

# **NIGERIA 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). During the year citizens elected President Muhammadu Buhari of the All Peoples Congress (APC) party to a four-year term in the first successful democratic transfer of power from a sitting president in the country's history. He replaced President Goodluck Jonathan of the People's Democratic Party (PDP) on May 29. International and domestic election observers considered the elections the most credible and transparent in the country's history. Civilian authorities did not always 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. Casualty figures and reports of serious human rights abuses committed by both Boko Haram and security forces increased. The National Assembly did not renew the state of emergency in Borno, Yobe, and Adamawa States, but its nonrenewal had little to no effect on day-to-day operations in those states. In February the military, along with regional partners, launched an offensive against Boko Haram. In August the new administration restructured the top echelons of the military, refocused operations in the Northeast, and by November had recaptured the majority of territory held by the group. Nevertheless, fighting continued, with an upsurge in suicide and improvised explosive device (IED) attacks.

The most serious human rights abuses included those committed by Boko Haram, which conducted numerous attacks on government and civilian targets that resulted in thousands of deaths and injuries, widespread destruction, the internal displacement of an estimated 1.8 million persons, and the external displacement of 220,000 Nigerian refugees to neighboring countries. In its response to Boko Haram attacks, and at times to crime and insecurity 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 unrest, including ethnic, regional, and religious violence. Other serious human rights problems included vigilante killings; prolonged pretrial detention, often in facilities with poor conditions; denial of fair public trial; executive influence on the judiciary; infringement on citizens' privacy rights; and restrictions on freedoms of speech,

press, assembly, and movement. There were reports during the year of official corruption; violence against women and children, including female genital mutilation/cutting; infanticide; sexual exploitation of children; trafficking in persons; early and forced marriages; discrimination based on sexual orientation and gender identity; discrimination based on ethnicity, regional origin, religion, and disability; forced and bonded labor; and child labor.

The government took few steps to investigate or prosecute officials who committed violations, whether in the security forces or elsewhere in the government, and impunity remained widespread at all levels of government. Although President Buhari's administration began initial steps to curb corruption, authorities did not investigate or punish the majority of cases of police or military abuse.

Boko Haram perpetrated numerous attacks, often directly targeting civilians. The group, which recruited and forcefully conscripted child soldiers, carried out bombings--including suicide bombings--and attacks on population centers in Adamawa, Bauchi, Borno, Gombe, Kano, Plateau, and Yobe States. In some cases, the group employed women and children as suicide bombers. The government investigated these attacks but prosecuted only a few members of Boko Haram.

Large-scale abductions by the group continued. According to nongovernmental organizations (NGOs), between November 2014 and February, Boko Haram abducted more than 500 women and 1,000 children from one local government area in Borno State alone. The group subjected many abducted women and girls to sexual and gender-based violence, including forced marriages and rape.

According to an NGO, the vigilante group known as the Civilian Joint Task Force (CJTF), which emerged in 2013 in Borno State and was based in Maiduguri, continued to recruit and use, sometimes by force, child soldiers. The government prohibited the recruitment and use of child soldiers and issued official statements condemning the practice. Nonetheless, the Borno State government continued to provide financial and in-kind resources to the CJTF, which at times aligned with the military in operations against Boko Haram.

Organized criminal forces in the southern and middle parts of the country committed abuses, such as kidnappings. Violence between farmers and herders in the north-central states claimed hundreds of lives 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 and 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. State and federal panels of inquiry investigating suspicious deaths did not make their findings public.

Security force use of excessive force, including live ammunition, to disperse demonstrators resulted in numerous killings during the year. For example, on December 12, army troops killed an undetermined number--possibly hundreds according to some credible reports--of members of the Shia group Islamic Movement of Nigeria (IMN) in Zaria, Kaduna State, following an altercation at a roadblock that disrupted the convoy of the chief of army staff. IMN leader Sheikh Ibrahim Zakzaky remained in government custody, while institutions including the Kaduna State government, the National Human Rights Commission (NHRC), the National Assembly, and the NA launched or pledged to launch inquiries into the incident.

Security forces were allegedly responsible for extrajudicial killings, often arbitrarily executing many individuals at one time. In May following the killing and mutilation of six soldiers by cattle rustlers, army troops killed dozens of civilians and razed scores of houses in Wase District, Plateau State. Community leaders accused the military of storming several villages at night and firing indiscriminately. They also alleged government forces had previously killed more than 80 persons in similar attacks. While acknowledging it had carried out an operation against militants, the military denied killing any civilians and promised to investigate. There were no reports of any investigations 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**

Criminal groups continued to abduct civilians in the Niger Delta and Southeast. On February 5, suspected pirates abducted four employees of Agip Oil in the

waters of the southern Ijaw council area, in Bayelsa State. In June gunmen in speedboats abducted two Lebanese citizens working for a construction company in Bayelsa State and killed their two police bodyguards.

Other parts of the country continued to experience a significant number of abductions. Prominent and wealthy figures were often targets of abduction. Kidnappers rarely announced political motives for abductions. For example, on September 21, kidnappers abducted former minister of finance Olu Falae from his farm in Ondo State and demanded 100 million naira (\$500,000) for his release.

Citizens, NGOs, and the media accused security services of forced disappearances of young men in Adamawa, Borno, and Yobe States. Boko Haram continued to conduct large-scale abductions in those states (see section 1.g.).

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

The constitution and law prohibit torture and provide punishment for abuses. The Administration of Criminal Justice Act (ACJA), passed during the year, prohibits torture, and cruel, inhuman, or degrading treatment of arrestees, but until its adoption by the states it only applied in the Federal Capital Territory (FCT) and to federal agencies. As of November only Lagos, Ekiti, and Anambra States had adopted the ACJA. An Anti-Torture Bill, passed by both houses of the National Assembly and awaiting the president's signature, defined torture and prohibited its use. Reports indicated security service personnel regularly tortured, beat, and abused demonstrators, criminal suspects, militants, detainees, and convicted prisoners. Police repeatedly mistreated civilians to extort money.

The law prohibits the introduction of evidence and confessions obtained through torture into trials. Authorities did not respect this prohibition, however, and police often used torture to extract confessions later used to convict suspects.

Local NGOs, international human rights groups, and political and traditional leaders from affected states continued to accuse the security services of illegal detention, inhuman treatment of detainees, and torture. In May, Amnesty International (AI) released a report documenting mass arbitrary arrests, unlawful detention, and torture by security forces in the Northeast (see section 1.g.). After the report's release, President Buhari vowed to investigate. This report followed a 2014 AI 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 Anti-robbery Squad 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 tooth extractions, rape, and other forms of sexual violence.

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

According to credible reports, security services committed rape and other forms of violence against women and girls, often with impunity. For example, on April 30, the police arrested a police corporal for allegedly raping a seven-year-old girl inside the Mangoron Mahauta Police Brigade Quarters in Kano State. There was no further information on the case as of December.

The sharia courts in 12 northern states may prescribe punishments, such as caning, amputation, and death by stoning. The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death to a higher sharia court. Statutory sharia law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a nonsharia court. Authorities, however, often did not carry out sentences passed by sharia courts because defendants frequently appealed, a process that could be lengthy. Federal appellate courts have not ruled on whether such punishments violate the constitution because no relevant cases have reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there have been no challenges on constitutional grounds.

