

# **NIGERIA 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). In 2010 then Vice President Goodluck Jonathan, of the governing Peoples Democratic Party (PDP), assumed the presidency following the death of President Yar'Adua. In 2011 President Jonathan was elected as president to a four-year term, along with Vice President Mohammed Namadi Sambo, also of the PDP. International and domestic election observers considered the 2011 presidential, gubernatorial, and legislative elections to be generally credible and orderly, although marred by instances of violence, fraud, and irregularities. The Supreme Court ultimately upheld the results of the presidential election, while the Court of Appeals upheld the results of most other contests. Authorities at times did not maintain effective control over the security services.

The insurgency in the Northeast by the militant terrorist sect Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad, better known as Boko Haram (which translates as "Western education is forbidden"), continued. Casualties and serious human rights abuses associated with Boko Haram attacks escalated to unprecedented levels. In May 2013 President Jonathan declared a six-month state of emergency in Borno, Yobe, and Adamawa states. The National Assembly renewed the state of emergency in November 2013 and again in May. President Jonathan requested an additional extension of the state of emergency in November, but National Assembly discussions stalled and had not resumed as of December. On October 17, the government announced it reached a cease-fire agreement with Boko Haram, but news reports indicated that fighting continued.

The most serious human rights abuses during the year included those committed by Boko Haram, which conducted numerous attacks on government and civilian targets throughout the country, resulting in thousands of deaths and injuries, widespread destruction, forced internal displacement, and the flight of more than 100,000 refugees to neighboring countries. In its response to Boko Haram, and at times to crime in general, security services perpetrated extrajudicial killings and engaged in torture, rape, arbitrary detention, mistreatment of detainees, and destruction of property. The country also suffered from widespread societal violence, including ethnic, regional, and religious violence.

Other serious human rights problems included vigilante killings; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary;

infringement on citizens' privacy rights; restrictions on the freedoms of speech, press, assembly, religion, and movement; official corruption; violence against women; child abuse; female genital mutilation/cutting; infanticide; sexual exploitation of children; trafficking in persons; discrimination based on sexual orientation and gender identity, ethnicity, regional origin, religion, and disability; forced and bonded labor; and child labor.

Impunity remained widespread at all levels of government. The government brought few persons to justice for abuses and corruption. Security services generally operated with impunity. Authorities did not investigate the majority of cases of police or military abuse or punish perpetrators.

Throughout much of the country, Boko Haram perpetrated numerous attacks, often directly targeting civilians. During the year the sect, which recruited and forcefully conscripted child soldiers, claimed responsibility for coordinated assaults on towns across Borno State--three separate bombings in Abuja and its surrounding suburbs killed nearly 150 persons; a bombing in Jos, Plateau State, killed at least 118 persons; and bombings in Kaduna State killed approximately 80 persons. The government investigated these attacks but prosecuted only a few members of Boko Haram. There were multiple abductions, including that of 273 female students from the Chibok Government Secondary School in Borno State.

According to nongovernmental organizations (NGOs), the vigilante group known as the Civilian Joint Task Force (C-JTF), which emerged in 2013 in the Northeast and centers around Maiduguri, continued to recruit children and commit extrajudicial killings of suspected Boko Haram members. NGOs alleged the C-JTF collaborated with the army. The army maintained there was no collaboration except, on occasion, getting information from the C-JTF.

Other organized criminal forces in the southern and middle parts of the country committed abuses, such as kidnappings. The overall level of violence in the Niger Delta, which declined briefly after a 2009 general amnesty, rose during the year.

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

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

The government and its agents committed numerous arbitrary or unlawful killings. The national police, army, and other security services committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects as

well as to disperse protesters. Authorities generally did not 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. The reports of state or federal panels of inquiry investigating suspicious deaths were not published.

Security force use of excessive force, including use of live ammunition, to disperse demonstrators resulted in numerous killings during the year. On July 25, soldiers in Zaria, Kaduna State, allegedly opened fire on a procession of followers of Sheikh Ibrahim El-Zakzaky, the leader of the Shia group Islamic Movement of Nigeria, who were celebrating Quds day. The soldiers reportedly killed 35 persons, including three of El-Zakzaky's sons. The army stated it would open an investigation into the killings. As of December there was no indication that authorities had charged anyone with the killings.

In September 2013 Department of State Service (DSS) operatives and a unit of the army killed eight civilians and injured an additional 11 persons who were squatting in an unfinished house in the Apo district of the FCT. The DSS claimed the victims were members of Boko Haram and that the incident resulted from an investigation by the DSS and the army into a weapons cache allegedly buried on the property. State security leadership further defended the action as self-defense in response to being shot at upon arrival at the house. The government had not charged any individuals in connection with the killings. On April 8, in its first decision made pursuant to the powers conferred on it by the National Human Rights Commission Act, 2010, the National Human Rights Commission (NHRC) found in favor of the victims. The NHRC's decision stated there was no proof the victims were involved with Boko Haram. Further, the NHRC ordered the government to pay each of the deceased victims' families 10 million naira (\$54,000) and each of the injured survivors five million naira (\$27,000). In addition the NHRC ordered the government to bring the Rules of Engagement governing its security services into compliance with international humanitarian law governing domestic armed conflicts. The government appealed the NHRC's decision, and the proceedings were open as of December.

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

## **b. Disappearance**

Abductions of civilians by criminal groups occurred in the Niger Delta and Southeast (see section 1.g.).

Other parts of the country also experienced a significant increase in abductions. Prominent figures were often targets of abduction, largely due to their wealth. Kidnappers rarely announced political motives for abductions. For example, on February 23, gunmen kidnapped President Jonathan's 70-year-old uncle, Chief Nitabai Inengite, in Bayelsa State. Inengite was later released, and DSS officials paraded his alleged kidnappers on national television. There was no information on whether they were prosecuted.

Citizens and media reports accused security services of forced disappearances of young men, who allegedly were held in detention centers in Borno and Yobe states or killed (see section 1.g.).

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

Although the constitution and law prohibit torture and provide for punishment for abuses, torture is not addressed in criminal law. There were reports that security service personnel, including members of JTFs, regularly tortured, beat, and abused demonstrators, criminal suspects, militants, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction of evidence and confessions obtained through torture into trials, but this prohibition was not respected. Police often used torture to extract confessions that were later used to convict suspects.

Local NGOs, international human rights groups, and political and traditional leaders from affected states accused the security services of illegal detention, inhuman treatment of detainees, and torture. On September 18, Amnesty International (AI) released a report alleging the routine and systematic practice of torture and other mistreatment by security services. AI reported that police sections in various states, including the Special Antirobbery Squad (SARS) and the Criminal Investigation Division, had "torture chambers," special rooms where suspects were tortured while being interrogated. Military and police reportedly used a wide range of torture methods, including beatings, shootings, nail and teeth extractions, and rape and other sexual violence.

In August 2013 the army's 7th Division replaced the Joint Task Force Restore Order as the umbrella command for the northeastern security operations. The 7th Division, JTFs, police, and other security services used excessive force during raids on militant groups and criminal suspects in many states in the North, during

arrests, and in other operations, resulting in injuries, displacement of civilians, and unlawful and prolonged detentions without trial (see section 1.g.).

Police commonly used a technique called “parading” of arrestees. Parading involved literally walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees. Police defended the practice with the argument that public humiliation helped deter crime.

According to credible reports, during the year security services committed rape and other forms of violence against women and girls largely with impunity. For example, on March 26, police corporal Damudu Bzibu allegedly raped a four-year-old girl in Plateau State. Bzibu was arrested, but there were no updates on his prosecution as of December.

Varying sharia (Islamic law) penal codes exist in 12 northern states, and sharia courts hear cases in which the complainant and accused consent to using sharia courts rather than common law courts. Sharia courts may deliver “hadd” sentences, for example, amputation of a hand for theft or caning for minor offenses, such as petty theft, public consumption of alcohol, and prostitution. Stoning is an authorized hadd penalty but was not carried out during the year.

Statutory sharia law mandates state governors treat all court decisions equally, regardless of whether they were passed down by a sharia or nonsharia penal court, including sentences such as amputation or the death penalty. Authorities, however, often did not carry out sentences passed by sharia courts because defendants frequently appealed to a higher sharia court, a process that could be lengthy. Because no relevant case has been appealed to the federal level, federal appellate courts had not ruled on whether such punishments violated the constitution. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, such sentences were not challenged on constitutional grounds.

The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. Appeals often took months or years to decide.

Caning was not challenged in the courts as a violation of statutory law. Sharia courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison instead of being caned.

## Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees, a majority of whom had not been tried, were reportedly subjected to extrajudicial execution, 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, and release from prison. Female inmates in some cases faced the threat of rape. Female prisoners pregnant at the time of incarceration gave birth to and raised their babies in prison.

