. During the year 928 victims passed through the agency. NAPTIP operated shelter facilities at secure locations in Lagos, Abuja, Benin City, Uyo, Enugu, Sokoto, Maiduguri, and Kano. The Ministry of Women Affairs operated two shelters, one in Kano and another in Benin City. NAPTIP officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP also maintained hotlines for victims and anyone seeking or wanting to provide information on trafficking. During the year the government helped victims to repatriate to their home countries and reunited trafficked children with their families.

The Labor Ministry, in collaboration with the International Labor Organization (ILO), NAPTIP, police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families.

The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and police officers worked together to provide assistance. NAPTIP organized "town hall" meetings with NGOs to bring together community and traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued efforts to protect victims. An Edo state NGO, Idia Renaissance, operated a youth resource center, funded by UNICEF and foreign organizations, that provided job-skills training and counseling to trafficking victims and other youth. The Society for the Empowerment of Young Persons, with

support from a foreign donor organization, provided vocational training and business mentoring support to trafficking victims in Edo State.

The stakeholder forum, established by NAPTIP to provide antitrafficking training to security and immigration officials and to raise awareness of trafficking issues among local government leaders, met quarterly in Abuja. Law enforcement officials, government representatives, NGO groups, and diplomatic missions attended the quarterly meetings. NAPTIP also worked with the media to raise awareness among the public, and NAPTIP officials appeared on national talk shows and state programs.

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.

During the year the government conducted public information campaigns, such as the first annual race against trafficking in Edo state in which more than 5,000 students took part. Additional public campaigns were being planned in other areas of the country.

On September 23, Dutch police, in conjunction with United Kingdom legal and law enforcement officials, conducted a training seminar for NAPTIP and police on the use of e-mail, voice and video recordings, and digital photographs as evidence in prosecuting trafficking cases; current law does not accept such digital media as evidence in court cases.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/q/tip](http://www.state.gov/q/tip).

#### Persons with Disabilities

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, 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.

#### National/Racial/Ethnic Minorities

The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group; 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.

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 (see section 1.g.).

Religious differences often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.

Unlike in previous years, there was no interethnic fighting in Warri, Delta state; however, numerous ethnic clashes occurred in other parts of the Niger Delta, including the states of Akwa Ibom, Bayelsa, and Cross River. On February 27, for example, six persons died as a result of ethnic fighting in Yenagoa, Bayelsa state, and on March 13, 20 persons died in an intercommunal clash in Cross River state.

Interethnic fighting elsewhere resulted in numerous deaths and injuries. Clashes between the Ezra and Ezillo communities in Ishielu, Ebonyi state, continued and resulted in more than 100 deaths since May 2008.

On September 3, a communal clash in Nkerehi, in Orumba South, Anambra state, resulted in five deaths, injuries to 15 persons, and the destruction of at least seven houses; the violence was triggered by a dispute over a proposed name change for the community. Attacks by a vigilante group forced many Nkerehi community members to hide in a nearby church, where the government reportedly failed to provide protection or food.

Conflicts over land rights continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups living near the convergence of Nassarawa, Benue, and Taraba states.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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 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.

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.

#### Other Societal Violence or Discrimination

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, 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.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests; 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.

According to figures provided by the Michael Imoudu National Institute for Labor Studies, eight million persons--or 60 percent of formal sector workers--belonged to unions. Most workers in the informal sector belonged to thrift and cooperative societies, which helped with daily savings and loans to meet business needs.

Trade union federations, called "central labor organizations," must be registered formally by the government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union.

The law allows unions to conduct their activities without interference; however, the law also narrowly defines what union activity is legal.

The law limits the right to strike to matters pertaining to breach of contract or wages and conditions of work, thereby prohibiting strikes over matters of national economic policy; however, the ILO ruled that this policy was contrary to ILO

conventions. The government chose not to enforce this provision of the law during the four-month public university strikes over public education policy, the national minimum wage, university research and development funding, academic autonomy, and increased representation on university education boards.

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.

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

On June 19, Ekiti state Governor Olusegun Oni ordered the closure of state-owned television and radio stations following a workers' strike and ordered the removal from the stations of three union leaders who led the protest. Despite the intervention of the Nigerian Labor Congress and the Ekiti chapter of the Nigeria Union of Journalists, the stations remained closed as a result of the governor's order.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to both organize and bargain collectively between management and trade unions. Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in the private sector.

The Ministry of Labor is responsible for monitoring and addressing reported cases of antiunion discrimination, but in most cases workers' fears of negative repercussions inhibited their reporting antiunion activities.