There were several reports of canings during the year. Defendants generally did not challenge caning sentences in court as a violation of statutory law. Sharia courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison instead of being caned. As of December there were no reports of stoning.

## **Prison and Detention Center Conditions**

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees, the 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.

Unofficial military prisons reported by domestic and international human rights groups--including the Giwa Barracks in Maiduguri, Borno State, and the Sector Alpha (aka "Guantanamo") and Presidential Lodge (aka "the Guardroom") facilities in Damaturu, Yobe State, among others--continued to operate. AI's May report provided further details on these unofficial prisons and cataloged cases of extrajudicial killing, inhuman and degrading treatment, beatings, torture, starvation, and illegal detention. According to AI, in March 2014, after Boko Haram raided Giwa Barracks in Maiduguri to free its members detained there, military personnel and members of the CJTF carried out mass extrajudicial executions of recaptured prisoners. The report relied on video footage and eyewitness reports. A military spokesperson denied the allegations but stated that the military would investigate. As of December there were no reports on the status of an investigation.

Physical Conditions: Authorities sometimes held female and male prisoners together, especially in rural areas. Prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned. Prison authorities often held juvenile suspects with adults. The government often detained suspected militants outside the formal prison system (see section 1.g.).

Overcrowding was a significant problem. Although the total designed capacity of the country's prisons was 50,153 inmates, an imbalance in prison occupancy rates resulted in underutilization at some facilities, while others were at more than 800 percent of designed capacity. For example, in 2014 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, held 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, resulted in the death by suffocation of a prisoner.

Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. 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. In 2014 the Nigerian Prison Service (NPS) reported the deaths of 36 prisoners, but there were no reliable independent statistics on the number of prison deaths during the year.

Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners' food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money.

Prisoners with mental disabilities remained incarcerated with the general prison population. Generally, prisons made few efforts to provide mental health services.

Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons. According to the NPS, in 2013 there were 69 infants in prison with their mothers, while 847 juvenile inmates were in juvenile detention centers.

During the year security services operated detention facilities outside the official federal penitentiary system (see section 1.g.).

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.

The ACJA provided for alternative sentences other than prison custody, such as community service, parole, and suspended sentences; however, penal and judicial authorities did not use alternatives to incarceration for nonviolent offenders. While prison authorities allowed visitors within a scheduled timeframe, few visits occurred, largely due to lack of family resources and travel distances.

The country does not have an ombudsman to serve on behalf of convicted prisoners and detainees. While the chief justice of each state is to assume that role and visit prisons in his or her official capacity, such visits were infrequent. 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 ACJA provides that the chief magistrate, or any magistrate designated by the chief justice, shall conduct monthly inspections of police stations and other places of detention within the magistrate's jurisdiction and may inspect records of arrests, direct the arraignment of suspects, and grant bail if previously refused but appropriate.

The NHRC conducts an annual prison audit. While the NHRC reported a willingness and ability to investigate credible allegations of inhuman conditions, the last audit report it publicly released was in 2012. The Ministry of Justice reportedly monitored prisons under the Federal Government Prison Decongestion Program. 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 limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross continued to have access to police detention facilities. After the change in administration, it received access to NPS facilities. As of August, it was also able to visit some military detention facilities.

Improvements: 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 continued to improve access to reading and education materials for inmates.

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

Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. According to media and NGO reports, since 2013 the military has arbitrarily arrested thousands of persons during operations against Boko Haram in the Northeast (see section 1.g.).



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

The police report to the inspector general of police, appointed by the president and responsible for law enforcement operations. An assistant inspector general commands each state police unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police in local emergency actions. The Department of State Services (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, as when military units deployed to Plateau State in response to indigene-settler violence after local police could not contain outbreaks of ethnoreligious violence. The military was often unable to respond adequately to reports of violence.

The police, DSS, and military reported to civilian authorities but periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish security force abuse and corruption. The police and military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and sometimes extrajudicial execution of suspects. In the armed forces, a soldier's commanding officer determined disciplinary action, and the officer's decision was subject to review by the chain of command under the Armed Forces Act. During the second half of the year, the NHRC provided some human rights training to the military. It also announced the creation of a hotline for citizens to report human right abuses by members of the armed forces.

The DSS also reportedly 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, but most cases lingered in court or went unresolved after an initial investigation. The NHRC has, as one of its 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 the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even under a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and

security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. 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 hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment.

Arbitrary Arrest: Security force personnel arbitrarily arrested numerous persons during the year, although the number remained unknown. According to an AI report released in May, between 2013 and 2014, the military arbitrarily arrested at least 20,000 persons in the Northeast (see section 1.g.).

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

Pretrial Detention: Lengthy pretrial detention remained a serious problem, and NPS figures from 2014 showed detainees awaiting trial constituted 69 percent of the prison population, with some detainees awaiting trial more than 10 years. 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. Courts adjourned many detainees' cases because the police and the NPS had insufficient vehicles to transport them to their hearings.

In 2013 the NHRC established a committee to investigate ad hoc detention centers that had not undergone required "gazetting" and lacked the necessary approvals from the interior minister. Both measures were to provide a minimum standard of safety at detention facilities. The committee's investigation remained 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.

Media and the NHRC reported some detainees continued in detention because authorities lost their case files. Some state governments released inmates who had been in detention longer than the potential maximum sentences they would have received if found guilty. In June the chief judge of Lagos released 21 inmates from Kirikiri prison after they had spent more time in prison than if convicted of their crimes.

Detainees have the right to submit complaints to the NHRC. 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. In addition court officials were poorly paid and often lacked proper equipment, training.

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

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

Sharia and customary (traditional) courts of appeal functioned in 12 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. 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 other court systems.

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 following rights: 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; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal. The law grants 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, no law prevents 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 June the NA announced it had forwarded for prosecution to the attorney general and the Ministry of Justice the files of 350 of the 504 Boko Haram suspects allegedly in detention at that time.

In October 2014 the Lagos Federal High Court sentenced three suspected members of Boko Haram to 25 years' imprisonment each for terrorism and possession of prohibited firearms and ammunition. The court acquitted an additional suspect of all charges. As of December there were no updates on the remaining cases.

The constitution provides for state-level courts based on common or customary law systems, which have operated for centuries. The constitution specifically

recognizes sharia courts for “civil proceedings” but is silent on the use of such courts for criminal cases. In addition to civil matters, often involving issues related to marriage, inheritance, and other family matters, sharia courts in 12 northern states also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the sharia penal code, including hadd offenses (serious criminal offenses with punishments prescribed in the Quran) and prescribe punishments, such as caning, amputation, and death by stoning. Non-Muslims have the option to try their cases in the sharia courts if involved in civil disputes with Muslims. Common law courts hear the cases of Muslims and non-Muslims who do not choose to use sharia courts. Sharia courts do not have the authority to compel participation by non-Muslims, but in the past some non-Muslims took cases to sharia courts, citing their speed and low cost. Aggrieved parties may appeal sharia court judgments to three levels of sharia appellate courts. Decisions by the state sharia courts of appeal (the highest level of the sharia courts) theoretically could be appealed to the Federal Court of Appeal and then to the Supreme Court, although none have been. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in sharia criminal courts, a Zamfara State law requires that a sharia court hear all criminal cases involving Muslims.