Domestic and international human rights groups reported the existence of unofficial military prisons, including the Giwa military barracks in Maiduguri, Borno State, and Sector Alpha (aka “Guantanamo”) and the Presidential Lodge (aka “the Guardroom”) facilities in Damaturu, Yobe State, among others. AI cataloged cases of illegal detention, inhuman and degrading treatment, beatings, torture, starvation, and extrajudicial killings in unofficial military prisons. On August 5, AI released a report alleging that on or around March 14, after Boko Haram raided Giwa Barracks to free its members detained there, military personnel and the C-JTF carried out mass extrajudicial executions of recaptured prisoners around Maiduguri. The report was based on video footage and eyewitness reports. A military spokesperson denied the allegations but stated the military would investigate AI’s reporting. There was no reported information on the status of the investigation as of December. Authorities held Boko Haram suspects in facilities throughout the country, including under reportedly inhuman conditions at the SARS detention center, also known as the “abattoir,” in Abuja.

Physical Conditions: The prison system included 234 prisons--including 12 maximum-security prisons, 83 satellite prisons, 10 farm centers, two women’s prisons, eight zonal offices, and six directorates--all of which held prisoners and detainees. Detention of suspected militants did not always fall under the formal prison system structure. As of December the country’s prisons held 56,620 persons, of which 2 percent were women and 1 percent juveniles. The federal government operated all prisons but few pretrial jail facilities. Of the total prison population, 70 percent were pretrial detainees. Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers

usually remained with the mother until weaned. Juvenile suspects were often held with adults.

Overcrowding was a significant problem in some prisons. Although the designed capacity of the country's prisons was 47,284, an imbalance in the use of prisons resulted in underutilization at some facilities, while others were at more than 800 percent of their designed capacity. For example, the Owerri Federal Prison had capacity for 548 prisoners but held more than 1,784. Ogwuashi-Uku prison in Delta State, with a capacity of 64 prisoners, housed 541, while Port Harcourt prison, with a capacity of 804, held 2,955. Ijebi-Ode prison in Ogun State, with a capacity of 49 prisoners, held 309. In April extreme overcrowding in Garu Satellite Prison in Jigawa reportedly caused the suffocation death of a prisoner.

Most of the country's 234 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. 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. Prison authorities reported the death rate in the formal prison system was 36 prisoners per year; no reliable independent statistics existed on the number of prison deaths.

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 in order to punish them or extort money.

Prisoners with mental disabilities remained incarcerated with the general prison population. Some prisons made efforts to provide mental health services, but most prisons did not.

Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons. According to the Nigerian Prison Service, in 2013 a total of 69 infants resided in prison with their mothers, while 847 juvenile inmates were detained in juvenile detention centers.

Authorities held political prisoners with the general prison population.

Administration: Recordkeeping on prisoners was inadequate, and authorities did not take steps to improve it. Authorities inconsistently maintained records for individual prisoners in paper form but did not make them widely accessible. Penal and judicial authorities did not use alternatives to incarceration for nonviolent offenders. While prison authorities allowed visitors within a scheduled timeframe, few visitors came due to lack of family resources and travel distances. Prisoners could attend religious services, although prisons often did not have equal facilities for Muslim and Christian worship. Outside clergy and religious organizations constructed chapels or mosques in some prisons.

The country does not have an ombudsman to serve on behalf of convicted prisoners and detainees. As a result there was no advocate for prisoners on issues such as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, or recordkeeping procedures to prevent prisoners from serving beyond the maximum sentence for the charged offense.

The NHRC conducts an annual prison audit, but the report for 2013 was not available as of December. The NHRC reported a willingness and ability to investigate credible allegations of inhuman conditions but stated it had not received many individual complaints. The Ministry of Justice reportedly monitored prisons under the Federal Government Prison Decongestion Program.

Authorities allowed detainees to submit complaints to judicial authorities without censorship. Prisoner complaints centered on lack of access to court proceedings, since in many cases inmates lacked transportation to attend a court hearing.

Independent Monitoring: There was no regular outside monitoring of prisons. The government provided access to prisons, although few outside visits occurred. The local Red Cross attempted to visit prisons but could not maintain a regular visit schedule. The International Committee of the Red Cross also visited some prisons, but as of December it had not been given regular access to unofficial military detention centers in the Northeast.

Improvements: Although the government did not make widespread improvements to prisons during the year, individual attorneys general and prison administrations worked to improve local facilities and processes. Some local administrations attempted to collect donations from religious organizations, NGOs, and the



National Youth Service Corps to benefit inmates. Through the Libraries in Nigerian Prisons project, Citizens United for the Rehabilitation of Errants arranged for the donation of 22,000 books to the country's prisons.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. The 7th Division arbitrarily arrested hundreds of persons during sweeps for militants.

#### **Role of the Police and Security Apparatus**

The National Police Force (NPF) reports to the inspector general of police, who is appointed by the president and is responsible for law enforcement operations. An assistant inspector general commands each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police for local emergency actions. The DSS is responsible for internal security and reports to the president through the national security adviser. Due to police inability to control societal violence, the government turned to the army in many cases. For example, military, JTF, or Special Task Force units deployed to Nassarawa in response to indigene-settler violence, after local police could not contain outbreaks of ethnoreligious violence, and to Bauchi, Borno, Kano, Kaduna, Plateau, and Yobe states on a continuous basis in response to Boko Haram attacks. The military was often unable to respond adequately to reports of violence.

The NPF, the DSS, and the military reported to civilian authorities, but these security services periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish abuse and corruption. The NPF and the military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and sometimes extrajudicial execution of criminal suspects. In the military services, a soldier's commanding officer determines disciplinary action, and the officer's decision is nominally subject to review by the chain of command under the Armed Forces Act. During the year the army requested international assistance in developing civilian protection and human rights monitoring training.

The DSS also committed human rights abuses, particularly in restricting freedom of speech and press. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units, but most cases

lingered in court or went unresolved after an initial investigation. The NHRC has, as one of its thematic focus areas, responsibility for investigating reports of “torture and extrajudicial, summary, and arbitrary executions.”

### **Arrest Procedures and Treatment of Detainees**

Police and other security services have authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. Police may detain suspects for 48 hours before charging them with an offense. The law also 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.

Arbitrary Arrest: The law requires that even under a state of emergency, which the president declared in three states (Yobe, Borno, and Adamawa) in May 2013, detainees must be brought before a magistrate within 48 hours and have access to lawyers and family members. Government and security officials did not adhere to this regulation without being bribed. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitations of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely under investigative detention within the prison system. Authorities kept detainees incommunicado for long periods. Numerous detainees alleged police demanded bribes to take them to court to have their cases heard or to release them. If family members wanted to attend a trial, police often demanded additional payment.

Police held individuals who happened to be in the vicinity of a crime for interrogation for periods ranging from a few hours to several months. After their release authorities frequently asked them to return for further questioning.

Security force personnel arbitrarily arrested numerous persons during the year. The number of such cases remained unknown, but in 2013 and during the year AI and Human Rights Watch (HRW) catalogued examples of such cases. Human rights groups accused the government and security services of arbitrarily arresting male inhabitants of Maiduguri or family members of suspected militants following Boko Haram attacks.

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

Unlike in previous years, there were few reports that Economic and Financial Crimes Commission (EFCC) officials singled out political opponents of the governing party when they arrested state, local, and federal government officials on corruption charges during the year. The frequency of such allegations tended to rise and fall with election cycles (see section 4).

Pretrial Detention: Lengthy pretrial detention remained a serious problem, and human rights groups reported detainees awaiting trial constituted 70 percent of the prison population, with some detainees awaiting trial more than 10 years. At year's end there were 39,034 pretrial detainees in the country's prisons. The shortage of trial judges, serious trial backlogs, endemic corruption, and undue political influence hampered the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees did not have trials because police had insufficient vehicles to transport them to court on their trial dates.

In December 2013 the NHRC established a committee to investigate ad hoc detention centers that had not undergone required "gazetting" and which were lacking the necessary approvals from the minister of the interior. Both measures were intended to provide for a minimum standard of safety at detention facilities. The committee's investigation was open as of December. Detainees could attempt to complain to the courts but often found this approach impossible, since even detainees with legal representation often waited years to gain access to the courts.

The NHRC reported some detainees were in continued detention because authorities lost their case files. Some state governments released inmates who had already been detained longer than the potential maximum sentences they would have received if found guilty. In June the Lagos chief justice released 75 persons awaiting trial in an effort to decongest the prison system. Detainees have the right to submit complaints to the NHRC, but rather than act on individual complaints, the commission filed a class action lawsuit against state governments, calling on them to address excessive pretrial detentions. The case remained open as of December.

#### **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 and the business sector. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption prevented the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income or due at times to threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with their lack of motivation primarily due to inadequate compensation.

There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and alleged receiving 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, which resulted in corruption and the miscarriage of justice in local courts.

Sharia and customary (traditional) courts of appeal functioned in 18 northern states and the FCT.

The constitution provides that states may establish courts based on common law or customary law systems. This allows states to use the sharia penal code in their courts, which outlines hadd offenses and punishments, including caning, amputation, and death by stoning. The nature of a case and the consent of the parties usually determined if a sharia court had jurisdiction. The impetus to establish sharia courts stemmed at least in part from inefficiency, cost, and corruption in the regular court system.

