

NIGERIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory. In February citizens re-elected President Muhammadu Buhari of the All Progressives Congress party to a second four-year term. Most independent observers agreed the election outcome was credible despite logistical challenges, localized violence, and some irregularities.

The Nigeria Police Force is the primary law enforcement agency along with other federal organizations. The Department of State Services is responsible for internal security and nominally reports to the president through the national security adviser. The Nigerian Armed Forces, which report to the Ministry of Defense, are responsible for external security but also have some domestic security responsibilities. Civilian authorities did not always maintain effective control over the security services.

The insurgency in the Northeast by the militant terrorist groups Boko Haram and the Islamic State in West Africa (ISIS-WA) continued. The groups conducted numerous attacks on government and civilian targets, resulting in thousands of deaths and injuries, widespread destruction, the internal displacement of more than two million persons, and external displacement of an estimated 243,875 Nigerian refugees to neighboring countries as of September 30.

Significant human rights issues included unlawful and arbitrary killings, including extrajudicial killings, forced disappearances, torture, and arbitrary detention, all the above by both government and nonstate actors; harsh and life-threatening prison conditions; unlawful infringement on citizens' privacy rights; criminal libel; violence against and unjustified arrests of journalists; substantial interference with the rights of peaceful assembly and freedom of association in particular for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and religious minorities; widespread and pervasive corruption; crimes involving violence targeting LGBTI persons; criminalization of same-sex sexual conduct between adults; and forced and bonded labor.

The government took some steps to investigate alleged abuses but there were few public reports of prosecutions of officials who committed violations, whether in the security forces or elsewhere in the government. Impunity remained widespread at all levels of government. No charges were filed in some of the significant

allegations of human rights violations by security forces and cases of police or military extortion or other abuse of power.

The Borno State government provided financial and in-kind resources to the Civilian Joint Task Force (CJTF), a nongovernmental self-defense militia that at times coordinated with the military. Human rights organizations and press reporting alleged the CJTF committed human rights abuses. The government took few steps to investigate or punish CJTF members who committed human rights abuses, including past recruitment and use of child soldiers. Boko Haram recruited and forcefully conscripted child soldiers and carried out scores of person-borne improvised explosive device (IED) attacks--many by young women and girls forced into doing so--and other attacks on population centers in the Northeast and in Cameroon, Chad, and Niger. Abductions by Boko Haram and ISIS-WA continued. Both groups subjected many women and girls to sexual and gender-based violence, including forced marriages, sexual slavery, and rape. The government investigated attacks by Boko Haram and ISIS-WA and took steps to prosecute their members, although the majority of suspects were held in military custody without charge.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary, unlawful, or extrajudicial killings. The national police, army, and other security services sometimes used lethal and excessive force to disperse protesters and apprehend criminals and suspects. Improving from previous years, police forces engaging in crowd-control operations generally attempted to disperse crowds using nonlethal tactics, such as firing tear gas, before escalating their use of force.

Authorities did not always hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths generally did not make their findings public. In 2017 the acting president convened a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement, and the panel submitted its findings in February 2018. As of September no portions of the report had been made public.

As of September there were no reports of the federal government further investigating or holding individuals accountable for the 2015 killing and subsequent mass burial of members of a Shia political organization, the Islamic Movement of Nigeria (IMN), and other civilians by Nigerian Army (NA) forces in Zaria, Kaduna State. In 2016 the government of Kaduna made public the Kaduna State judicial commission's nonbinding report, which found the NA used "excessive and disproportionate" force during the 2015 altercations in which 348 IMN members and one soldier died. The commission recommended the federal government conduct an independent investigation and prosecute anyone found to have acted unlawfully. It also called for the proscription of the IMN and the monitoring of its members and their activities. A 2016 report by the government of Kaduna State included acceptance of the commission's recommendation to investigate and prosecute allegations of excessive and disproportionate use of force by the NA. As of September there was no indication that authorities had held any members of the NA accountable for the events in Zaria.

The report also accepted the recommendation to hold IMN leader Sheikh Ibrahim Zakzaky responsible for all illegal acts committed by IMN members during the altercations and in the preceding 30 years. In 2016 a federal court declared the continued detention without charge of Zakzaky and his wife illegal and unconstitutional. The court ordered their release by January 2017. The federal government did not comply with this order, and Zakzaky, his spouse, and other IMN members remained in detention. In April 2018 the Kaduna State government charged Zakzaky in state court with multiple felonies stemming from the death of the soldier at Zaria. The charges included unlawful gathering, criminal conspiracy, and culpable homicide, which can carry the death penalty. In October 2018 press reported IMN members were marching toward Abuja along at least three major feeder thoroughfares. During a clash with security forces at a military checkpoint at the border between Nasarawa State and the Federal Capital Territory (FCT), the army reportedly used live rounds to break up the crowd. Amnesty International Nigeria reported at least 39 deaths and numerous injuries among the marchers. The government reported it opened an internal investigation of this incident but did not publish its findings. In December 2018 the *New York Times* published video footage that appeared to show armed forces members beating and shooting unarmed protesters. As of September there was no evidence that any members of the security forces had been prosecuted for these incidents.

In July the federal government banned the IMN and declared it a terrorist organization, stating the group had engaged in criminality, including attacking security forces and destroying public property, and accused the group of growing

links to Iran. In August Zakzaky and his wife were permitted medical furlough to travel to India to seek medical treatment, but according to media reports they refused treatment and returned to Nigeria at their own insistence. As of September, Zakzaky's case was pending. In July 2018 a Kaduna State High Court dismissed charges of aiding and abetting culpable homicide against more than 80 IMN members. The Kaduna State government appealed the ruling. Approximately 100 additional IMN members remained in detention.

In 2017 the air force mistakenly bombed an informal internally displaced persons (IDP) settlement in Rann, Borno State, which resulted in the killing and injuring of more than 100 civilians, humanitarian workers, and Nigerian Army personnel. The government and military leaders publicly assumed responsibility for the strike. Defense Headquarters conducted its own internal investigation. While the report was never publicly released, the board of inquiry briefed the press on some of the report's conclusions and recommendations on July 25, 2017. The investigation cited a 'lack of appropriate marking of the area' and made recommendations for the air force and army to better communicate with the humanitarian community. The Nigerian Air Force increased its efforts to ensure its personnel are able to apply international humanitarian law and international human rights law in an operational setting through increased training of its personnel.

There were reports of arbitrary and unlawful killings related to internal conflicts in the Northeast and other areas (see section 1.g.).

b. Disappearance

The publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was held for more than two years in incommunicado detention by the Department of State Services (DSS) without trial, access to counsel, or family visitation. Abiri told reporters that he was blindfolded, held in an underground cell for most of the two years, and did not have access to medication in detention (see section 2.a.). The Committee to Protect Journalists (CPJ) reported Abiri was accused of being a member of a Niger Delta militant group but was not formally charged, and said Abiri's detention was in response to critical coverage appearing in the July 2016 edition of the *Weekly Source*. Following an open letter from the CPJ and significant public outcry, Abiri was arraigned and eventually released on bail in 2018. Abiri was re-arrested early in the year and charged with cybercrime, sabotage, and terrorism offenses, and remained in detention as of September.

On August 30, the International Day of the Disappeared, Amnesty International (AI) issued a statement calling on the government to account for victims of enforced disappearance, including the disappearance of Abubakar Idris, a blogger who was abducted from his home in Kaduna State in August.

Criminal groups abducted civilians in the Niger Delta and the Southeast, often to collect ransom payments. Maritime kidnappings remained common as militants turned to piracy and related crimes to support themselves. On July 13, for example, Nigerian pirates boarded a cargo vessel off the coast of Bayelsa, kidnapping 10 Turkish sailors and taking them away by speedboat. The pirates, initially demanding three million dollars as a ransom payment, reportedly released the sailors in August after weeks of negotiations.

Other parts of the country also experienced a significant number of abductions. Prominent and wealthy figures were often targets of abduction. For example, on May 1, armed assailants kidnapped the nephew of President Buhari and held him for more than two months before police forces conducted a rescue operation.

Boko Haram and ISIS-WA conducted large-scale abductions in Borno and Yobe States (see section 1.g.).

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. The 2017 Anti-Torture Act defines and specifically criminalizes torture. The law prescribes offenses and penalties for any person, including law enforcement officers, who commits torture or aids, abets, or by act or omission is an accessory to torture. It also provides a basis for victims of torture to seek civil damages. The 2015 Administration of Criminal Justice Act (ACJA) prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of July the states of Akwa Ibom, Anambra, Cross River, Delta, Ekiti, Enugu, Kaduna, Lagos, Ogun, Ondo, Oyo, and Rivers had adopted ACJA-compliant legislation.

The Ministry of Justice previously established a National Committee Against Torture (NCAT). Lack of legal and operational independence and limited funding prevented NCAT from carrying out its work effectively.