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. Pregnancy, for example, was admissible evidence of a woman’s adultery or fornication in some sharia courts. In contrast sharia courts could convict men only if they confessed or there was eyewitness testimony regarding their crime. Sharia courts, however, provided women with certain benefits, including increased access to divorce, child custody, and alimony.

On June 25, a sharia court in Kano State sentenced eight men and one woman to death for blasphemy. According to media reports, during a religious gathering in honor of the founder of the Tijaniya sect, the accused allegedly elevated the founder of the sect over the Prophet Muhammad. The case remained on appeal as of December.

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.

In May the NA announced 579 officers and soldiers were facing courts-martial in Abuja and Lagos. The charges included cowardice, mutiny, and disobedience to authorities. Lawyers for the accused claimed the military was scapegoating their clients to cover up the incompetence and corruption in the military's prosecution of operations against Boko Haram. In August the new chief of army staff instituted a committee to review all cases, including those of the 72 soldiers condemned to death the previous year. In September the NA announced the pardon and reinstatement of 3,032 of 5,000 soldiers who appeared before the committee. According to press reports, after two weeks of training, the pardoned soldiers redeployed to the Northeast in support of operations against Boko Haram.

In September 2014 an army general court-martial sentenced 12 soldiers to death by firing squad for their involvement in a May 2014 mutiny in Borno State, when aggrieved soldiers opened fire on a vehicle carrying the commanding officer of the Seventh Division, Major General Ahmadu Mohammed. In October 2014 the Federal High Court in Abuja ordered the NA to stay the execution pending an appeal, which continued at year's end.

### **Political Prisoners and Detainees**

There were no new reports of political prisoners or detainees. 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, but the executive and legislative branches, as well as business interests, exerted influence and pressure in civil cases. Official corruption and lack of will to implement court decisions also interfered with due process. The law provides for access to the courts for redress of grievances, and courts may award damages and

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

#### **f. Arbitrary 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 made warrantless raids on the homes of suspected Boko Haram militants. Security services reportedly arrested and detained family members of suspected Boko Haram militants.

The Federal Capital Development Authority (FCDA) continued to threaten to evict residents in communities not deemed in compliance with the Abuja city plan. The FCDA typically claimed demolished homes, businesses, or churches lacked proper permits (even if owners were able to produce documentation 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 FCDA. 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.

On September 18, AI reported authorities were forcibly evicting hundreds of families in the informal settlement of Badia East following a court decision in favor of a local chief reclaiming the land on which the at-risk structures were built. In 2013 the Lagos government demolished thousands of structures in Badia East that rendered almost 9,000 residents homeless, according to AI. The state government subsequently 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 2014 the Lagos state government reportedly agreed to pay each affected landlord and tenant 309,000 naira (\$1,545) and 90,400 naira (\$452), respectively. As of December it was unclear whether the Lagos government had made the payments.

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

Killings: Units of the NA's Seventh and Third Divisions, the police, and the DSS continued to commit extrajudicial killings during operations against Boko Haram in Adamawa, Borno, and Yobe States. In March, after recapturing the town of Bama, in Borno State, the military allegedly killed suspected members of the group, according to eyewitnesses and NGO reports. An AI report published in May asserted that between 2013 and 2014 the military committed more than 1,200 extrajudicial killings in the course of operations against Boko Haram.

According to press and NGO reports, in 2014 the NA's Seventh Division illegally detained and killed suspected members of Boko Haram in the Giwa Barracks in Maiduguri, Borno State, and the Sector Alpha and Presidential Lodge facilities in Damaturu, Yobe State. Former detainees alleged that torture, starvation, and other forms of mistreatment by security services resulted in detainee deaths.

In 2014 AI released a report and claimed it had video footage showing members of the military, including members of the 81st Battalion and the CJTF, 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 that day alone, the military and CJTF executed 622 persons following a Boko Haram attack upon Giwa Barracks 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 reportedly were unarmed. The military denied the allegations but stated it would investigate the AI report, a statement echoed by President Buhari's chief of staff. No information on the investigation was available at year's end.

While press articles often contained contradictory and inaccurate information, multiple sources confirmed allegations of abuses. Some authorities publicly denied the claims, but the Buhari administration publicly stated that it would investigate and punish human rights violators.

Boko Haram continued its campaign of violence against secular authority and anyone perceived as disagreeing with the group's political or religious beliefs. Boko Haram conducted indiscriminate large-scale attacks on towns and villages; raided population centers; and employed IEDS and suicide bombers against civilian and military targets alike. Data compiled by an NGO based on media reports indicated that nearly 9,000 persons (including civilians and fighters on both sides) died as a result of the conflict between Boko Haram and the government.



According to press and NGO reports, on January 3, Boko Haram attacked an NA base near Mile 4, a small village a few miles west of the town of Baga, in Borno State. After quickly overrunning it, the militants turned east to Baga and during the next four days assaulted civilians in Baga and surrounding villages. According to eyewitness reports collected by NGOs, Boko Haram indiscriminately shot and killed possibly up to 2,000 persons in what may have been the group's deadliest single massacre in its six-year insurgency.

The terrorist group continued almost daily attacks on villages and cities in the states of Adamawa, Borno, and Yobe. It also carried out attacks resulting in mass casualties among civilians in Bauchi, Gombe, Kano, and Plateau States, among others. Women and girls carried out many of the attacks. On January 10, for example, a bomb strapped to a 10-year-old girl exploded in a marketplace in Maiduguri, Borno, killing 16 persons and injuring more than 20. On July 26, a 10-year-old girl carried out a bombing at the entrance to a market in Damaturu, Yobe, killing 10 persons and wounding 50 others.

Abductions: According to AI, many civilians detained by security forces in the Northeast became victims of enforced disappearances. One activist's list alone contained the names of 1,200 persons arrested in Borno State between 2011 and 2014 whose whereabouts remained unknown.

Boko Haram continued to abduct men, women, and children, often in conjunction with large-scale attacks on communities. The group forced men, women, and children to fight on its behalf. Women and girls abducted by Boko Haram were subjected to physical and psychological abuse; forced labor; forced marriage; forced religious conversions; forced participation in military operations; and sexual abuse, including rape. While the abductions of some of the women and girls seemed arbitrary, many of the victims appeared to have been targeted because they were students or Christians. Boko Haram also used women and girls to lure security forces into an ambush, force payment of ransoms, leverage prisoner exchanges, or provide wives to fighters.

According to NGO reports, there were likely more than 2,000 abductees. In Borno's Gwoza Local Government Area alone, human rights activists documented more than 500 women and 1,000 children abducted between November 2014 and February. On January 6, Boko Haram attacked Katarko village, in Yobe State, and abducted 134 women and girls and 84 boys. On January 25, the group released 192 of them, but as of November, the whereabouts of the other abductees was

unknown. According to press reports, in August and September, the NA liberated nearly 1,000 persons abducted by Boko Haram.

In April 2014, Boko Haram attacked the Chibok Government Girls Secondary School in Southeast Borno State and kidnapped 276 students. According to reports, 58 of the girls escaped their captors in the following days. 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 remaining girls as of December.