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The highest appellate court for sharia-based decisions remained the Supreme Court, staffed by common law judges who are not required to have any formal training in the sharia penal code.

## **Trial Procedures**

Defendants enjoy the right to be presumed innocent; be informed promptly and in detail of charges (with free interpretation as necessary); receive a fair and public trial without undue delay; communicate with an attorney of choice (or to have one provided at public expense); have adequate time and facilities to prepare a defense; to confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal. The law provides defendants the right to apply directly or through a lawyer for access to government-held evidence.

Authorities did not always respect these rights. Although accused persons are entitled to counsel of their choice, there is no law preventing a trial from going forward without counsel, except for certain offenses that carry the death penalty. Authorities held defendants in prison awaiting trial for periods well beyond the term allowed in the constitution (see section 1.c.).

Human rights groups alleged the government denied terror suspects detained by the military their rights to legal representation, due process, and to be heard by a judicial authority. In December 2013 the Nigerian Defense Headquarters recommended “immediate trial” for 500 terror suspects and opened for review the cases of an additional 614 detainees suspected of terrorist activities. On October 1, the Lagos Federal High Court sentenced three suspected members of Boko Haram to 25 years’ imprisonment each for acts of terrorism and possession of prohibited firearms and ammunition. The court acquitted an additional suspect of all charges. There were no updates on the remaining cases.

Indigent persons without representation were more likely to have their sentences carried out immediately, although all convicted persons have the right to appeal.

Sharia courts usually accorded the testimony of women and non-Muslims less weight than that of men. Under common law women and members of other groups could testify in civil or criminal proceedings and give testimony that carried the same weight as testimony of other witnesses. Some sharia court judges allowed different evidentiary requirements to prove adultery or fornication for male and female defendants. For women pregnancy represented admissible evidence in some sharia courts. In contrast sharia courts could convict men only if they confessed or there was eyewitness testimony regarding their crime. Sharia courts, however, provided women with certain benefits, including increased access to divorce, child custody, and alimony. It remained significantly easier, faster, and cheaper to get a hearing in a sharia court than in a common law court.

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 a four-member court-martial. The law provides for internal appeals before military councils as well as final appeal to the civilian Court of Appeals. Members of the armed forces charged with crimes committed while performing their duties during active service are liable to court-martial under military law.

On September 30, the Army General Court-Martial sentenced 12 soldiers to death by firing squad for their involvement in a mutiny on May 14 in Borno State, when aggrieved soldiers opened fire at a vehicle carrying the commanding officer of the 7th Division, Major General Ahmadu Mohammed. On October 31, the Federal High Court in Abuja ordered the army to stay the execution of the 12 soldiers pending a final decision on a challenge to the court-martial's decision on the basis that it violated the soldiers' fundamental rights and was inconsistent with the 1999 constitution. The court session was adjourned until December 8.

### **Political Prisoners and Detainees**

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

### **Civil Judicial Procedures and Remedies**

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

### **Regional Human Rights Court Decisions**

The country is subject to the jurisdiction of the African Court on Human and Peoples' Rights.

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

The law prohibits arbitrary interference, but authorities reportedly infringed on these rights during the year, and police entered homes without warrants and monitored private communications (see section 2.a.). Human rights groups and the media reported security services raided homes without warrants while searching for suspected Boko Haram militants. In some instances this occurred immediately following a bombing or attack by suspected militants. In other cases the security services conducted searches and seizures during planned sweeps through neighborhoods where they suspected Boko Haram militants resided. During the year, although the government did not punish family members for alleged offenses committed by individuals, reports indicated security services arrested and detained the family members of suspected Boko Haram militants.

The Federal Capital Development Authority (FCTA) continued to threaten to evict residents in communities not deemed in compliance with the Abuja city plan. The FCTA typically claimed demolished homes, businesses, or churches lacked proper permits (even if owners were able to produce paperwork indicating the structures were built legally), were unsafe, or posed health hazards. Many civil society organizations and citizens claimed property developers acquired property with the support of the FCTA. No transparent legal process existed for deciding which homes would be demolished, and persons who lost homes lacked recourse to appeal and received no compensation. Many observers viewed the demolitions as motivated primarily by corruption and discrimination based on socioeconomic class, since mostly lower- and middle-class persons lost their homes and property. Authorities sold the properties, once vacated, to wealthy persons with connections to government officials.

In February 2013 members of the Lagos state environmental and special offenses enforcement unit and armed NPF officers demolished thousands of structures in the Badia East informal settlement. AI estimated the action rendered almost 9,000 residents homeless. The Lagos state government announced plans to build 1,008 low-income apartments on the site of the demolished slum, but most residents complained authorities did not provide them with alternative housing. In February the Lagos state government reportedly agreed to pay 309,000 naira (\$1,680) to each landlord whose house or structure was affected and 90,400 naira (\$490) to

each tenant. As of December it was unclear whether these payments were disbursed to affected residents of Badia East.

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

Killings: During the year security services under the command of the army's 7th Division, the national police, the DSS, and other commands committed numerous killings. According to eyewitnesses and press and NGO reports, the 7th Division personnel allegedly committed numerous killings in Borno and Yobe states, often after attacks by Boko Haram.

According to press and NGO reports, the army's 7th Division illegally detained and killed suspected members of Boko Haram in the Giwa Barracks military facility in Maiduguri, Borno State, and Sector Alpha and the Presidential Lodge facilities in Damaturu, Yobe. Former detainees alleged that torture, starvation, and other forms of mistreatment by security services led to the death of detainees in some cases. Authorities publicly denied the claims, describing them as inaccurate or unbalanced.

On August 5, AI released a report and claimed it had video footage showing members of the military, including members of the 81st Battalion, and the C-JTF carrying out extrajudicial executions of detainees and disposing of the bodies in mass graves around Maiduguri on or about March 14. AI alleged that on March 14 alone, the military and the C-JTF carried out the extrajudicial execution of 622 persons following an attack upon Giwa Barracks by Boko Haram in which the group freed more than 1,000 detainees, including women and children. Residents of Maiduguri told AI that soldiers rounded up, rearrested, and then executed the escaped detainees, who they stated were unarmed. The military denied the allegations but stated it would investigate the AI report. There was no information on the status of the investigation available as of December.

While press articles often contained contradictory and inaccurate information, multiple sources confirmed allegations of abuses.

The media, politicians, local and international NGOs, and other observers, including HRW, frequently asserted the government had been unable to curb widespread abuses by the Boko Haram insurgency because it had not provided a policy response that addressed underlying grievances or mounted an effective security response, or both. Observers asserted that the climate of impunity for



serious crimes led to the victimization of the civilian population by both Boko Haram and government forces.

Boko Haram committed drive-by shootings and bombings; killed security personnel and civilians, including local officials, religious leaders, political figures, and the general public; abducted men, women, and children and forced them to fight for the group or serve as domestic and sex slaves; bombed churches and mosques; coordinated attacks on police stations, military facilities, prisons, banks, and schools; and conducted suicide bombings, which resulted in the deaths of thousands of persons, including civilian deaths. The rate of violent deaths at the hands of Boko Haram increased during the year to its highest levels since the insurgency began in 2009. Estimates of the number of Boko Haram victims varied, but based on available data, as of December nearly 4,000 persons had been killed as a result of Boko Haram attacks and the security response to the insurgency. According to news reports, as of December Boko Haram controlled several villages and towns in Borno (Gamboru Ngala, Dikwa, Gwoza, Marte, and Bama), Adamawa (Madagali), and Yobe (Buni Yadi). Several other communities in the Northeast remained contested. The group imposed its interpretation of sharia law on the populations living in the newly seized communities.

The terrorist group continued almost daily attacks on villages and cities in the three state-of-emergency states of Borno, Yobe, and Adamawa. It also carried out attacks resulting in mass casualties among civilians in Abuja, Kaduna, Kano, and Plateau states. Between April and June, Boko Haram carried out three separate bombings in the FCT. On April 14, it detonated a car bomb at the Nyanya Motor Park, a bus station located approximately seven miles from central Abuja, killing at least 70 persons; on May 2, it detonated another car bomb in Nyanya, killing at least 19 persons; and on June 25, it bombed the popular shopping center Banex Plaza in the Wuse district of Abuja, killing at least 21 persons.

Abductions: The number of kidnappings linked with terrorism increased during the year. Boko Haram abducted men, women, and children, often in conjunction with large-scale attacks on communities. The group forced men and boys to fight on its behalf and forced girls and women into domestic and sex slavery. The group also forced some women to join the fighting. A report published by HRW on October 27 stated a female victim of Boko Haram who escaped from one of their camps claimed she was forced to carry ammunition for the group during an attack. She also stated she was ordered to lure C-JTF members into ambushes where they were killed.