The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not always respect this prohibition and, according to credible international organizations, the Special Antirobbery Squad (SARS) of the Nigerian Police Force (NPF) sometimes used torture to extract confessions later used to try suspects.

In 2016 AI reported SARS agents regularly tortured detainees in custody as a means of extracting confessions and bribes. In response to AI's findings, the inspector general of police (IGP) reportedly admonished SARS commanders and announced broad reforms to correct SARS units' use of excessive force and failures to follow due process. In late 2017 citizens began a social media campaign (#EndSARS) to document physical abuse and extortion by SARS officers and demanded SARS units be disbanded. In December 2017 the IGP announced plans to reorganize SARS units, but complaints of abuse continued. Several SARS agents were dismissed from the force and, in some instances, prosecuted, and the NPF sought technical assistance for investigations of SARS agents. The government failed to publicly release information on investigations and punishment of a majority of misconduct cases. In August 2018 then acting president Yemi Osinbajo ordered the IGP to overhaul the management and activities of SARS and ordered the National Human Rights Commission (NHRC) to set up a "Special Panel" with public hearings on SARS abuses. The government released the report in June recommending the dismissal and prosecution of 24 officers, the dismissal of an additional 13 officers, and the arrest and prosecution of two retired officers. Allegations of abuse by SARS agents continued throughout the year.

Local nongovernmental organizations (NGOs) and international human rights groups accused the security services of illegal detention, inhuman treatment, and torture of criminal suspects, militants, detainees, and prisoners. According to reports, security services committed rape and other forms of violence against women and girls, usually with impunity. In April, AI reported at least 10 soldiers in Giwa Barracks sexually exploited female detainees, demanding sex in exchange for food, soap, other basic necessities, and the promise of freedom. As of September the government had not held any responsible officials to account for reported incidents of torture in detention facilities in the Northeast, including Giwa Barracks.

Police used a technique commonly referred to as "parading" of arrestees, which involved walking arrestees through public spaces and subjecting them to public

ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees.

The sharia courts in 12 states and the FCT may prescribe punishments such as caning, amputation, flogging, and death by stoning. The nature of a case and the consent of the parties usually determine what type of court has jurisdiction. The constitution specifically recognizes sharia courts for “civil proceedings;” they do not have the authority to compel participation, whether by non-Muslims or Muslims. At least one state, Zamfara, requires civil cases in which all litigants are Muslim be heard in sharia courts, with the option to appeal any decision to the common law court. Non-Muslims have the option to have their cases tried in the sharia courts if they wish.

The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death to a higher sharia court. Statutory law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a non-sharia court. Authorities often did not carry out sentences of caning, amputation, and stoning ordered by sharia courts because defendants frequently appealed, a process that could be lengthy. Federal appellate courts had not ruled on whether such punishments violate the constitution because no relevant cases reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there were no challenges on constitutional grounds.

There were reports of canings during the year. On May 28, a sharia court convicted a 20-year-old man for eating a mango during Ramadan during restricted hours and publicly flogged him with 40 lashes. Defendants generally did not challenge caning sentences in court as a violation of statutory law. Sharia courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison in lieu of caning.

There were no new reports of sexual exploitation or abuse by peacekeepers from Nigeria deployed to UN peacekeeping missions. The government did not report investigating allegations 49 Nigerian soldiers deployed as UN peacekeepers to Liberia sexually exploited and abused women and children between 2003 and 2017.

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees reportedly were subjected to gross overcrowding, inadequate medical care, food and water shortages, and other abuses; some of these conditions resulted in deaths. The government often detained suspected militants outside the formal prison system (see section 1.g.). In August the government passed a prison reform law and renamed the Nigerian Prison Services as the Nigerian Correctional Services (NCS).

Physical Conditions: Overcrowding was a significant problem. Although the total designed capacity of the country's prisons was 50,153 inmates, as of July they held 73,995 prisoners. Approximately 68 percent of inmates were in pretrial detention or remanded. As of July there were 1,489 female inmates. Authorities sometimes held female and male prisoners together, especially in rural areas. Prison authorities often held juvenile suspects with adults.

Most of the 240 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. For example, according to press reports, Agodi Minimum Security Prison in Oyo State had 1,189 inmates despite a maximum capacity of 390.

Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from treatable illnesses, such as HIV/AIDS, malaria, and tuberculosis. Although authorities attempted to isolate persons with communicable diseases, facilities often lacked adequate space, and inmates with these illnesses lived with the general prison population. There were no reliable statistics on the total number of prison deaths during the year.

Prisoners and detainees were reportedly subjected to torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape.

Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners' food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other

security force personnel often denied inmates food and medical treatment to punish them or extort money.

In general prisons had no facilities to care for pregnant women or nursing mothers. Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons.

Generally prisons made few efforts to provide mental health services or other accommodations to prisoners with mental disabilities (see section 6).

Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). There were no reports of accountability for past reported deaths in custody, nor for past reports from AI alleging that an estimated 20,000 persons were arbitrarily detained between 2009 and 2015, with as many as 7,000 dying in custody.

After multiple releases during the year (see Improvements below), it was unclear how many children or adults remained in detention at Giwa Barracks or other unofficial detention facilities. According to press and NGO reporting, the military continued to arrest and remand to military detention facilities, including Giwa Barracks, additional persons suspected of association with Boko Haram or ISIS-WA.

The government continued to arrest and detain for prolonged periods, women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. In April, AI reported authorities detained children removed from Boko Haram, including former child soldiers, with adults in Maiduguri Maximum Security Prison. There were multiple reports that adult inmates were sexually exploiting children. In September, Human Rights Watch (HRW) reported children detained for alleged association with Boko Haram and ISIS-WA were held in poor conditions in Giwa Barracks.

Administration: While prison authorities allowed visitors within a scheduled timeframe, few visits occurred, largely due to lack of family resources and travel distances. Prison officials often requested bribes to allow access for visitors.

The ACJA provides that the chief judge of each state, or any magistrate designated by the chief judge, shall conduct monthly inspections of police stations and other places of detention within the magistrate's jurisdiction, other than prisons, and may inspect records of arrests, direct the arraignment of suspects, and grant bail if previously refused but appropriate.

The NHRC conducts prison audits. Despite an expressed willingness and ability to investigate credible allegations of inhuman conditions, the NHRC has not publicly released an audit report since 2012. In June 2018 the NHRC announced it was beginning a nationwide audit of all detention facilities. As of September no results of the audit had been publicly released. Through its Legal Aid Council, the Ministry of Justice reportedly provided some monitoring of prisons through the Federal Government Prison Decongestion Program.

Independent Monitoring: There was limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross had access to police detention, NCS, and some military detention facilities.

Improvements: Operation Safe Corridor (OPSC), a deradicalization program, graduated 151 former low-level Boko Haram affiliate members and former detainees. Some OPSC graduates faced difficulty in reintegrating into communities due to stigmatization from being associated with Boko Haram.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. According to numerous reports, since 2013 the military arbitrarily arrested and detained--often in unmonitored military detention facilities--thousands of persons in the context of the fight against Boko Haram in the Northeast (see section 1.g.). In their prosecution of corruption cases, law enforcement and intelligence agencies often failed to follow due process and arrested suspects without appropriate arrest and search warrants.

Arrest Procedures and Treatment of Detainees

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have

access to lawyers and family members. In many instances government and security officials did not adhere to this regulation. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities sometimes asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment.

The government continued to turn to the armed forces to address internal security concerns, due to insufficient capacity and staffing of domestic law enforcement agencies. The constitution authorizes the use of the military to “[s]uppress insurrection and act in aid of civil authorities to restore order.” Armed forces were part of continuing joint security operations in the Northeast, Southeast, Niger Delta, Middle Belt, and Northwest.

Police, DSS, and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier’s commanding officer determined disciplinary action, and the decision was subject to review by the chain of command according to the Armed Forces Act. The army had a human rights desk to investigate complaints of human rights violations brought by civilians, and a standing general court martial in Maiduguri. The human rights desk in Maiduguri coordinated with the NHRC and Nigerian Bar Association to receive and investigate complaints, although their capacity and

ability to investigate complaints outside of major population centers remained limited. The court martial in Maiduguri has convicted soldiers for rape, murder, and abduction of civilians. Many credible accusations of abuses remained uninvestigated.

In some northern states Hisbah religious police groups patrol areas to look for violations of sharia.

Arbitrary Arrest: Security personnel arbitrarily arrested numerous persons during the year, although the number remained unknown. In the Northeast the military and members of vigilante groups, such as the CJTF, rounded up individuals during mass arrests, often without evidence.