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

Since the start of its operations against Boko Haram in 2009, security forces arbitrarily arrested approximately 20,000 persons in the Northeast, mostly men and boys, according to AI's May report. Many reportedly were detained in military detention facilities, where more than 7,000 died of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, and torture. The report also reported the use of torture in military custody.

According to press and NGO reports, Boko Haram engaged in widespread sexual violence against women and girls. In a 2014 report, Human Rights Watch (HRW) reported Boko Haram had abducted at least 500 women and girls since 2009, subjecting them to sexual and gender-based violence, including forced marriage and rape. Survivors who escaped had difficulty obtaining appropriate medical and psychosocial treatment and care.

Child Soldiers: Youths under age 18 participated in Boko Haram attacks. An NGO indicated the group paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant IEDs, serve as spies, and carry out suicide bombings. In January Boko Haram's media arm released photos purportedly showing a training camp for child soldiers, calling them the "cubs of the caliphate." The images showed children dressed in blue and black clothing aiming automatic rifles. Boko Haram also abducted girls, held them captive as sex slaves, and forced them to work for the group. Boko Haram's use of women and girls in suicide attacks has increased since 2014.

On January 21, the attorney general of the federation and minister of justice, Mohammed Adoke, issued an advisory stating the government would prosecute Boko Haram members for using female suicide bombers. He stated the country was under obligation to abide by and enforce international treaties making it a war crime to conscript or enlist children under age 15 into the national armed forces or use them to participate actively in hostilities. Adoke also called for the military to comply with the law and avoid using or abusing children in its campaign against Boko Haram.

One unconfirmed press report indicated that children made up a sizable portion of the CJTF. In September 2014 the international NGO Watchlist on Children and Armed Conflict reported direct participation in CJTF activities of persons under age 18. Witnesses described forcible recruitment of children into the CJTF and children under 18 working with the CJTF at checkpoints in several towns in Borno State. CJTF members admitted having used numerous children in operations, including conducting patrols, collecting information, and overseeing checkpoints. The NA maintained that it did not collaborate with the CJTF except, on occasion, through the exchange of information. The CJTF reportedly supplied the Seventh Division with information about suspected Boko Haram militants, apprehended suspected Boko Haram militants, and manned checkpoints.

According to government officials, the NA only collaborated with former CJTF 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 more than 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 approximately 2.15 million persons were displaced in Abuja, Adamawa, Bauchi, Benue, Borno, Gombe, Kaduna, Kano, Nasarawa, Plateau, Taraba, Yobe, and Zamfara States. Insurgency (84.5 percent) and community clashes (12.9 percent) were the main reasons for displacement (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 and Expression: The constitution entitles every individual to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Although federal and state governments usually respected this right, there were reported cases in which the government abridged the right to speech and other expression.

Press and Media Freedoms: Freedom House’s annual survey of media independence, *Freedom of the Press 2015*, 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.

According to the International Press Center, a Lagos-based NGO monitoring attacks on journalists, between November 2014 and February there were at least 32 attacks on the press. Security forces and militants were responsible for 24 of the attacks.

On March 25, security forces detained two Al Jazeera journalists covering operations against Boko Haram in Maiduguri, Borno State. After questioning them, government forces confiscated their equipment and confined them to their hotel rooms incommunicado until their release on April 5. The military acknowledged the detentions but alleged the journalists were operating without protection, accreditation, or permission.

On May 29, supporters of the governor of Nasarawa State, Umaru Tanko al-Makura, attacked a reporter for the newspaper *Daily Trust*. The reporter had previously received phone calls from acquaintances of al-Makura expressing the governor’s dissatisfaction with a story he had published questioning the political relevance of Nasarawa State in the APC.

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

Journalists practiced self-censorship. Local NGOs claimed security services intimidated newspaper editors and owners into censoring reports of killings and other human rights abuses.

Libel/Slander Laws: 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 common law legal defense of “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 continued to threaten journalists and media outlets. A journalist for the national daily *This Day*, who wrote an opinion piece critical of plans to grant amnesty to Boko Haram members, reported that on May 10 he received an e-mail from the group’s spokesperson threatening to kill him.

Mob violence also continued to inhibit freedom of expression, particularly in the run up to the national elections. On February 2, in Gombe State, a mob attacked and injured five journalists covering a rally by then president Goodluck Jonathan. On February 10, in Imo State, someone stabbed a cameraman with the state-owned Nigeria Television Authority who was covering a clash between PDP and APC supporters. On February 17, in River State, attackers injured a reporter with Channels TV during a live broadcast of an APC rally. Although police investigated each of these incidents, as of September they had not arrested any suspects.

## **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 although high-speed broadband penetration increased from 6 percent in 2013 to 10 percent during the year. According to the International Telecommunication Union, 43 percent of individuals used the internet in 2014.

Sources indicated the government attempted to monitor and suppress internet and e-mail content, particularly during election periods. Human rights advocates and business executives expressed concerns over the inadequacy of laws to protect personal data and privacy rights.

In May, President Jonathan signed into law the Cybercrimes Act of 2015 to prevent and combat cybercrimes and strengthen cybersecurity measures. Some civil society organizations (CSOs), government officials, and business executives expressed concerns over the broad powers the new law authorizes for law enforcement and security agencies in intercepting private communications. According to CSOs, business executives, and network providers, the government in the past conducted massive surveillance of citizens' telecommunications, and on occasion compelled network operators to release political dissidents' communication data.

### **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 (SSMPA), a law prohibiting marriages and civil unions among persons of the same sex, also criminalizes the free association of any persons through so-called gay organizations (see section 6, Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity). In areas that experienced societal violence, police and other security services permitted public meetings and demonstrations on a case-by-case basis.

Security services continued to use excessive force to disperse demonstrators during the year (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 generally respected this right. The constitution and law allow the free formation of political parties. As of September the Independent National Electoral Commission (INEC) had registered 29 parties.

### **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 imposing 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.

In-country Movement: The federal, state, or local governments imposed curfews or otherwise restricted movement in Adamawa, Borno, and Yobe States in connection with operations against Boko Haram. Other states imposed curfews in reaction to various types of events such as ethnoreligious violence.

In June, President Buhari ordered the immediate removal of military checkpoints across the country. In July the military re-established “snap checkpoints” in the Northeast and the Niger Delta. Shortly after assuming office, the inspector general of police, Solomon Arase, ordered permanent police checkpoints on the highways

removed, but police continued to carry out stop-and-search operations on major highways to extort money from travelers.

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**

The International Organization for Migration (IOM) and the National Emergency Management Agency (NEMA) reported that as of December there were 2,151,000 persons displaced in Abuja, Adamawa, Bauchi, Benue, Borno, Gombe, Kaduna, Kano, Nasarawa, Plateau, Taraba, Yobe, and Zamfara States. Insurgency and community clashes were the main reasons for displacement. The IOM estimated that 8 percent of IDPs lived in camps and 92 percent with host families. NGOs asserted the true number of IDPs was much higher as IOM's efforts did not encompass all states and did not include any in the South, where there were reportedly sizable populations of IDPs.