On the night of April 14, Boko Haram attacked the Chibok Government Girls Secondary School in southeast Borno State and kidnapped 273 female students. According to reports, 58 of the girls managed to escape their captors within the first few days of the attack. Despite assistance from foreign donors in the form of military advice and information sharing, the country's military was unable to secure the release of the rest of the girls as of December. Other large-scale kidnappings occurred during the year. On February 17, Boko Haram reportedly kidnapped between 30 and 40 girls from a secondary school in Konduga village in Borno State. On August 11, Boko Haram also kidnapped at least 97 men and boys from the town of Doron Baga in Borno State. Chadian forces reportedly recovered 85 of the men days later.

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

On May 13, AI released a briefing on torture in the country in which it alleged that security services used various torture techniques and mistreatment to obtain information and force confessions from detainees. Techniques included beatings, nail and teeth extractions, water torture, rape and sexual violence, shootings, starvation, and suspension of detainees by the feet or on a pipe. In addition, on September 18, AI reported police sections in various states, including the Special Anti-Robbery Squad and the Criminal Investigation Division, had "torture chambers," special rooms where suspects were tortured while being interrogated.

In 2013 HRW reported cases of Boko Haram abducting and raping women from villages and committing sexual violence during their attacks (also see Abductions).

Child Soldiers: During the year youths under the age of 18 participated in Boko Haram attacks. Reports suggested that boys as young as 11 were paid or forcibly conscripted by Boko Haram to fight, plant bombs, and serve as spies and suicide bombers. Boko Haram also abducted girls, held them captive as sex slaves, and forced them to work for the group. The Nigerian military launched an operation to rescue approximately 215 girls kidnapped by Boko Haram from the Chibok Government Secondary School in Borno on April 14 but had not succeeded in doing so as of December.

The international NGO Watchlist on Children and Armed Conflict reported direct participation in C-JTF activities of persons under 18. Witnesses described forcible recruitment of children into the C-JTF and seeing children under 18 working with

the C-JTF at checkpoints within several towns in Borno State. C-JTF members admitted to having used numerous children in operations, including conducting patrols, collecting information, and manning checkpoints. The army maintained there was no collaboration between them and the C-JTF except, on occasion, getting information from the C-JTF. The C-JTF reportedly supplied the 7th Division with information about suspected Boko Haram militants, apprehended suspected Boko Haram militants, and manned checkpoints. According to government officials, the army collaborated only with former C-JTF members who participated in the Borno State Youth Empowerment Program (BOYES), a Borno state-sponsored training and employment program whose participants underwent vetting to establish they were over 18 years of age. BOYES graduates were not given weapons, officials explained, but rather were teamed up with soldiers to help identify Boko Haram suspects and sometimes to search vehicles for explosives at checkpoints.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuses: As of December communal violence and terrorism forcefully displaced an estimated 613,730 individuals from their homes. The government's response to internally displaced persons (IDPs) remained uneven, depending on the state affected, and state and federal emergency management resources were inadequate (see section 2.d.).

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

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

Although the constitution and law provide for freedom of speech and press, the government frequently restricted these rights.

Freedom of Speech: 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 Freedoms: On May 1, Freedom House released its annual survey of media independence, *Freedom of the Press 2014*, which described the press as "partly free." A large and vibrant private domestic press frequently criticized the

government. Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information.

Violence and Harassment: Security services detained and harassed journalists, sometimes for reporting on sensitive problems, such as political corruption and security. Security services and police occasionally arrested and detained journalists who criticized the government. Reporting on matters such as political corruption and security problems proved to be particularly sensitive.

Between June 6 and June 9, several newspapers, including *The Punch*, *The Nation*, *Daily Trust*, *Leadership*, and *Vanguard*, reported soldiers detained, questioned, and searched several of their employees and vehicles and seized newspapers carried in the vehicles. The Defense Ministry spokesperson, Chris Olukolade, reportedly stated the searches were conducted as part of an operation to investigate intelligence reports that the newspapers' vehicles were carrying dangerous materials. The organization Media Rights Agenda rejected this explanation and stated that security forces "obstruct[ed] the operations of media workers all over the country and harass[ed] them for no legitimate reason."

On August 21, soldiers detained two managers of the *Daily Trust* newspaper's Maiduguri office and detained them for an hour at army headquarters for publishing a story on August 20 alleging soldiers refused to fight Boko Haram until they were provided with adequate equipment. The military issued a statement ordering the *Daily Trust* to retract its story and to consult with military personnel before publishing any story related to the army or national security. The newspaper refused to retract its story. On August 27, the Defense Ministry spokesperson stated the *Daily Trust* would not be sanctioned for publishing the story.

Censorship or Content Restrictions: Journalists practiced self-censorship. Local NGOs claimed security services intimidated newspaper editors and owners to censor some reports of killings and other human rights abuses.

The government controlled much of the electronic media through the National Broadcasting Commission (NBC), which was 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 broadcasting is less restricted. For example, the NBC permitted live broadcasts of foreign news and programs on these networks. Cable and satellite services were required to dedicate 20 percent of their broadcast time to local programming.

Radio stations also remained susceptible to political censorship and attacks by political groups.

Libel Laws/National Security: Libel is a civil offense and requires defendants to prove the truth of the opinion or value judgment contained in news reports or editorials or pay penalties. This limited the circumstances in which media defendants could rely on the legal defense that they were permitted to offer “fair comment on matters of public interest” and restricted the right to freedom of expression. Defamation is a criminal offense carrying a penalty of two years’ imprisonment and possible fines.

Nongovernmental Impact: During the year Boko Haram threatened to kill journalists and attack media outlets that failed to report stories about the group that Boko Haram asserted to be authentic.

Mob violence also inhibited freedom of expression. For example, on May 28, approximately 20 unidentified men attacked members of the #BringBackOurGirls campaign at the Unity Fountain in Abuja during its usual 3 p.m. meeting. The men wore red T-shirts with white lettering similar to those worn by the #BringBackOurGirls protesters but with the caption “ReleaseOurGirls.” The men reportedly stormed the venue and ordered journalists to put away their cameras, after which they broke the journalists’ chairs, cameras, and tripods. Police present at the event allegedly stood by and took no action to stop the assailants.

## **Internet Freedom**

There were few government restrictions on access to the internet, but challenges with infrastructure and affordability persisted. Rising internet usage in the country was due to growing cell phone usage. According to the International Telecommunication Union, the percentage of the population using the internet increased from 7 percent in 2007 to 38 percent in 2013.

Sources indicated the government attempted to monitor and suppress internet and e-mail content, particularly during election periods. Human rights advocates

expressed concerns over the inadequacy of laws to protect personal data and to protect businesses from cyberattacks.

### **Academic Freedom and Cultural Events**

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

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

### **Freedom of Assembly**

Although the constitution and law provide for freedom of assembly, the government occasionally banned gatherings when it concluded their political, ethnic, or religious nature might lead to unrest. In addition the Same Sex Marriage (Prohibition) Act effectively outlawed gatherings of lesbian, gay, bisexual, and transgender individuals and their supporters (see section 6). In areas that experienced societal violence, police and other security services permitted public meetings and demonstrations on a case-by-case basis.

Security services used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries (see section 1.a.). Open-air religious services held away from places of worship remained prohibited in many states, due to fears they might heighten interreligious tensions.

### **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, and the government mostly respected this right. The constitution and law allow the free formation of political parties. As of August, 26 parties were registered with the Independent National Electoral Commission (INEC).

On July 2, the House Committee on Civil Society and Donor Agencies held a public hearing on a bill proposed by House of Representatives member Eddie Mbadiwe from Imo State to regulate foreign financial and material contributions to Nigerian voluntary organizations. The bill, dubbed the “Foreign Donations Regulation Bill,” proposed that all voluntary organizations seek approval from the Independent Corrupt Practices Commission before accepting or using foreign donations. Mbadiwe contended that such a bill was necessary to prevent terrorist financing and the misuse of donated funds by local organizations.

In July 2013 INEC approved the registration of the All Progressives Congress (APC), a new political party formed by merging three leading opposition parties-- Action Congress of Nigeria, All Nigeria Peoples Party, and Congress for Progressive Change. The three parties formed the APC in an effort to challenge the PDP in the 2015 elections.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

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 enforcing curfews in areas experiencing terrorist attacks and ethnoreligious violence.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCRMIDP) and the National Emergency Management Agency. The Eligibility Committee, on which the UNHCR had observer status, governed the granting of refugee status, asylum, and resettlement and reviewed refugee resettlement.

In-country Movement: Although security services did not appear to be intentionally preventing most legitimate travel and commerce, two days before the Ekiti State gubernatorial election on June 21, security personnel prevented three APC governors from entering Ekiti to participate in a rally to build support for former governor Fayemi.

At various times throughout the year, the federal, state, or local governments imposed curfews or otherwise restricted movement in Bauchi, Borno, Kano, Kaduna, Kogi, Plateau, Adamawa, and Yobe states in the aftermath of Boko Haram attacks.

Police set up illegal roadblocks and checkpoints to extort money from travelers. Security officials used excessive force at checkpoints and roadblocks.

Exile: There are no legal grounds for forced exile, and there were no examples of formal legal proceedings to exile a citizen. Some citizens chose self-exile for political reasons.