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

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NCS figures released in July, 68 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF and the NCS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. Prison officials did not have effective prison case file management processes, to include a databases or cataloguing systems. In general the courts were plagued with inadequate, antiquated systems and procedures.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees may challenge the lawfulness of their detention before a court and have the right to submit complaints to the NHRC. Nevertheless, most detainees found this approach ineffective because, even with legal representation, they often waited years to gain access to court.

e. Denial of Fair Public Trial

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

the judiciary from functioning adequately. There are no continuing education requirements for attorneys, and police officers were often assigned to serve as prosecutors. Judges frequently failed to appear for trials. In addition the salaries of court officials were low, and they often lacked proper equipment and training.

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

Although the Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state levels, no requirements or monitoring bodies existed for judges at the local level. This contributed to corruption and the miscarriage of justice in local courts.

The constitution provides that, in addition to common law courts, states may establish courts based on sharia or customary (traditional) law. Sharia courts functioned in 12 northern states and the FCT. Customary courts functioned in most of the 36 states. The nature of a case and the consent of the parties usually determined what type of court had jurisdiction. In the case of sharia courts in the North, the impetus to establish them stemmed at least in part from perceptions of inefficiency, cost, and corruption in the common law system. The transition to sharia penal and criminal procedure codes, however, was largely perceived as hastily implemented, insufficiently codified, and constitutionally debatable in most of the states.

The constitution is silent on the use of sharia courts for criminal cases. In addition to civil matters, sharia courts also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the sharia penal code, including for *hudud* offenses (serious criminal offenses with punishments prescribed in the Quran) that provide for punishments such as caning, amputation, and death by stoning. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in sharia criminal courts, a Zamfara State law requires that a sharia court hear all criminal cases involving Muslims.

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common law appellate courts. As of September no challenges with adequate legal standing had reached the common law appellate system. The highest appellate court for sharia-based decisions is the Supreme Court, staffed by

common-law judges who are not required to have any formal training in the sharia penal code. Sharia experts often advise them. Sharia courts are thus more susceptible to human error as many court personnel lack basic formal education or the appropriate training to accurately and effectively administer penal and legal procedures. Despite these shortfalls many in the North prefer sharia courts to their secular counterparts, especially concerning civil matters, as they are faster, less expensive, and conducted in the Hausa language.

Trial Procedures

Pursuant to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges (with free interpretation as necessary from the moment charged through all appeals); receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal.

Authorities did not always respect these rights, most frequently due to a lack of capacity and resources. Insufficient numbers of judges and courtrooms, together with growing caseloads, often resulted in pretrial, trial, and appellate delays that could extend a trial for as many as 10 years. Although accused persons are entitled to counsel of their choice, there were reportedly some cases where defense counsel was absent from required court appearances so regularly that a court might proceed with a routine hearing in the absence of counsel, except for certain offenses for which conviction carries the death penalty. Authorities held defendants in prison awaiting trial for periods well beyond the terms allowed by law (see section 1.c.).

Human rights groups stated the government denied terror suspects detained by the military their rights to legal representation, due process, and to be heard by a judicial authority. Rights groups, including HRW, expressed concerns regarding inadequate access to defense counsel, a lack of interpreters, and inadequate evidence leading to an overreliance on confessions. It was unclear whether confessions were completely voluntary. Those whose cases were dismissed reportedly remained in detention without clear legal justification.

By common law women and non-Muslims may testify in civil or criminal proceedings and give testimony that carries the same weight as testimony of other witnesses. Sharia courts usually accorded the testimony of women and non-

Muslims less weight than that of Muslim men. Some sharia court judges allowed different evidentiary requirements for male and female defendants to prove adultery or fornication. Pregnancy, for example, was admissible evidence of a woman's adultery or fornication in some sharia courts. In contrast sharia courts could convict men only if they confessed or there was eyewitness testimony. Sharia courts provided women some benefits, including increased access to divorce, child custody, and alimony.

Military courts tried only military personnel, but their judgments could be appealed to civilian courts. Members of the military are subject to the Armed Forces Act regarding civil and criminal matters. The operational commanding officer of a member of the armed forces must approve charges against that member. The commanding officer decides whether the accusation merits initiation of court-martial proceedings or lower-level disciplinary action. Such determinations are nominally subject to higher review, although the commanding officer makes the final decision. If the case proceeds, the accused is subject to trial by court-martial. The law provides for internal appeals before military councils as well as final appeal to the civilian Court of Appeals.

Political Prisoners and Detainees

On February 16, nine tribal elders were arrested in Kaduna State. Media reports stated the individuals were detained by order of Kaduna state governor Nasir El-Rufai in retaliation for their criticism of his administration. Eight of the elders were released in June and the ninth in August, after being held for months with no charges filed.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters, but the executive and legislative branches, as well as business interests, exerted influence and pressure in civil cases. Official corruption and lack of will to implement court decisions also interfered with due process. The constitution and the annual Appropriation Acts stipulate the National Assembly and the judiciary be paid directly from the federation account as statutory transfers before other budgetary expenditures are made, in order to maintain autonomy and separation of powers. Federal and state governments, however, often undermine the judiciary by withholding funding and manipulating appointments. The law provides for access to the courts for redress of grievances, and courts may award damages and issue

injunctions to stop or prevent a human rights violation, but the decisions of civil courts were difficult to enforce.

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

The law prohibits arbitrary interference, but authorities infringed on this right during the year, and police entered homes without judicial or other appropriate authorization. In their pursuit of corruption cases, law enforcement agencies reportedly carried out searches and arrests without warrants.

State and local governments forcibly evicted some residents and demolished their homes, often without sufficient notice or alternative compensation, and sometimes in violation of court orders.

Press reporting indicated that the army was responsible for burning villages in areas where Boko Haram was suspected to have been operational and possibly supported by the local population. These actions reportedly contributed to the high number of internally displaced persons in the Northeast.

g. Abuses in Internal Conflict

Killings: Units of the NA's Seventh Division, the NPF, and the DSS carried out operations against the terrorist groups Boko Haram and ISIS-WA in the Northeast. There were reports of military forces allegedly conducting extrajudicial killings of suspected members of the groups. Security forces also arbitrarily arrested men and boys perceived to be of fighting age for suspected collaboration with or for general or material support of the insurgents.

In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. While the full report was not publicly available, the board briefed the press on some of the report's conclusions and recommendations. The board documented conditions at military detention facilities, including the center at Giwa Barracks, and found instances of overcrowded cells and unsanitary conditions. The BOI concluded that these detention conditions, and delays in trials of alleged Boko Haram members, sometimes resulted in deaths in custody. The BOI also found that the denial of access to legal representation was a violation of human rights. The board

reportedly found no evidence of arbitrary arrests or extrajudicial executions of detainees. The board also stated it was “unable to substantiate” any of the allegations against senior officers, claiming a lack of documents or other forensic evidence. The BOI reportedly did not find any individual member of the NA at fault for any human rights violation in military detention facilities, nor did it recommend prosecutions or other accountability measures for any member of the Armed Forces of Nigeria or other government entity. Notably the BOI did not meet internationally accepted best practices for investigations. In particular, the board lacked full independence, did not have forensic or other evidentiary expertise, and did not consult testimonies from victims of human rights violations in compiling its evidence, thus calling into question some of its conclusions.

In August 2017 then acting president Osinbajo announced a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement. The panel conducted hearings across the country and submitted its findings to the presidency in February 2018. As of September the report had not been made public.

Boko Haram and ISIS-WA attacked population centers and security personnel in Borno State. Boko Haram also conducted limited attacks in Adamawa, while ISIS-WA attacked targets in Yobe. These groups targeted anyone perceived as disagreeing with the groups’ political or religious beliefs or interfering with their access to resources. While Boko Haram no longer controls as much territory as it once did, the two insurgencies nevertheless maintained the ability to stage forces in rural areas and launch attacks against civilian and military targets across the Northeast. Both groups carried out infrequent attacks through roadside IEDs. ISIS-WA maintained the ability to carry out effective complex attacks on military positions.

Boko Haram continued to employ indiscriminate person-borne IED attacks targeting the local civilian populations. Women and children were forced to carry out many of the attacks. According to a 2017 study by UNICEF, children, forced by Boko Haram, carried out nearly one in five person-borne IED attacks. More than two-thirds of these children were girls. For example, in June terrorists remotely detonated explosives strapped to two girls and a boy at a market in Konduga, southeast of Maiduguri, in Borno State, reportedly killing 30 persons and injuring 40. Boko Haram continued to kill scores of civilians suspected of cooperating with the government.

ISIS-WA targeted civilians with attacks or kidnappings less frequently than Boko Haram, but employed targeted acts of violence and intimidation against civilians in order to expand its area of influence and gain control over critical economic resources. As part of a violent campaign, ISIS-WA also targeted government figures, traditional leaders, and contractors. In multiple instances ISIS-WA issued “night letters” or otherwise warned civilians to leave specific areas and subsequently targeted civilians who failed to depart.