International NGOs cited the IDPs' greatest immediate needs as food, shelter, and protection. Other needs included health care, nutrition, water, sanitation, and education. NGOs reported there were insufficient resources available to IDP victims of sexual and gender-based violence (SGBV). Women faced dangers in and outside camps, and SGBV survivors had limited access to safe, confidential psychosocial counseling and medical services or safe space to discuss SGBV. Women and girls, as well as the babies born as a result of rape during Boko Haram captivity, faced stigmatization and community isolation.

NEMA led the government's IDP response, largely by operating camps for IDPs in several states. The federal government did not have local integration programs and no plans for resettling IDPs to safer parts of the country. An IDP policy adhering to the UN Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) remained in draft form and unimplemented. NGOs reported some IDPs returned to their places of origin because authorities forced them or because they lacked meaningful choices for survival in their areas of displacement. In early August the government of Cameroon began deporting Nigerians into Adamawa State. This included many cases of refoulement of Nigerian refugees who had sought shelter in Cameroon. By November 1, Cameroon had returned more than 12,592 Nigerians. In late August, NEMA



declared its intervention in the Northeast had changed from emergency relief to rehabilitation, reconstruction, and recovery. NGOs criticized the announcement as premature since most areas remained insecure and without services.

Security and sanitation were recurring problems at IDP camps. On September 11, a suicide bomber detonated her explosives inside an IDP camp in Yola, Adamawa State, killing seven and injuring 14 others. The UN special rapporteur on the human rights of internally displaced persons, Chaloka Beyani, called for increased security measures but cautioned they should not infringe on IDPs' human rights, including their freedom of movement and family unity. On September 17, NEMA confirmed nine persons died and 96 had fallen ill due to a cholera outbreak in one of its camps in Borno State.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to UNHCR, as of June there were approximately 1,300 refugees (including more than 1,100 urban refugees) and more than 900 asylum seekers. They came mainly from the Democratic Republic of the Congo (DRC), Cameroon, the Central African Republic, Cote d'Ivoire, Togo, Mali, Sudan, and Guinea. Those from the DRC, Cote d'Ivoire, Sudan, Somalia, Chad, and Liberia lived mainly in urban areas in Lagos and Ijebu Ode, in Ogun State. Those from Cameroon lived in remote rural communities in Benue State.

In September authorities deported at least 100 Togolese asylum seekers, many of them children. The asylum seekers arrived in Nigeria in July after Benin, which had hosted them for nearly a decade, stripped them of refugee status. According to press reports, soldiers in Lagos loaded them onto buses and drove them to Togo through Benin. While authorities claimed they followed proper procedures, UNHCR stated they did not do so.

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

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

Durable Solutions: In previous years UNHCR and the government worked with the Liberian government to provide for the timely issuance of 383 Liberian

passports and residence permits from the Economic Community of West African States (ECOWAS) to locally integrate former Liberian refugees, which allowed for the regularization of their immigration status.

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

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that right.

#### **Elections and Political Participation**

Recent Elections: INEC initially planned to hold presidential and gubernatorial elections on February 14 and 28, respectively. After a six-week postponement purportedly due to security concerns, INEC rescheduled the presidential and federal legislative elections for March 28 and the gubernatorial and state legislative elections for April 11. While the government stated the delay was necessary to deal with the security situation in the Northeast, others claimed INEC had not finished printing or distributing the newly introduced permanent voter cards (PVCs) and had yet to resolve issues with the biometric PVC readers. Critics claimed the ruling PDP wanted the delay to have more time to campaign. Citizens, civil society, and the international community used the six-week delay to continue to impress on the government, INEC, and political parties the need to avoid vote rigging and violence.

The presidential and legislative elections were generally transparent and credible. The opposition APC replaced the incumbent PDP in the first successful democratic replacement of a sitting president in country's history. Civil society, citizens, and international observers generally viewed the elections as the most credible, free, and fair elections in the country's history. Muhammadu Buhari was elected to a four-year term and succeeded Goodluck Jonathan as president on May 29.

Citizens generally were able to exercise the right to choose their government, although in a handful of states--such as Akwa Ibom, Bayelsa, Delta, and Rivers--that right was restricted. The NGO Transition Monitoring Group (TMG), a domestic observer organization, released the findings of its parallel vote count and confirmed the official outcome. The TMG noted that while the national elections

were generally peaceful and transparent, there were a number of irregularities, and it called on INEC to thoroughly investigate credible allegations of fraud and address the issues before the gubernatorial and subsequent elections. The TMG also publicly requested that INEC immediately investigate the alleged inflation of turnout figures during the collation process from Akwa Ibom, Bayelsa, Delta, and Rivers States. There were also reports the ruling party used government resources during the campaign.

Credible and serious allegations of fraud persisted in certain states, particularly the Niger Delta region. Rivers, Awka Ibom, and Delta States experienced violence, voter intimidation, and vote rigging during the April gubernatorial contests. Formal investigation into these allegations, known as tribunals, started shortly after the election. In Rivers and Akwa Ibom States, initial election results were overturned for failure to comply with the Electoral Act. Tribunals and courts of appeal annulled the results of several members of the National Assembly, necessitating re-run elections. The tribunals also cited widespread fraud and voting irregularities, including snatching of ballot boxes, lack of results sheets, and non-collation of results. Unlike tribunals following previous elections, there was unprecedented cooperation from election and security officials.

During off-cycle elections in Kogi and Bayelsa States in late November and early December, respectively, INEC canceled elections in several local government areas due to violence. As a result, INEC ruled the elections inconclusive and held supplemental elections in those areas to determine the winners.

In November the Taraba State Election Petition Tribunal found that the primary elections in which the PDP elected its candidate for that state's governorship were not conducted in accordance with the law and declared the APC runner-up the winner. Following the ruling, violence broke out in Taraba, resulting in the deaths of at least six individuals.

With more than 800 election-related deaths and the displacement of more than 60,000 persons during the 2011 national elections, citizens were surprised by the historically low levels of election-day and post-election violence during the year. International observers reported generally calm and orderly voting. Although expensive, the 2015 elections were INEC's most successful in terms of transparency, credibility, and instilling a sense of confidence in voters.

Participation of Women and Minorities: No laws prevent women or minority members from voting, running for office, or serving as electoral monitors, but

cultural and traditional practices inhibited women's ability to do so. In the National Assembly inaugurated on June 9, men encumbered more than 94 percent of seats. Twenty of the 360 members of the House of Representatives and eight of the 109 senators were women. Six of the 36 cabinet members who took office in mid-November were women.

Senate candidates included 128 women out of 746 total candidates (17 percent). The majority of them did not belong to the incumbent or main opposition, but to smaller parties. Edo, Gombe, Jigawa, Katsina, Kebbi, Nasarawa, Ondo, and Yobe States did not have any female senatorial candidates. Bauchi, Bayelsa, Benue, Borno, Kano, and Taraba States had one each.

In the House of Representatives, the percentage of female representatives fell from 5 percent to 4 percent. There were 1,772 House of Representatives candidates, 270 of whom were female (15 percent). The political parties with the highest number of candidates were the APC--358; PDP--360; APGA--88; and LP--187. Of these, there were 27 APC female candidates (7.5 percent), 19 PDP (5.3 percent), five APGA (5.7 percent), 13 LP (6.9 percent), and 30 MPPP (69.8 percent).

#### **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. There were numerous reports of government corruption during the year.