### **Internally Displaced Persons (IDPs)**

The National Emergency Management Agency announced that as of December it had registered more than 850,000 IDPs living at government-run relief camps throughout the country. The majority of IDPs, however, lived in host communities and were not included in the agency's survey. Estimates by other agencies noted the number of IDPs in the country had surpassed 1.5 million. The majority of IDPs were victims of internal conflicts, including communal violence and Boko Haram attacks. Causes of displacement included boundary and border disputes, sectarian and communal violence, localized political violence, forced evictions, conflict in the Niger Delta and Plateau State, Boko Haram attacks in the North, the government's use of force in its efforts to eliminate extremist sects, altered cattle grazing patterns due to weather change, and floods and other natural disasters. The government's response to IDPs remained uneven, depending on the state affected. Federal NCRMIDP budgets and state and federal emergency management resources were inadequate to meet victims' needs.

Boko Haram attacks, the 7th Division's responses to the attacks, and battles between the two resulted in a continuous movement of persons among communities throughout the North and from the North to the South. The three state-of-emergency states experienced an exodus of residents, while neighboring states Taraba, Gombe, and Bauchi received an inflow of IDPs. These IDPs largely sought refuge with family members in other communities and were not supported by the government. In May the United Nations led an interagency multi-sector humanitarian needs assessment of Borno, Yobe, Adamawa, Gombe, Bauchi, and Taraba states. While figures varied wildly, the preliminary results of the assessment showed that as of June, an estimated 646,693 persons were displaced from the three state-of-emergency states.

Ethnic disputes over land, resources, and political power along the borders of Benue, Taraba, and Nassarawa states resulted in the displacement of hundreds of persons. The federal government deployed mobile police units to affected areas to prevent further violence.



## Protection of Refugees

Access to Asylum: The country is a party to both the 1951 Refugee Convention and the 1967 Protocol. Domestic law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the UNHCR, the country had 1,574 refugees and 908 asylum seekers as of December. Most of these refugees came from Cameroon and the Democratic Republic of the Congo.

An NCRMIDP office in Jalingo, Taraba State, assisted refugees from Chad. Nigerian Immigration Service officials were trained on the rights of asylum seekers, the principle of nonrefoulement, identification of relevant cases, and methods to disseminate relevant information to potential asylum seekers.

Employment: Refugees could move and work freely in the country but, like most citizens, had few opportunities for employment.

Access to Basic Services: The UNHCR provided food, education, and job skills training. Refugees, like citizens, had poor access to police and the courts.

Durable Solutions: In previous years the UNHCR and the government worked with the Liberian government to provide for the timely issuance of 383 Liberian passports and the Economic Community of West African States residence permits to locally integrating former Liberian refugees, which allowed for the regularization of their immigration status. During the year no refugees requested naturalization.

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

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

## Elections and Political Participation

Recent Elections: INEC held gubernatorial elections on June 21 in Ekiti State and on August 9 in Osun State. While voting in both states occurred largely without incident, there were isolated reports of disturbances, such as voting materials or polling officials arriving late. Domestic media reported violence at political rallies in the weeks before the Ekiti elections, and it was also reported that voting was halted by violence in a remote area of the Atakunmosa East local government area of Osun State. Overall, observers described both elections as peaceful and credible. The PDP's candidate, Ayo Fayose, won in Ekiti State, and the APC's candidate and incumbent Rauf Aregbesola in Osun State.

On October 8, the Federal High Court in Abuja stopped the October 11 gubernatorial by-elections in Adamawa State. The by-elections were intended to select a governor to complete the term of the former governor, Murtala Nyako, following his July 14 impeachment on charges of financial impropriety and misconduct. Nyako's deputy governor, Bala James Ngilari, resigned the same day. INEC suspended election preparations following the court's decision that Ngilari's resignation was invalid and he should have assumed the governorship. Ngilari was sworn in as governor of Adamawa State on October 8.

In 2011 the government held overall credible presidential, gubernatorial, and legislative elections. Some candidates alleged fraud and filed petitions before election tribunals, which upheld some results while overturning others. Such fraud and election irregularities limited citizens' ability to change their government.

A total of 37 parties participated in the legislative elections in 2011. The legislative elections returned approximately one-third of the incumbents in both houses in the National Assembly, and opposition parties gained many seats. International observers witnessed generally calm and orderly voting at many polling stations.

President Jonathan, who assumed the presidency in 2010 following his predecessor's death, and Vice President Mohammed Namadi Sambo were elected to four-year terms in 2011. In the presidential election, 20 parties were listed on the ballot. While election observers judged the presidential election to be more organized than the legislative elections and largely free, fair, and transparent, they reported fraud and electoral irregularities, including vote rigging and buying, underage voting, ballot stuffing, late openings and overcrowding of polls, insufficient voting materials, and intimidation and political violence in some precincts.

Some violence occurred during the campaigns for the 2011 elections, as well as on election day and afterward.

Political Parties and Political Participation: Membership in the majority party, the PDP, conferred advantages, primarily in employment. On occasion police arbitrarily arrested opposition leaders or opposing voices within the PDP.

Participation of Women and Minorities: Men accounted for more than 90 percent of National Assembly members. Women made up 31 percent of the 42-member federal cabinet.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The Jonathan administration demonstrated this diversity--President Jonathan is an Ijaw from the southern state of Bayelsa, the vice president is a Hausa Fulani from the northern state of Kaduna, the senate president is an Idoma from the central state of Benue, and the speaker of the house is from the northwest state of Sokoto. The government attempted to balance other key positions among the different regions and ethnic groups, but with more than 250 ethnolinguistic groups, ensuring representation of every group in the government was difficult.

The majority PDP also engaged in “zoning” for many key positions, a practice of rotating positions within the party among the different regions and ethnic groups to provide adequate representation for each region.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government 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.

Corruption: The anticorruption efforts of the Independent Corrupt Practices Commission (ICPC) and the EFCC remained largely focused on low- and middle-level government office holders. Allegations of high-level corruption went unaddressed. The ICPC holds broad authorities to prosecute all forms of corruption, whereas the EFCC is tasked with handling only financial crimes.

Despite this wider mandate, the ICPC had obtained only 76 convictions since its inauguration in 2000. From January to the end of October, the ICPC had eight convictions.

The chairman of the EFCC, Ibrahim Lamorde, continued or brought new cases against 23 nationally prominent public officials. In 2013 the EFCC secured convictions in 117 cases that involved more than 150 individuals. Between January and June, the EFCC won convictions in 70 cases involving approximately 100 suspects. There were a few hundred additional cases being prosecuted. A three-week judicial workers strike during the year greatly disrupted EFCC arraignment and conviction activities.

The EFCC faced several frustrating setbacks during the year. In 2007 the EFCC accused the former governor of Ekiti State, Peter Ayodele Fayose, of misappropriating more than 400 million naira (\$2.2 million) in state government funds between 2003 and 2006. Fayose faced a 27-count charge for allegedly converting public funds to private use but was released on bail pending the conclusion of his trial. In the period preceding the Ekiti state gubernatorial elections on June 21, President Jonathan actively campaigned for Fayose's re-election as the PDP candidate. On June 21, Fayose won and was sworn in as governor of Ekiti State on October 16, providing him constitutional immunity from prosecution during his tenure. The EFCC stated it would continue prosecuting the case until governor-elect Fayose was inaugurated.

In February, President Jonathan dismissed Stella Oduah-Ogiemwonyi as the minister of aviation. This opened the way for the EFCC to open an investigation into the controversial purchase of two bulletproof automobiles by the Nigeria Civil Aviation Authority (NCAA) for use by the former minister at a cost of 255 million naira (\$1.4 million). In April the EFCC called in Oduah for questioning and stated it would continue its probe into the scandal by questioning five other top NCAA officials. As of December authorities had not filed charges in the case.

Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who fell out of favor with the government, while those who were in favor continued their illegal activities with impunity.

ICPC Chairman Ekpo Nta, who was sworn into office in 2012, also continued previous cases or brought new cases against nationally prominent public figures. While the ICPC investigated allegations of low- and middle-level public

corruption, it did not file charges against any high-level officials who were still in office. The impunity with which incumbent top-level officials exercised malfeasance and misconduct was a hurdle for anticorruption efforts.

The trial of Representative Farouk Lawan for soliciting a bribe from Femi Otedola, president and chief executive officer of Zenon Petroleum and Gas Limited, started in October 2013. The case was in court pending proceedings on interlocutory appeals, which delayed its progress. The Department of Public Prosecution in the Ministry of Justice confirmed that it continued handling the case, which the ICPC referred to it.

In 2013 the Court of Appeal ordered the former inspector general of police, Sunday Ehindero, back to the High Court to face criminal trial on charges of using his office to confer corrupt advantages for himself. The ICPC alleged he placed 200 million naira (\$1.1 million) of police funds in an interest-yielding account and kept the 6.5 million naira (\$35,000) proceeds from the account. The matter was before the High Court at year's end.

The ICPC also charged the former chairman of the ruling PDP, Ogbulafor Vincent, with corruption for embezzling 50 million naira (\$270,000) from state coffers. The matter was still before the High Court pending several interlocutory appeals to the Court of Appeal and the Supreme Court by the defendant, which delayed his trial.