Abductions: Boko Haram conducted mass abductions of men, women, and children, often in conjunction with attacks on communities. The group forced men, women, and children to participate in military operations on its behalf. Those abducted by Boko Haram were subjected to physical and psychological abuse, forced labor, and forced religious conversions. Women and girls were subjected to forced marriage and sexual abuse, including rape and sexual slavery. Most female person-borne IED bombers were coerced in some form and were often drugged. Boko Haram also used women and girls to lure security forces into ambushes, force payment of ransoms, and leverage prisoner exchanges.

While some NGO reports estimated the number of Boko Haram abductees at more than 2,000, the total count of the missing was unknown since abductions continued, towns repeatedly changed hands, and many families were still on the run or dispersed in IDP camps. Many abductees managed to escape Boko Haram captivity, but precise numbers remained unknown.

Approximately half of the students abducted by Boko Haram from the Chibok Government Girls Secondary School in 2014 remained in captivity. Leah Sharibu remained the only student from the February 2018 kidnapping in Dapchi in ISIS-WA captivity, reportedly because she refused to convert to Islam from Christianity.

Physical Abuse, Punishment, and Torture: Security services used excessive force in the pursuit of Boko Haram and ISIS-WA suspects, at times resulting in arbitrary arrest, detention, or torture (see section 1.c.).

Arbitrary arrests continued in the Northeast, and authorities held many individuals in poor and life-threatening conditions. There were reports some of the arrested and detained included children believed to be associated with Boko Haram, some of whom may have been forcibly recruited. Conditions in Giwa Barracks reportedly marginally improved during the year, as the military periodically released groups of women and children, and less frequently men, from the facility to state-run rehabilitation centers; however, some deaths in detention continued.

According to army statements to the press, the 2017 BOI report made numerous recommendations for improving detention conditions and judicial processes for suspected Boko Haram and ISIS-WA members. There have been no reports that government employees have been held accountable for abuses in Giwa Barracks or other military detention facilities.

Boko Haram engaged in widespread sexual and gender-based violence against women and girls. Those who escaped or that security services or vigilante groups rescued faced ostracism by their communities and had difficulty obtaining appropriate medical and psychosocial treatment and care. In July, Boko Haram kidnapped a group of women and cut off their ears in retaliation for perceived cooperation with Nigerian and Cameroonian military and security services.

Reports indicated soldiers, police, CJTF and others committed sexual exploitation and abuse of women and girls and such exploitation and abuse was a concern in state-run IDP camps, informal camps, and local communities in and around Maiduguri, the Borno State capital, and across the Northeast. Despite a relative improvement in the humanitarian situation, women and girls continued to be exploited in sex trafficking. Although impunity remained widespread, there were some reports of charges brought against government officials, security force members, and other perpetrators. For example, in May an Air Force officer was convicted and sentenced for sexual exploitation of a 14-year-old girl in one of the IDP camps.

Child Soldiers: Children younger than age 18 participated in Boko Haram attacks. The group paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant IEDs, serve as spies, and carry out person-borne IED bombings, often under the influence of drugs. For example, in June terrorists remotely detonated explosives strapped to two girls and a boy at a market in Konduga, southeast of Maiduguri, in Borno State, reportedly killing 30 persons and injuring 40. The group also used abducted girls as sex slaves.

Reports indicated that the military coordinated closely on the ground with the CJTF, a nongovernmental self-defense militia that received limited state government funding. The CJTF and United Nations continued work to implement an action plan to end and prevent the recruitment and use of children, which was signed by both parties and witnessed by the Borno State government in September 2017. According to credible international organizations, since the signing of the action plan there have been no verified cases of recruitment and use of child

soldiers by the CJTF. At a public ceremony in October 2018, UNICEF, the CJTF, and the Borno State government marked the formal separation of 833 children formerly associated with the group. Some demobilized former child soldiers were awaiting formal reintegration into communities.

There were no confirmed reports that the military used child soldiers.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution and law provide for freedom of speech and press, the government frequently restricted these rights. In an August press release, HRW expressed concern over threats to freedom of expression, saying recent arrests and detentions of journalists and activists indicated a growing intolerance of dissent.

Freedom of Expression: The constitution entitles every individual to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Although federal and state governments usually respected this right, there were reported cases in which the government abridged the right to speech and other expression.

Press and Media, Including Online Media: A large and vibrant private domestic press frequently criticized the government, but critics reported being subjected to threats, intimidation, and sometimes violence.

Violence and Harassment: Security services increasingly detained and harassed journalists, sometimes for reporting on sensitive problems such as political corruption and security. Security services including the DSS and police occasionally arrested and detained journalists who criticized the government. Moreover, army personnel in some cases threatened civilians who provided, or were perceived to have provided, information to journalists or NGOs on misconduct by the military.

Numerous journalists were detained, abducted, or arrested during the year and were still deprived of their liberty as of September, including Abubakar Idris, Stephen Kefas, Jones Abiri, Agba Jalingo, and others. Activist IG Wala was

sentenced to seven years in prison, reportedly in retaliation for making ‘unsubstantiated allegations’ against government officials.

Censorship or Content Restrictions: The government controlled much of the electronic media through the National Broadcasting Commission (NBC), which is responsible for monitoring and regulating broadcast media. The law prohibits local television stations from transmitting programming from other countries except for special religious programs, sports programs, or events of national interest. Cable and satellite transmission was less restricted. For example, the NBC permitted live transmission of foreign news and programs on cable and satellite networks, but they were required to dedicate 20 percent of their programming time to local content.

Journalists practiced self-censorship. Journalists and local NGOs claimed security services intimidated journalists, including editors and owners, into censoring reports perceived to be critical of the government.

Libel/Slander Laws: Libel and slander are civil offenses and require defendants to prove truthfulness or value judgment in news reports or editorials or pay penalties. The requirement limited the circumstances in which media defendants could rely on the common law legal defense of “fair comment on matters of public interest,” and it restricted the right to freedom of expression. Defamation is a criminal offense carrying a penalty for conviction of up to two years’ imprisonment and possible fines.

Allegations of libel were also used as a form of harassment by government officials in retaliation for negative reporting.

Internet Freedom

There were few government restrictions on access to the internet, but challenges with infrastructure and affordability persisted.

Civil society organizations expressed concern regarding the broad powers provided by the Cybercrimes Act of 2015. The act has been used by some local and state governments to arrest opponents and critics for alleged hate speech. Those arrested were typically detained only briefly because the Cybercrimes Act had yet to be fully tested in the courts. There was increasing legislative interest and calls for regulating social media due to concerns it plays a role in accelerating rural and electoral violence.

The National Assembly passed the Digital Rights and Online Freedom bill in 2017. The legislation seeks to provide fundamental digital freedoms and protections to citizens, but it was not expected to clarify what constitutes hate speech. As of September, President Buhari had not assented to the bill becoming law.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly. The government occasionally banned and targeted gatherings when it concluded their 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 fear they might heighten interreligious tensions.

In May, June, and July, members of a Shia political organization, the IMN, carried out a series of protests across the country in response to the continued detention of their leader, Sheikh Ibrahim El-Zakzaky. Police and military officials set up roadblocks and used other means to contain protesters in and around the capital city of Abuja. The protests turned violent on July 9, when IMN members broke through police barricades at the National Assembly. The police force responded and dispersed the crowd with tear gas. According to reports, IMN members disarmed some of the police officers involved, fatally wounding one officer and injuring others in the process. The IMN denied this allegation, saying 15 of its members were killed when police fired at the crowd.

The Senate called for the arrest of IMN members involved in the violence, while the House of Representatives called on the federal government to urgently engage the IMN to explore ways of resolving the conflict, expressing fears the IMN was fast evolving “the way Boko Haram started.” On July 22, the protests again turned violent, resulting in the torching of two ambulances and several deaths, including a journalist and a senior police official. On July 26, the federal government procured a court order to declare the IMN a terrorist organization and banning IMN assemblies. On September 10, despite the ban, the IMN proceeded with its Ashura procession in Bauchi, Gombe, Kaduna, Katsina, and Sokoto States. Clashes with

law enforcement agencies in these states around the processions led to fatalities of 12 IMN protesters.

In August former presidential candidate, political activist, and founder of Sahara Reporters, Omoyele Sowore, was arrested after calling for nationwide protests with the tagline #RevolutionNow. Sowore was released on bail on December 5, nearly a month after he had met the bail requirements. On December 6, Sowore was re-detained by the DSS. Attorney General Malami ordered Sowore's conditional release, and he was released from DSS custody on December 24. While #RevolutionNow protests took place in Lagos, Osun, Ondo, and Cross Rivers States, none were attended by more than a few hundred participants. According to media reports, heavy security forces were deployed. When protests in Lagos and Osun became violent, police used tear gas to disperse protesters. Police arrested protesters in Lagos, Osun, and Cross River.