Corruption: In July, President Buhari signed into law the Proceeds of Crime Act, which provides for the recovery of illegally acquired property through forfeiture, confiscation, or civil recovery. It also provides the powers to seize, freeze, and restrain criminals from having access to such property. In August the administration appointed a Presidential Advisory Committee Against Corruption to advise President Buhari on a strategy to fight corruption. The same month the president ordered the national security adviser to form a panel to investigate allegedly fraudulent defense procurement practices during the previous eight years.

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

Commission's (EFCC) writ extends only to financial and economic crimes. By November the ICPC had obtained 11 convictions, was prosecuting 29 cases, and had 295 open investigations. The EFCC had secured eight convictions by November, was prosecuting 18 cases, and had 60 open investigations.

Although ICPC and EFCC anticorruption efforts remained largely focused on low- and mid-level government officials, following the national elections in March, both organizations started investigations into and brought indictments against various current and former high-level government officials.

Among successful prosecutions, the EFCC convicted the brother of former Edo State governor, Lucky Igbinedion, and an accomplice on an 81-count indictment for the laundering of 25 billion naira (\$125 million), misappropriation of funds, and abuse of office. In another high-profile prosecution, in December the EFCC indicted former national security adviser Sambo Dasuki on 22 counts of fraud and money laundering.

Multiple press reports noted the ICPC investigated wealthy civil servants and had confiscated buildings ostensibly owned by civil servants whose salaries did not support such acquisitions. According to other reports, the ICPC set up a task force to investigate corruption allegations against eight former state governors: Rabiu Kwankwaso of Kano, Rotimi Amaechi of Rivers, Ibrahim Shema of Katsina, Sullivan Chime of Enugu, Fashola of Lagos; Godswil Akpabio of Akwa Ibom, Martin Elechi of Ebonyi, and Sule Lamido of Jigawa.

In June the police announced new measures to tackle rampant police corruption. Among the initiatives were the dismantling of roadblocks, establishment of public hotlines, and creation of inspector general monitoring teams to investigate allegations of corruption.

In 2013 police released a code of conduct that includes provisions on officer integrity, but as of September there was no indication the police had brought any corruption charges against officers. According to the police, the code of conduct serves only as a reminder to officers of expected ethics and conduct.

Financial Disclosure: The Code of Conduct Bureau and Tribunal Act (CCBTA) requires public officials--including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels)--to declare their assets to the Code of Conduct Bureau (CCB) before assuming and after leaving office. The constitution calls for the CCB to "make declarations

available for inspection by any citizen of the country on such terms and conditions as the National Assembly may prescribe.” The law does not address the publication of asset information. Violators risk prosecution, but cases rarely reached conclusion.

On September 3, the Office of the President announced President Buhari had declared his assets to the CCB, consisting of 30 million naira (\$150,000), five homes, two mud houses, two undeveloped plots of land, farms, an orchard, a ranch, 270 head of cattle, 25 sheep, five horses, and several cars. The same statement also indicated Vice President Yemi Osinbajo had similarly declared his assets to the CCB and briefly listed them. According to the Office of the President, the CCB would release all documents to the public once verified and validated.

In late September the CCB brought charges before the Code of Conduct Tribunal (CCT)--a court created by the CCBTA to try violations of that act--against Senate President Bukola Saraki for false declaration of assets. The case went to trial in October, but the CCT had issued no ruling by year's end.

Public Access to Information: The law allows any person to request information from a government office. The office must grant access to the information, 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 (\$2,500) 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. 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**

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 law establishes the NHRC as an independent nonjudicial mechanism for the promotion and protection of human rights. The NHRC monitors human rights through its zonal affiliates in the country's six political regions. The NHRC investigates allegations of human rights abuses and publishes periodic reports detailing its findings, including torture and poor prison conditions. The law provides for recognition and enforcement of NHRC awards and recommendations as court decisions.

International Human Rights Bodies: The Office of the Prosecutor (OTP) of the International Criminal Court continued to conduct a preliminary examination to analyze allegations of atrocities committed by both Boko Haram and state forces. Nigerian authorities were in contact with the OTP and responded to the OTP's requests for information.

## **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.

### **Women**

There is no comprehensive law for combatting violence against women. As a result, victims and survivors had little or no recourse to justice. While some, mostly southern, states have enacted laws prohibiting some forms of gender violence or seeking to safeguard certain rights, a majority of states did not have such legislation.

On May 25, the government enacted the Violence Against Persons Prohibition (VAPP) Act. It addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic violence. Under the VAPP, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) are offenses. Victims and survivors of violence are entitled to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies, with their identities protected during court cases. The act makes the National Agency for the

Prohibition of Trafficking in Persons (NAPTIP) responsible for administering its provisions. Until adoption by the states, however, the provisions of the VAPP Act are only applicable to the FCT.

Rape and Domestic Violence: The law criminalizes rape. The VAPP provides penalties ranging from 12 years' to life imprisonment for offenders older than 14 and a maximum of 14 years' imprisonment for all others. It also provides for a public register of convicted sexual offenders and appointment of protection officers at the local government level to coordinate with courts and ensure victims receive various forms of assistance (e.g., medical, psychosocial, legal, rehabilitative, reintegrative) provided by the VAPP. The act also includes a provision empowering courts to award appropriate compensation to victims of rape.

Previous federal rape laws only protected females and only in cases of vaginal penetration. The VAPP expands the scope of existing law to include oral and anal sex and to protect males as well as females. It also includes provisions to protect the identity of rape victims.

Rape remained widespread. According to a study published in February, almost 20 percent of college students surveyed reported at least one incident of rape. 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 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. In the Northeast Boko Haram continued to abduct women and girls, subjecting them to sexual violence and forcing them into domestic and sexual slavery, sometimes under the guise of forced marriage.

In September the Nigerian Feminist Forum submitted a statement to the chairman of the NHRC highlighting a significant increase in the number of cases of sexual assault and rape reported by female university students. In one instance a lecturer at the University of Lagos was indicted for raping an 18-year-old female applicant.

No laws of nationwide applicability criminalize gender-based violence. The VAPP provides for up to three years' imprisonment, a maximum fine of 200,000 naira (\$1,000), or both for spousal battery. It defines spousal/partner battery as the



intentional use of force or violence upon a person to include touching, beating, or striking with the intention of causing bodily harm. The act provides up to one year's imprisonment for anyone found guilty of intimidation by conveying a threat that induces fear, anxiety, or discomfort. It also authorizes courts to issue protection orders upon application by a victim and directs NAP TIP to appoint a coordinator for the prevention of domestic violence to submit an annual report to the federal government. Notwithstanding these federal provisions, only the states of Cross River, Ebonyi, Jigawa, and Lagos had enacted domestic violence laws.

Domestic violence remained widespread, and many considered it socially acceptable. CLEEN Foundation's National Crime Victimization and Safety Survey for 2013 reported that 30 percent of male and female respondents countrywide claimed to have been victims of domestic violence.

Police often refused to intervene in domestic disputes or blamed the victim for provoking the abuse. In rural areas courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed local customary norms. In 2014 NGOs highlighted the death sentence handed down to Akolade Arowolo, a man who stabbed his wife to death in Lagos in 2011 after years of abusing her, noting that the fact a conviction was obtained and the severity of the sentence made the case unusual.