The High Court convicted the former commissioner of the National Insurance Commission, Okechukwu Chukwulozie, in 2013 on a five-count charge of using funds from private donors to furnish his official residence and of demanding a kickback of 10.4 million naira (\$57,000) from a public contract that he awarded while in office. Chukwulozie was sentenced to three years' imprisonment (three years on each of the five counts to be served concurrently).

During the year the ICPC re-arraigned former senator David Iornew at the Federal High Court on a 14-count charge of fraud for operating illegal, unauthorized, and unaccredited universities. The former senator allegedly used the fictitious institutions to swindle thousands of U.S. dollars from unsuspecting persons. Iornew pleaded not guilty to these charges.

In 2012 the trial of former speaker of the House of Representatives Dimeji Bankole for making fraudulent contracts worth 894 million naira (\$4.9 million) began in the Federal High Court in Abuja. According to the EFCC, the court allowed numerous interlocutory appeals, which frustrated the case's progress.

Police corruption remained rampant. In January 2013 police released a new code of conduct, which includes provisions on officer integrity. As of December there was no indication the NPF had brought any corruption charges against any officers. According to the NPF, the code of conduct serves only as a reminder to officers of the ethics and conduct expected of them.

Financial Disclosure: The law 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 before assuming and after leaving office. Violators risked prosecution, but cases rarely reached a conclusion. As of December the president had not published information on his assets, insisting the law required declaration of assets but not publication of the report. The constitution calls for the bureau 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.

Public Access to Information: The law allows any person to request information from a government office. The office must grant access to the information or explain why access was denied within seven days of receiving the request or transfer the request to the appropriate office within three days. By law all public offices must keep records. The law provides immunity for public officers against any form of civil or criminal proceeding for “disclosure in good faith of any information” pursuant to the law. The law provides a 30-day window during which anyone denied access by any public institution may submit the matter to court for a judicial review. The law includes a fine of 500,000 naira (\$2,700) for any institution or public officer who wrongfully denies access to information or records. Destruction of records is a felony punishable by a minimum penalty of one year’s imprisonment under the act. Immunity from this law, however, is provided for the president, the vice president, the senate president, the speaker of the House of Representatives, and all state governors.

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

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

Government Human Rights Bodies: The NHRC, which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. The law provides for the independence and funding of the NHRC through the Human Rights Fund. The law also provides for recognition and enforcement of NHRC decisions.

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

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion, but the government did not enforce the law effectively. The constitution prohibits discrimination based on the circumstances of a person's birth, but it does not explicitly prohibit discrimination based on disability.

### **Women**

Rape and Domestic Violence: The law criminalizes rape and provides penalties of 10 years' to life imprisonment and fines of 200,000 naira (\$1,090). Rape remained widespread. In 2013 Positive Action for Treatment Access, an NGO focused on HIV treatment, released a countrywide survey of 1,000 preadolescents and adolescents (ages 10 to 19), which noted that three in 10 girls reported their first sexual encounter was rape.

Societal pressure and the stigma associated with rape reduced the percentage of rapes reported and the penalties imposed for conviction. Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. The law recognizes spousal rape as a separate offense, but spousal rape was difficult to prove in court, and no prosecutions were reported during the year. In the northeastern region, Boko Haram abducted women and forced them into domestic and sexual slavery.

In Oyo State in August, a college student accused a soldier of stopping her while she was walking home, taking her to a police station under false pretenses, and raping her repeatedly. In September the Oyo state government claimed that it investigated the accusations and found them "baseless," but legal representation for the victim refuted these claims. As of December there was no update available on

the legal proceedings in the case, although the media reported the soldier was “disciplined” for leaving his post on the night of the incident.

There are no national laws criminalizing gender-based violence, and some federal laws allow such violence. For example, the law permits husbands to use physical means to chastise their wives as long as it does not result in “grievous harm,” which is defined as loss of sight, hearing, or speech; facial disfigurement; or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman. Ebonyi, Jigawa, Cross River, and Lagos were the only states to have enacted domestic violence laws. The National Center for Women’s Development and the International Federation of Women Lawyers hosted domestic violence educational events and sponsored awareness campaigns.

Domestic violence remained widespread and often was considered socially acceptable. CLEEN Foundation’s National Crime and Safety Survey for 2013 reported that 30 percent of 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 customary norms in the areas. NGOs highlighted the February 21 death sentence handed down to Akolade Arowolo, a man who stabbed his wife to death in Lagos in 2011 after years of abusing her, but noted the case was unusual because of the conviction and severity of the sentence.

Project Alert on Violence against Women, a Lagos-based NGO, continued various outreach efforts to combat domestic violence, including training programs for police on domestic violence, support groups for women, programs for male abusers, and assistance to faith-based organizations in counseling victims. In addition Project Alert operated a shelter, Sophia’s Place, for victims of domestic violence, which offered counseling and legal aid. The Women’s Rights Advancement and Protection Alternative and the Nigerian Women’s Trust Fund also served as leading voices in the campaign to reduce violence against women.

Female Genital Mutilation/Cutting (FGM/C): The law criminalizes FGM/C except for medical reasons when a doctor performs the procedure. By law an offender is any woman who offers herself for FGM/C; any person who coerces, entices, or induces any woman or girl to undergo FGM/C; or any person who, for other than medical reasons, performs an operation removing part of a woman’s or a girl’s



sexual organs. The law provides for a fine of 50,000 naira (\$270), one year's imprisonment, or both, for a first offense and doubles penalties for a second conviction. Women who underwent FGM/C experienced increased instances of infertility, obstructed labor, painful intercourse, painful menstruation, in addition to a greater likelihood of contracting HIV/AIDS and other blood-borne diseases.

Other Harmful Traditional Practices: Purdah, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the North. In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs. "Confinement," which occurred predominantly in the Northeast, remained the most common rite of deprivation for widows. Confined widows stayed under 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 husband's bodies.

Polygamy remained legal and widely practiced by members of many ethnic and religious groups. The Nigeria Demographic and Health Survey (NDHS) found that one-third of women reported their husbands had at least one other wife.

Sexual Harassment: Sexual harassment remained a common problem. The founder of the NGO Delta Women estimated that 80 percent of women experienced sexual harassment. There are no statutes prohibiting sexual harassment, but authorities may prosecute violent harassment under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions. Women's rights groups reported the Abuja Environmental Protection Board forcibly detained women, including students and businesswomen, taking them into custody under the pretext of removing commercial sex workers from Abuja throughout the year. Activists reported the protection board forced women to buy their freedom or confess to prostitution and undergo rehabilitation, and that any woman outside her home after dark in Abuja was vulnerable. The Nigerian Women's Trust Fund filed a joint lawsuit against the Abuja Environmental Protection Board. Proceedings were in progress as of December.

Reproductive Rights: Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of children, but information on reproductive health and access to quality reproductive health services and emergency obstetric care was not widely available. The 2013 NDHS reported the maternal mortality rate was 576 deaths per 100,000 live births. According to UN estimates, there were 40,000 maternal deaths in 2013 and a woman's lifetime risk of maternal death was one in 31. Just 34 percent of births were attended by skilled health-care personnel. According to the 2013 NDHS, 15 percent of married women used a contraceptive method (10 percent of these used modern methods, and five percent used traditional methods). Urban women were much more likely to use contraception than were rural women (27 percent and 9 percent, respectively).

Discrimination: Although the constitution provides for equality and freedom from discrimination, women experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices (see section 7).

Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. There are no laws prohibiting women from owning land, but some 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 states where sharia was adopted, sharia and social norms affected women to varying degrees. 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 that men and women must remain separate while using public transportation.

The testimony of women received less weight than that of men in many criminal courts. There are no laws barring women from arranging surety bonds for bail for persons detained by police, but women were not permitted to provide such bail arrangements at most police detention facilities.

## **Children**

Birth Registration: Citizenship of a child is derived from the parents. The government did not require birth registration, and the majority of births remained unregistered. The 2013 NDHS found that only 30 percent of births of children under the age of five were registered. Lack of documents did not result in denial of education, health care, or other public services.

Education: Public schools remained substandard, and limited facilities precluded access to education for many children. Even though the law calls for the government to provide free, compulsory, and universal primary education when practical, authorities rarely did so and often charged school fees. Most educational funding came from the federal government, with state governments required to pay a share. Some states did not disclose their funding share. Of the country's estimated 30 million primary school-age children, as many as 10 million were not enrolled in the conventional school system. In Bauchi State the state universal basic education board incorporated English and mathematics courses into the Quranic school curriculum at 500 schools to educate "almajiri" (children whose parents sent them from their rural homes to urban areas with the expectation they would study and live with Islamic teachers) and helped them transition to the state education system if they desired.

In many parts of the country, social and economic factors led to discrimination against girls in access to education. When economic hardship restricted families' ability to send children to school, many girls became involved in activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in elementary and secondary schools.