In areas that experienced societal violence, police and other security services permitted public meetings and demonstrations on a case-by-case basis. Security services sometimes used excessive force to disperse demonstrators during the year (see section 1.a.).

Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or other special interest organizations. While the government generally respected this right, on occasion authorities abrogated it for some groups. The government of Kaduna State continued its proscription of the IMN, alleging the group constituted a danger to public order and peace. In July the government extended that proscription nationwide and designated the IMN as a terrorist organization.

The Same Sex Marriage Prohibition Act (SSMPA), a law prohibiting marriages and civil unions among persons of the same sex, criminalizes the free association of any persons through so-called gay organizations. Citizens suspected of same-sex activities were frequently harassed, intimidated, and arrested. Rights groups reported that the SSMPA had a significant chilling effect on free association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but security officials restricted freedom of movement at times by imposing curfews in areas experiencing terrorist attacks and ethnic violence.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, Migrants, and IDPs. The government participated in a regional protection dialogue to continue to work through a tripartite agreement with UNHCR and Cameroon signed in March 2017 to ensure that any Nigerian refugees in Cameroon returning to Nigeria were fully informed and gave their consent. Nevertheless, the agreement was not fully enforced, and the return of Nigerian refugees to Nigeria was sometimes forced, uninformed, or dangerous. There were reports the government continued to participate in the return of Nigerian refugees from Cameroon that was not fully voluntary or informed (see “Refoulement”).

In-country Movement: The federal, state, or local governments imposed curfews or otherwise restricted movement in the states of Adamawa, Borno, and Yobe in connection with operations against Boko Haram and ISIS-WA. Other states imposed curfews in reaction to specific threats and attacks, and rural violence.

Police conducted “stop and search” operations in cities and on major highways and, on occasion, set up checkpoints. Many checkpoints operated by military and police remained in place.

e. Internally Displaced Persons

As of August, UNHCR reported there were approximately two million persons displaced in the Lake Chad Basin region. Insurgency was the reason for the overwhelming majority of the displacements, followed by communal clashes.

Access to farmland remained a challenge for IDPs in the Northeast, particularly for those living with host communities. Many IDPs with access to farmland were told by the military to refrain from planting taller crops for security reasons. Distribution of fertilizers to areas with some farming opportunities was restricted

due to the military's suspicion that fertilizers such as urea could be used for military purposes.

IDPs, especially those in the Northeast, faced severe protection problems, including widespread sexual abuse of women and girls, some of which constituted sex trafficking (see section 1.g.). Security services continued to arrest and detain suspected Boko Haram and ISIS-WA members at IDP camps and in host communities, often arbitrarily and with insufficient evidence, and restricted family access to detainees. Other protection concerns included attacks or bombings, lack of accountability and diversion of humanitarian aid, drug abuse, hostility and insecurity, harassment of women and girls, and lack of humanitarian assistance for host communities.

NGOs reported having insufficient resources available to IDP victims of sexual and gender-based violence, who had limited access to safe, confidential psychosocial counseling and medical services or safe spaces. Women and girls abducted by Boko Haram, as well as the babies born as a result of rape during their captivity, faced stigmatization and community isolation.

f. Protection of Refugees

Refoulement: There were reports the government participated in the return of Nigerian refugees from Cameroon who may have not been voluntary or properly informed. Insecurity in Nigeria prevented most forced returnees from returning to their places of origin. According to UNHCR, most remained in camps in Borno, where resources were scarce. Many did not have access to basic facilities such as shelter, drinking water, sanitation, or medical care.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Asylum seekers originated mainly from Cameroon, the Democratic Republic of the Congo, Central African Republic, Mali, Cote d'Ivoire, Togo, Sudan, and Guinea, with a majority living in urban areas in Cross River State, Lagos, and Ijebu Ode in Ogun State. According to UNHCR, approximately 45,000 Cameroonians fleeing the Anglophone Crisis sought refuge in Cross River, Benue, and Akwa Ibom States.

Durable Solutions: The country received a high number of returnees, both voluntary and forced, primarily in the Northeast. Accurate information on the number of returnees was not available. The government was generally unable to

take action to reintegrate returning refugees. Many returnees did not find durable solutions and were forced into secondary displacement.

Temporary Protection: The government provided temporary protection to a few hundred individuals who may not qualify as refugees.

g. Stateless Persons

The country contributes to statelessness through birth registration problems. The government does not require birth registration, and the majority of births were unregistered. The *2013 Nigeria Demographic and Health Survey*, the most recent data available, found that only 30 percent of births of children younger than age five were registered. Lack of documents did not result in denial of education, health care, or other public services. Most people did not become stateless because of their lack of birth registration; however, there were some reported cases where the government denied individuals citizenship because they did not have a birth registration and did not have another way to prove their citizenship.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot.

Elections and Political Participation

Recent Elections: The Independent National Electoral Commission (INEC) is the independent electoral body responsible for overseeing elections by regulating the process and preventing electoral misconduct. During the year INEC conducted the presidential election, National Assembly elections, State House Assembly elections, and local elections in all 36 states plus the FCT, as well as gubernatorial elections in 30 states. There was evidence military and security services intimidated voters, electoral officials, and election observers. In addition violence in several states contributed to lower voter participation and added to the sentiment the army is a tool of the ruling party in many parts of the country, particularly in the South. For example, widespread violence and military involvement in electoral processes, including during the vote collation process, significantly scarred the governorship election in Rivers State. Additionally several of INEC's resident electoral commissioners (RECs) reported DSS operatives intimidated them when the RECs attempted to protect voting materials. Some RECs reported security

service personnel visited them multiple times prior to the elections. Press reported certain RECs claimed the DSS was surveilling the RECs and that they had been brought to DSS offices for questioning.

There were reports that corruption including vote buying were historically high during the 2018-19 electoral season. Examples of vote buying were apparent in the re-run of the Osun gubernatorial election in September 2018, and during the Kano gubernatorial election on March 9.

Political Parties and Political Participation: The constitution and law allow the free formation of political parties. As of September there were 91 parties registered with INEC. The constitution requires political party sponsorship for all election candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Observers attributed fewer leadership opportunities for women in major parties and government, particularly in the North, to religious and cultural barriers. The number of women candidates was disproportionately low, and the accessibility of polls for people with disabilities was poor. Less than 4 percent of those elected in the 2019 general elections were women. Only 12 percent of the 6,300 candidates for the National Assembly's House of Representatives and Senate were women, and women won only 17 of the 469 Assembly seats. The situation was similar in the 36 state houses of assembly and 774 local government councils. Women's participation dropped from a high of 8 percent of National Assembly members elected in 2007 to the current 4 percent.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for conviction of official corruption, the government did not implement the law effectively, and government officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government, including the judiciary and the security services. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office. There were numerous reports of government corruption during the year.

Corruption: The Independent Corrupt Practices Commission (ICPC) holds broad authorities to prosecute most forms of corruption. The Economic and Financial

Crimes Commission (EFCC) writ extends only to financial and economic crimes. The ICPC led a raid in August that resulted in the arrest of 37 federal road safety officers and five civilian employees on charges of extortion. As of September the EFCC had secured 834 convictions during the year.

Although ICPC and EFCC anticorruption efforts remained largely focused on low- and mid-level government officials, following the 2015 presidential election, both organizations started investigations into and brought indictments against various active and former high-level government officials. Many of these cases were pending in court. According to both the ICPC and the EFCC, the delays were the result of a lack of judges and the widespread practice of filing for and granting multiple adjournments.

EFCC arrests and indictments of politicians continued throughout the year, implicating a significant number of opposition political figures and leading to allegations of partisan motivations on the part of the EFCC.

Financial Disclosure: The Code of Conduct Bureau and Tribunal Act requires public officials--including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels)--to declare their assets to the Code of Conduct Bureau (CCB) before assuming and after leaving office. The constitution calls for the CCB to “make declarations available for inspection by any citizen of the country on such terms and conditions as the National Assembly may prescribe.” The law does not address the publication of asset information. Violators risk prosecution, but cases rarely reached conclusion.

In April, Supreme Court Chief Justice Walter Onnoghen was convicted of falsely declaring his assets for failing to reveal money held in five foreign bank accounts. He was banned from holding public office for 10 years and ordered to forfeit the money in the five accounts. President Buhari had suspended Onnoghen over the charges of failing to disclose assets in January several weeks before the presidential election. President Buhari did not receive support for Onnoghen’s removal from two-thirds of the Senate or from the National Judicial Council as the law requires. The timing and process of Onnoghen’s suspension led many opposition candidates, lawyers, and civil society leaders to accuse President Buhari of meddling with the independence of the judiciary.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded to their views, but generally dismissed allegations quickly without investigation. In some cases the military threatened NGOs and humanitarian organizations. In December 2018 a military spokesperson called for the banning of AI after the release of a report on farmer-herder violence, but no action was taken against AI. In September the army ordered Action Against Hunger and Mercy Corps, both humanitarian NGOs, to suspend operations in Borno and Yobe States. The army alleged members of the organizations, who were found with large sums of cash and other questionable items at checkpoints, were aiding and abetting a terrorist organization. Action Against Hunger and Mercy Corps strongly rejected these charges and cooperated with military officials, which resulted in the lifting of suspensions. On October 30, the government announced it would take new steps to vet and monitor humanitarian actors working in the Northeast. The next day both organizations resumed operations. A military board of inquiry continued to investigate the allegations.