In October 2008 the National Union of Petroleum and Natural Gas Workers picketed the headquarters of Shell Oil in Nigeria for firing 21 contract workers with 15 to 25 years of service after they attempted to unionize.

Solidarity Center Nigeria reported that "yellow dog" contracts, which explicitly require that employees not join a union as a condition of employment, were used despite being technically illegal.

During the year Chinese employers reportedly failed to comply with labor laws pertaining to the protection of union organizing, especially in the construction and textile sectors.

Workers and employers in export processing zones (EPZs) were subject to sections of the national labor laws pertaining to EPZs, which provided for a 10-year prohibition on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition, the law allows the Nigerian Export Processing Zones Authority, which was created by the federal government to oversee management and operations of EPZs, to handle the resolution of disputes between employers and employees, instead of workers' organizations or unions.

#### c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, it was widespread, particularly bonded labor and domestic servitude. Enforcement of the law was not effective in many parts of the country. The government did not take steps to identify or eliminate forced labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law, which sets a general minimum age for employment of 12 years, did not protect children from exploitation in the workplace and was not effectively enforced by the government. Child labor was widespread, and the Ministry of Labor and NAPTIP estimated there were more than 15 million children involved in child labor.

Young persons under age 14 may only be employed on a daily basis, must receive the day's wages at the end of each work day, and must be able to return each night to their parents' or guardian's residence, but these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member.

For industrial work and work on vessels where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.

The worst forms of child labor identified in the country included commercial agriculture and hazardous farm work; street hawking; exploitative cottage industries and hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; children in ethnic, religious, political conflicts, and violence; and children engaged in drug peddling.

Many children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children also worked in the agricultural sector and in mines. Boys worked as bondage laborers on farms, in restaurants, small businesses, and granite mines, as street peddlers, and beggars. Girls were forced to work as domestic servants, street peddlers, and commercial sex workers.

In addition to citizen children, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun state. In Abakaliki, Ebonyi state, children could be seen hammering down large pieces of rocks, bundling them into bunches, and carrying them on their heads, but there were no official statistics on their country of origin.

In an effort to withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers in Kaduna, Ibadan, Enugu, and Lagos; four other centers were being developed. Thousands of smaller NGO-run or state-run vocational training centers also were in operation.

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 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, bringing the total to 21 cooperating states plus the FCT; 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.

#### e. Acceptable Conditions of Work

The national monthly minimum wage is 8,630 naira (approximately \$57) with one month's extra pay for Christmas. The national minimum wage did not provide a decent standard of living for a worker and family. A tripartite committee infrequently reviewed the minimum wage and provided recommendations to the national assembly, which is responsible for passing minimum wage legislation; however, the committee had not conducted such a review in more than 10 years. The government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage. Some federal ministries, states, and private sector companies raised their monthly minimum wage for all employees to 9,000 naira (\$60). However, workers in some states complained that the minimum wage had not been implemented.

The Labor Ministry has responsibility for monitoring compliance with the minimum wage, which it strictly enforced for companies with over 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it could pay the minimum wage and then issued a ruling.

There has been no review of the national minimum wage for 10 years. On January 12, unions in the public education, aviation, medical and health, radio and television, federal and civil service, and petroleum sectors either threatened to go on strike or went on strike to press for a new minimum wage review.

From June to October, the Academic Staff of Universities Union (ASUU) and the Nonacademic Staff Union conducted a nationwide strike that lasted four months, during which universities remained closed. The union called for a standardized national wage structure, living wages, increased institutional resources, and government implementation of other commitments negotiated in 2004 with the ASUU. In June the National Union of Teachers went on strike to protest the failure of state and federal governments to honor wage commitments also negotiated in 2004. The government, through the Ministries of Labor and Education, refused to negotiate with the union, since teachers' wages were set at the state level. Teachers returned to work after the Labor Ministry agreed to some, but not all, of their demands.

The law mandates a 40-hour work week, two to four weeks of annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees; however, the Labor Ministry did not properly monitor and enforce health and safety conditions due to insufficient police and factory inspectors. The law also establishes general health and safety provisions, some of which were aimed

specifically at young or female workers, and requires that the inspectorate division of the Ministry of Labor inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety oversight at most enterprises, particularly construction sites and other nonfactory work locations. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, the law was not strictly enforced. The Factories Law provides for the protection of factory employees in hazardous situations, including the right of employees to remove themselves from such situations; however, the law did not provide similar provisions for other workers.

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