According to the 2010 Nigeria Education Data Survey, the most recent information available, attendance rates in primary schools ranged from 35 to 80 percent. The lowest attendance rates were in the Northeast (rates of 43 percent for boys and 38 percent for girls) and the Northwest, where rates for boys and girls hovered around 47 percent and 35 percent, respectively. Overall 63 percent of boys and 58 percent of girls attended school. According to the UN Children's Fund (UNICEF), for every 10 girls in school, more than 22 boys attended. Approximately 25 percent of young persons between the ages of 17 and 25 had fewer than two years of education. Boko Haram attacks prevented thousands of children from continuing their education in Borno and Yobe states by destroying schools or displacing communities.

Child Abuse: Child abuse remained common throughout the country. The government criticized the practice of child abuse and neglect but did not undertake

significant measures to combat it. Human rights groups reported sexual assaults and rapes of young girls, especially in the North.

In some states children accused of witchcraft were killed or suffered abuse, such as kidnapping and torture. According to Stepping Stones Nigeria and the Child Rights and Rehabilitation Network, two local NGOs that operated shelters, attackers drove nails into children's heads, cut off fingers, tied children to trees, and abandoned them in the jungle. The press reported several cases during the year of family and community members torturing children under suspicion of witchcraft. In Akwa Ibom State in September, an eight-year-old boy and girl were reportedly beaten and chased from their homes after family members accused them of using witchcraft to kill local community members. Family members beat the two children with sugarcane rods and cut them with knives before abandoning them in the jungle.

So-called baby factories, small facilities disguised as private medical clinics, housed pregnant women, mostly young unmarried girls, and offered their children for sale. In some cases young women were held against their will and raped; their newborns were sold on the black market for several thousand dollars, with boys fetching higher prices. The children were sold for various purposes, including adoption, child labor, prostitution, or sacrificial rituals. Mothers received approximately 31,850 naira (\$175). On July 13, police rescued 19 pregnant teenage girls and three small children from the Nma Charity and Motherless Babies' Home in Umunkpeyi, Abia State, a presumed baby factory. The following week police arrested seven of the rescued girls, who had returned to the suspected baby factory. Between March and April, suspected baby factories were raided in two separate areas of Ogun State, rescuing 11 pregnant women and five babies.

Early and Forced Marriage: The law sets a minimum age of 18 years for marriage. Approximately 43 percent of women between the ages of 20 and 24 reported being married or in a union before they were 18, according to the 2013 NDHS. Fewer than half of the country's state assemblies adopted the Child Rights Act, which sets the minimum marriage age. Most states, especially northern states, did not adopt the act and did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, pointing out the health hazards and improving their awareness of it. 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 credible reports, poor families sold their daughters into marriage to supplement their incomes. Families

sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent “indecent” associated with premarital sex or for other cultural and religious reasons.

Female Genital Mutilation/Cutting (FGM/C): The law criminalizes FGM/C except for medical reasons when a doctor performs the procedure. By law an offender is any woman who offers herself for FGM/C; any person who coerces, entices, or induces any woman or girl to undergo FGM/C; or any person who, for other than medical reasons, performs an operation removing part of a woman’s or a girl’s sexual organs. The law provides for a fine of 50,000 naira (\$270), one year’s imprisonment, or both, for a first offense and doubles penalties for a second conviction.

The federal government publicly opposed FGM/C but took no legal action to curb the practice. While 12 states banned FGM/C, once a state legislature criminalized FGM/C, NGOs found they had to convince local government authorities that state laws applied in their districts. The Ministry of Health, women’s groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM/C. Underfunding and logistical obstacles limited their contact with health-care workers.

The 2013 NDHS reported that 25 percent of women in the country had suffered FGM/C. While practiced in all parts of the country, FGM/C remained most prevalent in the southern region among the Yoruba and Igbo ethnic groups. Infibulation, the most severe form of FGM/C, was common in the south and infrequently occurred in northern states. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child. Most victims suffered FGM/C before their first birthday.

FGM/C often resulted in obstetrical fistula (tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. The absence of treatment greatly reduced prospects for work and family life, and affected women had to rely on charity.

Other Harmful Traditional Practices: In 2010 the Ministerial Committee on Madrasah Education reported that 9.5 million children worked as almajiri. Instead of receiving an education, many almajiri were forced to work manual jobs or beg

for alms that were turned over to their teacher. The religious leaders often did not provide almajiri with sufficient shelter or food, and many of these children effectively became homeless.

Sexual Exploitation of Children: There is no statutory rape law. Child prostitution is prohibited, with penalties of up to seven years' imprisonment for the adult involved. The minimum age of consensual sex is 18. Sexual exploitation of children remained a significant problem; children were subjected to forced prostitution, both within the country and when trafficked to other countries. In late 2013 Project Alert on Violence against Women released a study showing that children under the age of 10 faced a 39 percent risk of being victims of sexual violence.

Displaced Children: According to 2012 UN statistics, the country had 11.5 million orphans, of whom 2.2 million had become orphans due to HIV/AIDS. In June the UNHCR reported there were 650,000 IDPs in the country, many of them children (see section 2.d.).

Many children were homeless and lived on the streets. The government did not have statistics on this problem. Major factors causing children to turn to the streets included instability in the home, poverty, hunger, parental abuse, and displacement caused by clashes in the community.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For further information see the Department of State's country-specific information at [travel.state.gov/content/childabduction/english/country/Nigeria.html](http://travel.state.gov/content/childabduction/english/country/Nigeria.html).

### **Anti-Semitism**

An estimated 700 to 900 members of the Jewish community, all foreign employees of international firms, resided in Abuja. There were no reports of anti-Semitic acts during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution does not explicitly prohibit discrimination based on disability, but it prohibits discrimination based on the circumstances of one's birth. There are no federal laws prohibiting discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Plateau and Lagos states have laws that protect the rights of persons with disabilities, while Akwa-Ibom, Jigawa, Osun, and Oyo states took steps to develop such laws. Government responsibility for persons with disabilities falls under the Ministry of Women's Affairs and Social Development. Some government agencies, such as the National Human Rights Commission and Ministry of Labor, 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 without regard to disability, and no additional services were available.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. Many indigent persons with disabilities begged on the streets. Persons with intellectual disabilities were stigmatized, sometimes even within the community of persons with disabilities.

The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist those who were blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs such as the Hope for the Blind Foundation in Zaria, Kano Polio Victims Trust Association, the Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities. The Joint National Association of Persons with Disabilities served as the umbrella organization for a range of disability groups. In 2008 the Ministry of Education estimated there were 3.25 million school-age children with disabilities, of whom an estimated 90,000 were enrolled in primary school and 65,000 in secondary school.

### **National/Racial/Ethnic Minorities**

The ethnically diverse population consisted of more than 250 groups. Many were concentrated geographically and spoke distinct primary languages. Three major groups--the Hausa, Igbo, and Yoruba--together constituted approximately 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 between some ethnic groups. The government's efforts to address tensions between minorities and 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 National Orientation Agency occasionally organized conferences and issued public messages in support of tolerance and national unity.

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

The constitution requires the government to have a "national 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. 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.

Religious differences often mirrored regional, ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and Christian Igbo and other ethnic groups tended to be farmers or to work in urban areas. Consequently, ethnic, regional,



economic, and land use competition often correlated with religious differences between the competing groups.

In 2013 incidents of communal violence between ethnic groups in the Middle Belt, also divided along Christian-Muslim lines, resulted in the deaths of more than 400 individuals, the displacement of thousands of persons, and widespread property destruction.

Ethnoreligious violence, often triggered by disputes between farmers and herders, resulted in numerous deaths and significant displacement during the year. The largest number of examples of such conflict occurred in Benue State. On March 6, suspected Fulani herdsmen ransacked six villages, resulting in the deaths of approximately 25 persons in the Kwande, Katsina-Ala, and Logo local government areas of Benue State. On March 23, suspected Fulani herdsmen killed 55 persons in Benue's Gbajimba, the headquarters of Guma local government area. On March 30, Fulani herdsmen killed an additional 19 persons and abducted 15 others from various villages of Benue's Agatu local government area.

Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation contributed to these attacks. Determining the motives behind any single attack remained difficult. "Silent killings," in which individuals disappeared and later were found dead, occurred throughout the year. Reprisal attacks at night in which assailants targeted and attacked individual homes or communities occurred frequently.

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

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

On January 7, President Jonathan enacted the Same-Sex Marriage (Prohibition) Act (SSMPA), which effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, and transgender (LGBT) rights. Under the SSMPA anyone found to have entered into a same-sex marriage or civil union may be punished by up to 14 years' imprisonment. In addition anyone found guilty of being an individual who "aids the solemnization of a same-sex marriage or civil union, or supports the registration, operation, and sustenance of gay clubs, societies, organizations, processions, or meetings" or "registers, operates, or

participates in gay clubs, societies, organizations, or directly or indirectly makes public show of same-sex amorous relationship” commits an offense punishable by 10 years’ imprisonment.

Following the passage of the SSMPA, LGBT persons reported increased harassment and threats against them based on their perceived sexual orientation or gender identity. News reports and LGBT advocates reported numerous arrests, but detainees were in all cases released without formal charges after paying a bond. As of December there were no reports of the government enforcing the SSMPA.