Government Human Rights Bodies: The law establishes the NHRC as an independent nonjudicial mechanism for the promotion and protection of human rights. The NHRC monitors human rights through its zonal affiliates in the country's six political regions. The NHRC is mandated to investigate allegations of human rights abuses and publishes periodic reports detailing its findings, including torture and poor prison conditions. The commission served more of an advisory, training, and advocacy role. During the year there were no reports its investigations led to accountability. The law provides for recognition and enforcement of NHRC awards and recommendations as court decisions, but it was unclear whether this happened.

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

Women

Rape and Domestic Violence: The Violence Against Persons Prohibition (VAPP) Act addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic violence. The VAPP cites spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), other harmful traditional practices, substance attacks (such as acid attacks),

political violence, and violence by state actors (especially government security forces) as offenses. Victims and survivors of violence are entitled to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies, with their identities protected during court cases. As of September, nine states (Kaduna, Anambra, Oyo, Benue, Ebonyi, Edo, Ekiti, Enugu, and Osun) and the FCT have adopted the act.

The law criminalizes rape, but it remained widespread. In March, UNICEF released a report noting that about one in four girls and one in 10 boys in were victims of sexual violence prior to their 18th birthday. On July 31, a university student was raped by an enlisted soldier at a military checkpoint in Ondo State.

Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. The VAPP provides penalties for conviction ranging from 12 years' to life imprisonment for offenders older than 14 and a maximum of 14 years' imprisonment for all others. It also provides for a public register of convicted sexual offenders and appointment of protection officers at the local government level to coordinate with courts and provide for victims to receive various forms of assistance (e.g., medical, psychosocial, legal, rehabilitative, and for reintegration) provided by the VAPP. The act also includes provisions to protect the identity of rape victims and a provision empowering courts to award appropriate compensation to victims of rape. Because the VAPP has only been adopted in a handful of states, state criminal codes continued to govern most rape and sexual assault cases and typically allowed for lesser sentences.

There is no comprehensive law for combatting violence against women that applies across the country. Victims and survivors had little or no recourse to justice. While some, mostly southern, states enacted laws prohibiting some forms of gender-based violence or sought to safeguard certain rights, a majority of states did not have such legislation.

The VAPP provides for up to three years' imprisonment, a maximum fine of 200,000 naira (\$635), or both for conviction of spousal battery. It also authorizes courts to issue protection orders upon application by a victim and directs the appointment of a coordinator for the prevention of domestic violence to submit an annual report to the federal government.

Domestic violence remained widespread, and many considered it socially acceptable. The *National Crime Victimization and Safety Survey for 2013* of the CLEEN Foundation--formerly known as Center for Law Enforcement Education--

reported 30 percent of male and female respondents countrywide claimed to have been victims of domestic violence.

Police often refused to intervene in domestic disputes or blamed the victim for provoking the abuse. 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 local customary norms.

Female Genital Mutilation/Cutting (FGM/C): Federal law criminalizes female circumcision or genital mutilation, but there were no reports the federal government took legal action to curb the practice. While 13 states banned FGM/C, once a state legislature criminalizes FGM/C, NGOs found they had to convince local authorities that state laws apply in their districts.

The VAPP penalizes a person convicted of performing female circumcision or genital mutilation with a maximum of four years in prison, a fine of 200,000 naira (\$635), or both. It punishes anyone convicted of aiding or abetting such a person with a maximum of two years' imprisonment, a fine of 100,000 naira (\$317), or both. For more information, see Appendix C.

Other Harmful Traditional Practices: According to the VAPP, any person convicted of subjecting another person to harmful traditional practices may be punished with up to four years' imprisonment, a fine not exceeding 500,000 naira (\$1,590), or both. Anyone convicted of subjecting a widow to harmful traditional practices is subject to two years' imprisonment, a fine not exceeding 500,000 naira (\$1,590), or both. For purposes of the VAPP, a harmful traditional practice means all traditional behavior, attitudes, or practices that negatively affect the fundamental rights of women or girls, to include denial of inheritance or succession rights, FGM/C, forced marriage, and forced isolation from family and friends.

Despite the federal law, *purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in parts of the North.

“Confinement,” which occurred predominantly in the Northeast, remained the most common rite of deprivation for widows. Confined widows were subject to social restrictions for as long as one year and usually shaved their heads and dressed in black as part of a culturally mandated mourning period. In other areas communities viewed a widow as a part of her husband's property to be “inherited” by his family. In some traditional southern communities, widows fell under

suspicion when their husbands died. To prove their innocence, they were forced to drink the water used to clean their deceased husbands' bodies.

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but assault statutes provide for prosecution of violent harassment. The VAPP criminalizes stalking, but it does not explicitly criminalize sexual harassment. The act criminalizes emotional, verbal, and psychological abuse and acts of intimidation.

The practice of demanding sexual favors in exchange for employment or university grades remained common. For example, in August media outlets reported that a dean at a federal university was arrested after allegedly demanding sex in exchange for passing grades. Women suffered harassment for social and religious reasons in some regions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the constitution provides the same legal status and rights for women as for men, women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, nor does it mandate nondiscrimination based on gender in hiring.

Women generally remained marginalized. No laws prohibit women from owning land, but customary land tenure systems allowed only men to own land, with women gaining access to land only via 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 the 12 northern states that adopted religious law, sharia and social norms affected women to varying degrees. For example, in Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. In 2013 the Kano State government issued a statement declaring men and women must remain separate while using public transportation.

The testimony of women carried less weight than that of men in many criminal courts. Women could arrange but not post bail at most police detention facilities.

Children

Birth Registration: Children derive their citizenship from their parents. The government does not require birth registration, and the majority of births were unregistered. The *2013 Nigeria Demographic and Health Survey*, the most recent data available, found that only 30 percent of births of children younger than five were registered. Lack of documents did not result in denial of education, health care, or other public services. For additional information, see Appendix C.

Education: The law requires provision of tuition-free, compulsory, and universal basic education for every child of primary and junior secondary school age. According to the constitution, women and girls are supposed to receive career and vocational guidance at all levels, as well as access to quality education, education advancement, and lifelong learning. Despite these provisions, extensive discrimination and impediments to female participation in education persisted, particularly in the North.

Public schools remained substandard, and limited facilities precluded access to education for many children.

Most educational funding comes from the federal government, with state governments required to pay a share. Public investment was insufficient to achieve universal basic education. Actual budget execution was consistently much lower than approved funding levels. Increased enrollment rates created challenges in ensuring quality education. According to UNICEF in some instances there were 100 pupils for one teacher.

Of the approximately 30 million primary school-age children, an estimated 10.5 million were not enrolled in formally recognized schools. The lowest attendance rates were in the North, where rates for boys and girls were approximately 45 percent and 35 percent, respectively. According to UNICEF, in the North, for every 10 girls in school, more than 22 boys attended. Approximately 25 percent of young persons between ages 17 and 25 had fewer than two years of education.

In many regions social and economic factors resulted in discrimination against girls in access to education. In the face of economic hardship, many families favored boys in deciding which children to enroll in elementary and secondary schools. According to the *2015 Nigeria Education Data Survey*, attendance rates in primary schools increased to 68 percent nationwide, with school-age boys continuing to be somewhat more likely than girls to attend primary school.

According to the survey, primary enrollment was 91 percent for boys and 78 percent for girls; secondary enrollment was 88 percent for boys and 77 percent for girls. Several states in the North, including Niger and Bauchi, had enacted laws prohibiting the withdrawal of girls from school for marriage, but these laws were generally not enforced.

The Northeast had the lowest primary school attendance rate. The most pronounced reason was the Boko Haram and ISIS-WA insurgencies, which prevented thousands of children from continuing their education in the states of Borno and Yobe (due to destruction of schools, community displacement, and mass movement of families from those crisis states to safer areas). According to the United Nations, between 2014 and 2017, attacks in the Northeast destroyed an estimated 1,500 schools and resulted in the deaths of 1,280 teachers and students.