Female Genital Mutilation/Cutting: According to a 2008 World Health Organization study, 29.6 percent of girls and women ages 15 to 49 had undergone FGM/C, and the UN Children's Fund (UNICEF) reported in 2013 that 14 percent of girls from newborn to age 14 had undergone FGM/C. 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 were subjected to FGM/C before their first birthday. The highest prevalence among adult women was in the South (77 percent), followed by the Southeast (68 percent) and Southwest (65 percent), and was practiced on a smaller scale in the North. Infibulation, the most severe form of FGM/C, was common in the South and infrequently occurred in northern states.

The VAPP penalizes a person who performs female circumcision or genital mutilation with a maximum of four years in prison or a fine of 200,000 naira (\$1,000), or both. It punishes anyone who aids or abets such a person with a maximum of two years' imprisonment or a fine of 100,000 naira (\$500), or both. For purposes of the act, female circumcision means cutting all or part of the external sex organs of a girl or woman other than on medical grounds. By law an

offender is a person who performs FGM/C; engages another to perform it; or incites, aids, abets, or counsels another person to perform FGM/C.

Federal law criminalizes female circumcision or genital mutilation, but the federal government took no legal action to curb the practice. While 12 states have banned FGM/C, but once a state legislature criminalizes FGM/C, NGOs found they had to convince local authorities that state laws apply 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.

Other Harmful Traditional Practices: Under the VAPP, any person who subjects another to harmful traditional practices may be punished with up to four years in prison or a fine not exceeding 500,000 naira (\$2,500), or both. Anyone subjecting a widow to harmful traditional practices is subject to two years' imprisonment or a fine not exceeding 500,000 naira (\$2,500), or both. For purposes of the VAPP, a harmful traditional practice means all traditional behavior, attitudes, or practices that negatively affect the fundamental rights of women or girls, to include denial of inheritance or succession rights, FGM/C or circumcision, forced marriage, and forced isolation from family and friends.

Despite the new federal law, *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.

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but authorities may prosecute violent harassment under assault statutes. The VAPP criminalizes stalking, with terms of imprisonment of up to two years, a maximum fine of 500,000 naira (\$2,500), or both. It does not explicitly criminalize sexual harassment, which it legally defines as physical, verbal, or nonverbal conduct of a sexual nature, based on sex or gender, which is

persistent or serious and demeans, humiliates, or creates a hostile or intimidating environment. The act criminalizes emotional, verbal, and psychological abuse and acts of intimidation.

The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions. Women's rights groups reported the Abuja Environmental Protection Board took women into custody under the pretext of removing commercial sex workers from the streets of the capital. According to activists, the board then forced women to buy their freedom or confess to prostitution and undergo rehabilitation. With the support of several civil society organizations, four women filed a joint lawsuit against the board with the ECOWAS Community Court of Justice. In December the court adjourned the case until January 2016.

Reproductive Rights: Couples and individuals generally had the right to decide 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, due to such factors as lack of access to antenatal care, skilled birth attendants, emergency obstetric care, and other medical services. According to 2013 estimates by the UN, World Health Organization, and World Bank, there were approximately 40,000 maternal deaths in 2013, and a woman's lifetime risk of maternal death was one in 31. Skilled health-care personnel attended a reported 34 percent of births. According to the 2013 NDHS, 15 percent of married women used a contraceptive method (10 percent used modern methods, and 5 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 the same legal status and rights for women as for men, women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, and the law does not mandate nondiscrimination based on gender in hiring. No laws bar women from particular fields of employment, but women reportedly could not work in heavy manufacturing and construction in the same way as men. Women often experienced discrimination under traditional and religious practices (see section 7.d.).

Women generally remained marginalized. No laws prohibit women from owning land, but customary land tenure systems allowed only men to own land, with women gaining access to land only via marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

In the 12 states that adopted sharia, 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. No laws bar 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: Children derive their citizenship from their parents. The government does not require birth registration for either girls or boys, and the majority of births were unregistered. The 2013 NDHS found that only 30 percent of births of children under age 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. Under the constitution, education is a mere directive policy and not a legal entitlement. The law requires every government in the country to provide free, compulsory, and universal basic education for every child of primary and junior secondary school age. It also specifies fines and terms of imprisonment for parents or guardians that breach the law by failing to ensure that their children attend school. Authorities, however, often charged school fees and rarely complied with the law.

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 resulted in discrimination against girls in access to education. In the face of economic hardship, many families favored boys over girls in deciding which children to enroll in elementary and secondary schools. Girls often left school to engage in domestic work, trading, and street vending.

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 (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 UNICEF, for every 10 girls in school, more than 22 boys attended. Approximately 25 percent of young persons between ages 17 and 25 had fewer than two years of education. 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, but the government took no significant measures to combat it. Findings from the Nigeria Violence Against Children Survey released in September revealed that approximately six of every 10 children under age 18 experienced some form of physical, emotional, or sexual violence during childhood. One in two children experienced physical violence, one in four girls and one in 10 boys experienced sexual violence, and one in six girls and one in five boys experienced emotional violence.

In some states children accused of witchcraft were killed or suffered abuse, such as kidnapping and torture. According to press reports, in June a man in Plateau State burned a young girl to death after accusing her of being a witch.

So-called baby factories continued to operate, often disguised as orphanages, religious or rehabilitation centers, hospitals, or maternity homes. They offered for sale the newborns of pregnant women--mostly unmarried girls--often held against their will and raped. The children were sold for various purposes, including adoption, child labor, prostitution, or sacrificial rituals, with the boys’ fetching

higher prices. In August, after a tip from an escaped victim, the NA raided a clinic in Enugu and found 10 pregnant women held there. According to press reports, the operators of the factory sold each baby for 300,000 to 400,000 naira (\$1,500 to \$2,000).

Early and Forced Marriage: The law sets a minimum age of 18 years for marriage for both boys and girls. According to the 2013 NDHS, 43 percent of women between ages 20 and 24 reported being married or in a union before age 18, and 17 percent reported being married or in a union before age 15. Fewer than half the country's state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, 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. Girls abducted by Boko Haram were also subjected to forced marriage.

Female Genital Mutilation/Cutting: See information for girls under 18 in women's section above.

Other Harmful Traditional Practices: In 2010 the Ministerial Committee on Madrasah Education reported 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: The Child Rights Act of 2003 (CRA) prohibits child prostitution and sexual intercourse with a child, providing penalties of up to seven years' and life imprisonment, respectively, for any adults involved. Two-thirds of the states have adopted the CRA. While the majority of them retained the CRA's definition of a child as a person under 18, some lowered the minimum age to accommodate local betrothal and marriage practices.

The VAPP criminalizes incest and provides prison sentences of up to 10 years. The Cybercrimes Act of 2015 criminalizes the production, procurement, distribution, and possession of child pornography with prison terms of 10 years, a fine of 20 million naira (\$100,000), or both.

Sexual exploitation of children remained a significant problem. Children were trafficked for sex, both within the country and to other countries. In late 2013 Project Alert on Violence against Women released a study showing that children under age 10 faced a 39 percent risk of being victims of sexual violence.