Consensual same-sex sexual activity is also illegal under federal law and is punishable by prison sentences of up to 14 years. In the 12 northern states that adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning. Although no such sentences were imposed during the year, individuals convicted of same-sex activity were sentenced to lashing.

On February 12, a mob in the Gishiri community of Abuja attacked 13 gay men and drove them out of their homes with sticks and knives. The mob took four of the men to a local police station where police also beat them. The four men were released the following day. Despite requests from advocacy groups, police neither investigated the incident nor apprehended any of the attackers. The men were unable to return to their homes.

Because of widespread societal taboos against same-sex activity, very few LGBT persons were open about their sexual orientation. Several NGOs provided LGBT groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness, as well as providing safe havens for LGBT individuals. The government and its agents did not impede the work of these groups during the year.

### **HIV and AIDS Social Stigma**

According to the 2013 NDHS, administered to a broad cross-section of society throughout the 36 states and the FCT, 50 percent of women and 46 percent of men reported discriminatory attitudes towards those with HIV. There was widespread societal discrimination against persons with HIV/AIDS. The public considered the disease a result of immoral behavior and a punishment for same-sex 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**

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

Communal violence remained an issue in Jos. On June 11, gunmen attacked the villages of Jol and Rim under the Riyom local government area in Plateau State, reportedly killing 19 persons.

Ritualists who believed certain body parts confer mystical powers kidnapped and killed persons to harvest body parts for rituals and ceremonies. The Bauchi State Police Command reported in August that unidentified ritualists attacked and removed the eyes of a nine-year-old boy in Toro Local Government Area of the state.

Persons born with albinism faced discrimination, were considered bad luck, and were sometimes abandoned at birth or killed for witchcraft purposes. The Christian Missionary Foundation in Kuje and the FCT rescued albino children abandoned by their mothers, and the Albino Foundation advocated on behalf of persons with albinism.

## **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 and public employees in “essential services,” the right to form or belong to any trade union or other association, conduct legal strikes, and bargain collectively, but some statutory limitations substantially restricted these rights. Various registration requirements must be met before a trade union may be legally established. By law a labor union may be registered if it has a minimum of 50 members and if there is no other trade union already registered in that trade or profession. A three-month notice period, starting from the date of publication of an application for registration in the Gazette, must elapse before a trade union may be registered. If the Ministry of Labor and Productivity 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, however, the Ministry of Labor and Productivity has an indefinite period to review and deliberate over the registration. The Registrar is authorized to refuse registration on the grounds that a

proper objection has been raised or that 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 which union activity is legal. The minister of labor 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 can be legally affiliated to 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, nor does it allow workers to strike for 10 years following the commencement of operations 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 for certain restrictions to the exercise of 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 over 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, defined in an overly broad manner to include the Central Bank of Nigeria; the Nigerian Security Printing and Minting Company Limited; any corporate body licensed to carry out banking business 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 over national economic policy are prohibited. Penalties for 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. There are no laws prohibiting 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. 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 Ministry of Labor and may request arbitration from the National Industrial Court.

The law generally does not prohibit antiunion discrimination; only unskilled workers are protected against such discrimination. The law does not provide for the reinstatement of workers fired for union activity.

In 2013 the International Labor Organization (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.

There were no reports that agricultural workers, foreign migrant workers, or domestic workers were excluded from legal protections.

While workers exercised some of their rights, the government generally did not effectively enforce the applicable laws. Inflation also reduced the deterrence value of many fines that were established by older laws. For example, some fines could not exceed 100 naira (\$0.55).

The Ministry of Labor and Productivity registered approximately five unions per year. Officials reported union membership declined in recent years, and a majority of workers operated in the informal economy.

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.

The government reported to the ILO that unionization in the EPZs had begun, citing the Amalgamated Union of Public Corporations, Civil Service, and Technical and Recreational Services Employees organizing its members within the EPZ.

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. For example, the government failed to respect a collective agreement that stipulated a new salary structure for academics and more funding for universities. University staff held a strike starting July 1 over the nonpayment of allowances. Polytechnic staff also held a three-month strike over the government's nonimplementation of its collective bargaining agreement.

Union members complained about the increased use of contracted labor and short-term labor contracts by employers seeking to avoid pension contributions and other obligations to their employees. This problem prompted the Nigeria Union of Petroleum and Natural Gas Workers to stage a three-day warning strike in July.

While the law does not provide for reinstatement of workers dismissed for their legitimate union activities, the Ministry of Labor ordered the rehiring of union members fired for labor activism.

Chinese employers reportedly failed to comply with labor laws pertaining to the protection of union organizing, especially in the construction and textile sectors. Although no new complaints were made during the year, in the past a local NGO reported employers required workers to sign, as a condition of employment,

contracts that explicitly prohibited them from attempting to join a union. Some employers dismissed workers involved in organizing unions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children, although some laws provide for imprisonment that includes compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in the practice of forced or compulsory labor. Enforcement of the law remained ineffective in many parts of the country. The government took steps to identify or eliminate forced labor, but insufficient resources and jurisdictional problems between state and federal governments hampered efforts. The National Agency for the Prohibition of Traffic in Persons (NAPTIP) removed 539 victims from forced labor during the year.

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

UNICEF reported children were sometimes encouraged to participate in ethnic conflicts, but forced involvement was difficult to prove. Children were forced into criminal activity, and poverty induced children to engage in crime and violent activities.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets a general minimum age for employment of 12 years. Persons under the age of 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 under 16 may work underground, in machine work, or on a public holiday. No "young person," defined as a person under 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, which is consistent with the age for completing educational requirements. The law states that children may

not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths above the age of 12 is allowed in skilled trades or as domestic servants.

In September 2013 the government approved a national action plan and a national strategy for the elimination of child labor. Despite the law and action plan, children remained inadequately protected due to weak or nonexistent enforcement. The Labor Ministry is responsible for enforcing labor laws. The federal government's Child Rights Act requires state-level ratification for full implementation. Twenty-three states and the FCT passed the act. The remaining states were primarily in the North, where sharia is in effect.

The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to December, the ministry reported 1,684 inspections in all areas, resulting in five cases of violations. The ministry employed 660 labor officers and factory inspectors. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints, of illegal activity. The ministry mainly conducted inspections in the formal business sector, where the incidence of child labor was not reported to be a significant problem. NAPTIP 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. There were no confirmed reports that the ministry issued any citations or collected any fines from employers of child labor as of December.

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.

Child labor was widespread, and the Ministry of Labor and NAPTIP estimated more than 15 million children participated in child labor, including 2.3 million employed in hazardous work.

The worst forms of child labor identified in the country included commercial agriculture and hazardous farm work (cocoa, cassava); street hawking; exploitive cottage industries; hazardous mechanical workshops; exploitive and hazardous domestic work; commercial fishing; exploitive 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, bus conductors, and domestic servants in urban areas. Among child workers the government estimated as many as 9.5 million almajiri were engaged in street begging in the North (see section 6, Children). Children also worked in the agricultural sector and in mines. Boys worked as bonded laborers on farms, in restaurants, for small businesses, in granite mines, and as street peddlers and beggars. Girls worked involuntarily as domestic servants, street peddlers, and commercial sex workers. Near Lafia, in Nasawara State, local children could be seen hammering down large pieces of rocks, stacking them into piles, and carrying them on their heads. Children were also observed engaging in this work in Bauchi State and the FCT. In Zamfara State children were employed in industrial facilities used to process gold ore, exposing them to hazardous conditions. Remediation efforts were declared completed in one of the worst affected villages, Bagega, in July 2013.

An international agency worked with state government officials to eliminate the employment of children under the age of 14 and acted as an ombudsman to advocate for 14- to 16-year-old workers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law does not prohibit discrimination in employment and occupation based on race, sex, gender, disability, language, orientation, gender identity, HIV-positive status, or social status. The government, in general, did not effectively address discrimination in employment or occupation.

Gender-based discrimination in employment and occupation occurred (see section 6). There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The Nigeria 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 over continued 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. The number of women employed in the business sector increased every year, but women 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.

#### **e. Acceptable Conditions of Work**

The legal national monthly minimum wage is 18,000 naira (\$98). Employers with fewer than 50 employees are exempt from this minimum, and the large majority of workers are not covered.

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 of which are 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. The Ministry of Labor is responsible for enforcing these standards.

Implementation of the minimum wage, particularly by state governments, remained sporadic despite workers’ protests and warning strikes.

Due to an insufficient number of inspectors, the Ministry of Labor did not properly monitor and enforce health and safety conditions. The inspectorate division of the ministry inspected 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. In addition the government did not enforce the law strictly. Authorities did not enforce standards in the informal sector.

The Ministry of Labor reported there were 25 deaths related to occupational health and safety and one major industrial accident during the year. Multiple sources indicated unsafe conditions were common at worksites across the country. Aside from the more than 8,400 labor inspections, there were no reports of wider government action during the year to prevent violations and improve working conditions, particularly for hazardous sectors or vulnerable groups.

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