Child Abuse: Child abuse remained common throughout the country, but the government took no significant measures to combat it. Findings from the *Nigeria Violence Against Children Survey* released in 2015 revealed approximately six of every 10 children younger than age 18 experienced some form of physical, emotional, or sexual violence during childhood. One in two children experienced physical violence, one in four girls and one in 10 boys experienced sexual violence, and one in six girls and one in five boys experienced emotional violence.

In 2010 the Ministerial Committee on Madrasah Education reported 9.5 million children worked as *almajiri*, poor children from rural homes sent to urban areas by their parents ostensibly to study and live with Islamic teachers. Since government social welfare programs are scarce, parents of children with behavioral, mental health, or substance abuse problems turn to the *almajiris* of some *mallams* who claim to offer treatment. Instead of receiving an education, many *almajiri* were forced to work manual jobs or beg for alms that were given to their teacher. The religious leaders often did not provide these children with sufficient shelter or food, and many of the children effectively became homeless. In September police raided an *almajiri* center in Kaduna and rescued nearly 400 men and boys, many of whom were kept in chains. Some had open wounds from being beaten.

In some states children accused of witchcraft were killed or suffered abuse, such as kidnapping and torture.

So-called baby factories operated, often disguised as orphanages, religious or rehabilitation centers, hospitals, or maternity homes. They offered for sale the newborns of pregnant women--mostly unmarried girls--often held against their will

and raped. The persons running the factories sold the children for various purposes, including adoption, child labor, child trafficking, or sacrificial rituals, with the boys fetching higher prices. Media reports indicated some communities kill infants who are born as twins, or with birth defects or albinism.

Early and Forced Marriage: The law sets a minimum age of 18 for marriage for both boys and girls. The prevalence of child marriage varied widely among regions, with figures ranging from 76 percent in the Northwest to 10 percent in the Southeast. Only 25 state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, emphasizing the health hazards of early marriage. Certain states worked with NGO programs to establish school subsidies or fee waivers for children to help protect against early marriage. The government did not take legal steps to end sales of young girls into marriage.

According to an NGO, education was a key indicator of whether a girl would marry as a child--82 percent of women with no education were married before 18, as opposed to 13 percent of women who had at least finished secondary school. In the North parents complained the quality of education was so poor that schooling could not be considered a viable alternative to marriage for their daughters. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent “indecent” associated with premarital sex or for other cultural and religious reasons. Boko Haram subjected abducted girls to forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: The 2003 Child Rights Act prohibits child commercial sexual exploitation and sexual intercourse with a child, providing penalties for conviction from seven years’ to life imprisonment, respectively, for any adults involved. Two-thirds of states have adopted the act. The Trafficking in Persons Law Enforcement and Administration Act, as amended in 2015, criminalizes child sex trafficking and prescribes a minimum penalty of seven years’ imprisonment and a fine of one million naira (\$3,175).

The VAPP criminalizes incest and provides prison sentences for conviction of up to 10 years. The Cybercrimes Act of 2015 criminalizes the production, procurement, distribution, and possession of child pornography with prison terms if convicted of 10 years, a fine of 20 million naira (\$63,500), or both.

Sexual exploitation of children remained a significant problem. Children were exploited in commercial sex, both within the country and in other countries. Girls were victims of sexual exploitation in IDP camps. There were continued reports that camp officials and members of security forces, including some military personnel, used fraudulent or forced marriages to exploit girls in sex trafficking (see section 1.g.).

Displaced Children: As of August, UNHCR reported there were approximately two million persons displaced in the Lake Chad Basin region. According to the International Organization for Migration, children younger than age 18 constituted 56 percent of that IDP population, with 23 percent of them younger than age six. There were displaced children among IDP populations in other parts of the North as well. Many children were homeless.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

An estimated 700 to 900 members of the Jewish community, who were foreign employees of international firms, resided in Abuja. Although not recognized as Jews by mainstream Jewish communities, between 2,000 and 30,000 ethnic Igbos claimed Jewish descent and practiced some form of Judaism. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination based on the "circumstances of one's birth." During the year the government passed a disability rights law for the first time, prohibiting discrimination on the basis of disability. Violators are subject to fines, imprisonment, or both. As of July there were no reports the law had been implemented or enforced.

Some national-level policies such as the *National Health Policy of 2016* provide for health-care access for persons with disabilities. Plateau and Lagos States have laws and agencies that protect the rights of persons with disabilities, while Akwa-Ibom, Ekiti, Jigawa, Kwara, Ogun, Osun, and Oyo States took steps to develop such laws. The Ministry of Women's Affairs and Social Development has responsibility for persons with disabilities. Some government agencies, such as the NHRC and the Ministry of Labor and Employment, designated an employee to work on issues related to disabilities.

Mental health-care services were almost nonexistent. Officials at a small number of prisons used private donations to provide separate mental health facilities for prisoners with mental disabilities. All prisoners with disabilities stayed with the general inmate population and received no specialized services or accommodations.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many indigent persons with disabilities begged on the streets. The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to help persons with physical disabilities become self-supporting. The Joint National Association of Persons with Disabilities served as the umbrella organization for a range of disability groups.

National/Racial/Ethnic Minorities

The country's ethnically diverse population consisted of more than 250 groups speaking 395 different languages. Many were concentrated geographically. Three major groups--the Hausa, Igbo, and Yoruba--together constituted approximately one-half the population. Members of all ethnic groups practiced ethnic discrimination, particularly in private-sector hiring patterns and the segregation of urban neighborhoods. A long history of tension existed among some ethnic groups. The government's efforts to address tensions among ethnic groups typically involved heavily concentrated security actions, incorporating police, military, and other security services, often in the form of a joint task force.

The law prohibits ethnic discrimination by the government, but most ethnic groups claimed marginalization in terms of government revenue allocation, political representation, or both.

The constitution requires the government to have a “federal character,” meaning that cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geopolitical regions. President Buhari’s cabinet appointments conformed to this policy. 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 areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of 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 military. For example, in Plateau State the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

Land disputes, competition over dwindling resources, ethnic differences, and settler-indigene tensions contributed to clashes between herdsmen and farmers throughout the north-central part of the country. Ethnocultural and religious affiliation also were factors attributed to some local conflicts. Nevertheless, many international organizations, including International Crisis Group, assessed that these divisions were incidental to the farmer-herder conflict. During the past year, the conflict between herdsmen and farmers in north-central states steadily slowed due to government policies and civil society conflict-resolution mechanisms. “Silent killings,” in which individuals disappeared and later were found dead, occurred throughout the year.

Conflicts concerning land rights continued among members of the Tiv, Kwalla, Jukun, Fulani, and Azara ethnic groups living near the convergence of Nasarawa, Benue, and Taraba States.

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

The 2014 SSMPA effectively renders illegal all forms of activity supporting or promoting LGBTI rights. According to the SSMPA, anyone convicted of entering

into a same-sex marriage or civil union may be sentenced to up to 14 years' imprisonment.

Following passage of the SSMPA, LGBTI persons reported increased harassment and threats against them based on their perceived sexual orientation or gender identity. News reports and LGBTI advocates reported numerous arrests. According to HRW, the law had become a tool used by police and members of the public to legitimize human rights violations against LGBTI persons such as torture, sexual violence, arbitrary detention, extortion, and violations of due process rights.

In the 12 northern states that adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning. Sharia courts did not impose such sentences during the year. In previous years individuals convicted of same-sex sexual activity were sentenced to lashing.

In August 2018 police in Lagos arrested 57 individuals, at a hotel party where police stated homosexual activities took place. They were charged with public displays of same-sex amorous affection under the SSMPA. In November a total of 47 men pleaded innocent and were granted bail for 500,000 naira (\$1,575). Hearings were scheduled to resume on December 11 but were then adjourned until February 4, 2020.

Several NGOs provided LGBTI groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness; they also provided safe havens for LGBTI individuals. The government and its agents did not impede the work of these groups during the year.

HIV and AIDS Social Stigma

The public considered HIV to be a disease, a result of immoral behavior, and a punishment for same-sex sexual activity. Persons with HIV/AIDS often lost their jobs or were denied health-care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns.

Other Societal Violence or Discrimination

AI reported that at least 3,641 citizens were killed in violence involving herders and farmers since January 2016. According to International Crisis Group, what were once spontaneous attacks have increasingly become premeditated, scorched-

earth campaigns driven primarily by competition for land between farmers and herders, and an estimated 300,000 persons were displaced by the violence.

Various reports indicated street mobs killed suspected criminals during the year. In most cases these mob actions resulted in no arrests.

Ritualists who believed certain body parts confer mystical powers kidnapped and killed persons to harvest body parts for rituals and ceremonies. For example, in January, two women were killed in Bayelsa State. Their bodies were found with vital organs missing, and it was suspected that the organs were harvested for ritualistic use.