Displaced Children: In December, IOM reported there were 2,151,000 displaced persons in Abuja, Adamawa, Bauchi, Benue, Borno, Gombe, Kaduna, Kano, Nasarawa, Plateau, Taraba, Yobe, and Zamfara States. Children younger than 18 constituted 56 percent of the IDP population, and approximately half of them (28 percent) were five years old or younger.

Many children were homeless and lived on the streets, although the government had no reliable statistics. Major factors behind child homelessness were 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 information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/Nigeria/.html](http://travel.state.gov/content/childabduction/en/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.

### **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**

No federal laws prohibit 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; the law does, however, prohibit discrimination based on the “circumstances of one’s birth.” 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. The Ministry of Women’s Affairs and Social Development has responsibility for persons with disabilities. Some government agencies, such as the NHRC 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 received no specialized services.

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 help persons with physical disabilities 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 that of 3.25 million school-age children with disabilities, only 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 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, the government body responsible for communicating official policy, 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 "federal character," meaning that cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geopolitical regions. President Buhari's cabinet appointments reflected this federal character. 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.

On March 16, Fulani herdsmen from Nasarawa State attacked Egba village in Agatu Local Government Area, Benue State, killing 80 and abducting an undetermined number of villagers.

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 Nasarawa, Benue, and Taraba States.

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

In January 2014 then president Jonathan enacted the Same Sex Marriage Prohibition Act (SSMPA), which effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, transgender, and intersex (LGBTI) 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 aiding "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. There were no reports the government enforced these provisions during the year.

Following passage of the SSMPA, LGBTI persons reported increased harassment and threats against them based on their perceived sexual orientation or gender identity. News reports and LGBTI advocates reported numerous arrests, but detainees were in all cases released without formal charges after paying a bond.

According to a study published in June, since passage of the SSMPA, gay and bisexual men were increasingly reluctant to access HIV health-care services due to fear of being "outed." The 707 gay and bisexual men surveyed were receiving HIV prevention and treatment services from a community-based clinic in 2013 and 2014. They made 756 visits to the clinic before the law passed but only 420 after its enactment.

Consensual same-sex sexual activity is 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 sharia courts did not impose such sentences during

the year, individuals convicted of same-sex sexual activity were sentenced to lashing.

In January sharia police in Kano arrested 12 men, accusing them of attempting to celebrate a gay marriage. Authorities released 10 of them to their parents after the parents signed statements indicating they would keep their children away from such activities. As of December there was no information on the remaining two men.

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

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

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

### **Other Societal Violence or Discrimination**

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

Ritualists who believed certain body parts confer mystical powers kidnapped and killed persons to harvest body parts for rituals and ceremonies. In August police in Ogun State discovered a shrine containing the boiled and dismembered remains of a 21-year-old female college student allegedly killed for ritual purposes.

Persons born with albinism faced discrimination, were considered bad luck, and were sometimes abandoned at birth or killed for witchcraft purposes. According to press reports, in August a 23-year-old albino man in Lagos committed suicide due to the rejection and stigmatization he experienced because of his skin condition.

## 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 what union activities are legal. The minister of labor and productivity 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 with an international organization.

The law stipulates that every collective agreement on wages be registered with the National Salaries, Income, and Wages Commission, which decides whether the agreement becomes binding. Workers and employers in export-processing zones (EPZs) are subject to the provisions of labor law, the 1992 Nigeria Export Processing Zones Decree, and other laws. Workers in the EPZs may organize and engage in collective bargaining, but there are no explicit provisions providing them the right to organize their administration and activities without interference by the government. The law does not allow worker representatives free access to the

EPZs to organize workers, and it prohibits workers from striking for 10 years following the commencement of operations by the employer within a zone. In addition the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, has exclusive authority to handle the resolution of disputes between employers and employees, thereby limiting the autonomy of the bargaining partners.

The law provides legal restrictions that limit the right to strike. The law requires a majority vote of all registered union members to call a strike. The law limits the right to strike to disputes 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. No laws prohibit retribution against strikers and strike leaders, but strikers who believe they are victims of unfair retribution may submit their cases to the Industrial Arbitration Panel with the approval of the Ministry of Labor and Productivity. 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 Productivity and may request arbitration from the National Industrial Court.

The law does not prohibit general antiunion discrimination; it only protects unskilled workers. The law does not provide for the reinstatement of workers fired for union activity.

In 2013 the International Labor Organization (ILO) ruled many provisions of the Trade Union Act and the Trade Disputes Act contravened ILO conventions 87 and 98 by limiting freedom of association.

While workers exercised some of their rights, the government generally did not effectively enforce the applicable laws. Penalties were not adequate to deter violations. Inflation reduced the deterrence value of many fines established by older laws. For example, some fines could not exceed 100 naira (\$0.50).

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 labored 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 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 repeatedly failed to abide by a ruling of the National Industrial Court to implement a 2009 agreement between the government and the Joint Health Sector Union (JOHESU). In February health-care workers called off a three-month-old strike following government promises to enforce the agreement. In

September, JOHESU threatened to go on strike again, alleging noncompliance by the government.

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 2014.

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

Some foreign employers reportedly failed to comply with labor laws, especially in the construction and textile sectors. For example, in May and July, recently fired workers of a foreign owned construction company protested its alleged failure to provide proper notice, severance pay, and to make mandatory pension contributions. 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 most forms of forced or compulsory labor, including by children, although some laws provide for a sentence that includes compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in forced or compulsory labor. 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. NAPTIP removed 578 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.

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 age 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, 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 age 12 is allowed in skilled trades or as domestic servants.

In 2013 the government approved a national action plan and a national strategy for the elimination of child labor. Despite the policy and action plan, children remained inadequately protected due to weak or nonexistent enforcement. The Ministry of Labor and Productivity 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 and Productivity dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. In 2014 the ministry reported 1,684 inspections in all areas, resulting in five cases of violations. 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 reportedly was not significant. 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; the Ministry of Labor and Productivity 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; exploitative cottage industries such as iron and metal works; hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

Many children worked as beggars, street peddlers, 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 hammered down large pieces of rocks, stacked them into piles, and carried them on their heads. Children also engaged 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.

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 and Occupation**

The law does not prohibit discrimination in employment and occupation based on race, sex, gender, disability, language, sexual orientation, gender identity, age,

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, Women). No laws bar 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 (\$90). Employers with fewer than 50 employees are exempt from this minimum, and the large majority of workers were not covered. There is no official estimate for the poverty income level. Implementation of the minimum wage, particularly by state governments, remained sporadic despite workers’ protests and warning strikes.

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

The law establishes general health and safety provisions, some aimed specifically at young or female workers. The law requires employers to compensate injured workers and dependent survivors of workers killed in industrial accidents. The law provides for the protection of factory employees in hazardous situations. The law

does not provide other, nonfactory workers with similar protections. The law applies to legal foreign workers, but not all companies respected these laws. The Ministry of Labor and Productivity is responsible for enforcing these standards.

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.

The Ministry of Labor and Productivity employed 258 factory inspectors and 402 labor officers, which was not sufficient to 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 and Productivity reported that during 2014 there were 25 deaths related to occupational health and safety and one major industrial accident. Multiple sources indicated unsafe conditions were common at worksites across the country. In 2014, aside from the more than 1,684 labor inspections, there were no reports of wider government action to prevent violations and improve working conditions, particularly for hazardous sectors or vulnerable groups.