Persons born with albinism faced discrimination, were considered bad luck, and were sometimes abandoned at birth or killed for witchcraft purposes.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides all workers, except members of the armed forces, the Central Bank of Nigeria, and public employees who are classified in the broad category of “essential services,” the right to form or belong to any trade union or other association, conduct legal strikes, and bargain collectively; some statutory limitations substantially restrict these rights. Trade unions must meet various registration requirements to be legally established. By law a trade union may only be registered if there is no other union already registered in that trade or profession and if it has a minimum of 50 members, a threshold most businesses could not meet. A three-month notice period, starting from the date of publication of an application for registration in the *Nigeria Official Gazette*, must elapse before a trade union may be registered. If the Ministry of Labor and Employment does not receive objections to registration during the three-month notice period, it must register the union within three months of the expiration of the notice period. If an objection is raised, the ministry has an indefinite period to review and deliberate on the registration. The registrar may refuse registration because a proper objection has been raised or because a purpose of the trade union violates the Trade Union Act or other laws. Each federation must consist of 12 or more affiliated trade unions, and each trade union must be an exclusive member in a single federation.

The law generally does not provide for a union’s ability to conduct its activities without interference from the government. The law narrowly defines what union

activities are legal. The minister of labor and employment has broad authority to cancel the registration of worker and employer organizations. The registrar of trade unions has broad powers to review union accounts at any time. In addition the law requires government permission before a trade union may legally affiliate with an international organization.

The law stipulates that every collective agreement on wages be registered with the National Salaries, Income, and Wages Commission, which decides whether the agreement becomes binding. Workers and employers in export processing zones (EPZs) are subject to the provisions of labor law, the 1992 Nigeria Export Processing Zones Decree, and other laws. Workers in the EPZs may organize and engage in collective bargaining, but there are no explicit provisions providing them the right to organize their administration and activities without interference by the government. The law does not allow worker representatives free access to the EPZs to organize workers, and it prohibits workers from striking for 10 years following the commencement of operations by the employer within a zone. In addition the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, has exclusive authority to handle the resolution of disputes between employers and employees, thereby limiting the autonomy of the bargaining partners.

The law provides legal restrictions that limit the right to strike. The law requires a majority vote of all registered union members to call a strike. The law limits the right to strike to disputes regarding rights, including those arising from the negotiation, application, interpretation, or implementation of an employment contract or collective agreement, or those arising from a collective and fundamental breach of an employment contract or collective agreement, such as one related to wages and conditions of work. The law prohibits strikes in essential services. The International Labor Organization (ILO), however, states that “essential services” is defined in an overly broad manner. Essential Services include the Central Bank of Nigeria; the Nigerian Security Printing and Minting Company, Ltd.; any corporate body licensed to carry out banking under the Banking Act; postal service; sound broadcasting; telecommunications; maintenance of ports, harbors, docks, or airports; transportation of persons, goods, or livestock by road, rail, sea, or river; road cleaning; and refuse collection. Strike actions, including many in nonessential services, may be subject to a compulsory arbitration procedure leading to a final award, which is binding on the parties concerned.

Strikes based on disputed national economic policy are prohibited. Penalties for conviction of participating in an illegal strike include fines and imprisonment for up to six months.

Workers under collective bargaining agreements may not participate in strikes unless their unions comply with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers may submit labor grievances to the judicial system for review. Laws prohibit workers from forcing persons to join strikes, blocking airports, or obstructing public byways, institutions, or premises of any kind. Persons committing violations are subject to fines and possible prison sentences. The law further restricts the right to strike by making “check-off” payment of union dues conditional on the inclusion of a no-strike clause during the lifetime of a collective agreement. No laws prohibit retribution against strikers and strike leaders, but strikers who believe they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel with the approval of the Ministry of Labor and Employment. The panel’s decisions are binding on the parties but may be appealed to the National Industrial Court. The arbitration process was cumbersome, time consuming, and ineffective in deterring retribution against strikers. Individuals also have the right to petition the Labor Ministry and may request arbitration from the National Industrial Court.

The law does not prohibit general antiunion discrimination; it only protects unskilled workers. The law does not provide for the reinstatement of workers fired for union activity. A large number of alleged cases in antiunion discrimination and obstruction to collective bargaining were reported during the year. Specific acts include denial of the right to join trade unions, massive dismissals for trying to join trade unions, mass persecution of union members, and arrests of union members, among others.

In 2013 the ILO ruled that many provisions of the Trade Union Act and the Trade Disputes Act contravened ILO conventions 87 and 98 by limiting freedom of association. While workers exercised some of their rights, the government generally did not effectively enforce the applicable laws. Penalties were not adequate to deter violations. Inflation reduced the deterrence value of many fines established by older laws. For example, some fines could not exceed 100 naira (\$0.30).

In many cases workers’ fears of negative repercussions inhibited their reporting of antiunion activities. According to labor representatives, police rarely gave

permission for public demonstrations and routinely used force to disperse protesters.

Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in some parts of the private sector, particularly in banking and telecommunications. According to the International Trade Union Confederation, the government and some private-sector employers occasionally failed to honor their collective agreements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children, although some laws provide for a sentence that includes compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in forced or compulsory labor, and these penalties would be sufficient to deter violations if appropriately enforced. The government does not effectively enforce these laws in many parts of the country. The government took steps to identify or eliminate forced labor, but insufficient resources and lack of training on such laws hampered efforts.

Forced labor remained widespread. Women and girls were subjected to forced labor in domestic service, while boys were subjected to forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The government has laws and regulations related to child labor but does not prohibit all of the worst forms of child labor. Penalties were not sufficient to deter violations.

By law age 12 is the general minimum age for employment. Persons younger than age 14 may be employed only on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence. By law 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. No person younger than age 16 may work underground, in machine work, or on a public holiday. No "young person,"

defined as a person younger than age 18 by the Labor Act, may be employed in any job that is injurious to health, dangerous, or immoral. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15, consistent with the age for completing educational requirements. The law states children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths older than age 12 is allowed in skilled trades or as domestic servants.

The Labor and Employment Ministry dealt specifically with child labor problems but mainly conducted inspections in the formal business sector, where the incidence of child labor reportedly was not significant. The National Agency for the Prohibition of Traffic in Persons has some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims. Victims or their guardians rarely complained due to intimidation and fear of losing their jobs.

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. In an effort to withdraw children from the worst forms of child labor, it operated vocational training centers with NGOs around the country. Despite the policy and action plan, children remained inadequately protected due to weak or nonexistent enforcement of the law.

The worst forms of child labor identified in the country included: commercial agriculture and hazardous farm work (cocoa, cassava); street hawking; exploitative cottage industries such as iron and other metal works; 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; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law does not prohibit discrimination in employment and occupation based on race, sex, religion, political opinion, gender, disability, language, sexual orientation, gender identity, age, HIV-positive status, or social status. The government did not effectively address discrimination in employment or occupation. Penalties were not sufficient to deter violations.

Gender-based discrimination in employment and occupation occurred (see section 6, Women). No laws bar women from particular fields of employment, but women often experienced discrimination due to traditional and religious practices. Police regulations provide for special recruitment requirements and conditions of service applying to women, particularly the criteria and provisions relating to pregnancy and marital status.

NGOs expressed concern about discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equity. According to credible reports, many businesses implemented a “get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played active and vital roles in the informal economy, particularly in agriculture, processing of foodstuffs, and selling of goods at markets. Women employed in the business sector did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination. Several states had laws mandating equal opportunity for women.

Employers frequently discriminated against people living with HIV/AIDs. The government spoke out in opposition to such discrimination, calling it a violation of the fundamental right to work.

e. Acceptable Conditions of Work

President Buhari signed legislation increasing the legal national monthly minimum wage. The minimum wage is still not higher than the poverty income level. Trade unions have protested the failure of the new minimum wage to keep up with inflation. Employers with fewer than 50 employees are exempt from this

minimum, and the large majority of workers were not covered. Implementation of the minimum wage, particularly by state governments, remained sporadic despite workers' protests and warning strikes. Penalties were not sufficient to deter violations.

The law mandates a 40-hour workweek, two to four weeks of annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law does not define premium pay or overtime. The law prohibits excessive compulsory overtime for civilian government employees.

The law establishes general health and safety provisions, some aimed specifically at young or female workers. The law requires employers to compensate injured workers and dependent survivors of workers killed in industrial accidents. The law provides for the protection of factory employees in hazardous situations. The law does not provide other nonfactory workers with similar protections. The law applies to legal foreign workers, but not all companies respected these laws. Penalties were not sufficient to deter violations.

By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations.

The Ministry of Labor and Employment is responsible for enforcing these standards. The ministry did not effectively enforce occupational health and safety law and did not have a sufficient number of inspectors. The department is tasked to inspect factories' compliance with health and safety standards, but it was underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints, of illegal activity. In addition the government did not enforce the law strictly. Authorities did not enforce standards in the informal sector, which included the majority of workers.