

# **NIGERIA 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). In 2015 citizens elected President Muhammadu Buhari of the All Progressives Congress party to a four-year term in the first successful democratic transfer of power from a sitting president 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 group Boko Haram, and its splinter group Islamic State-West Africa, continued. The military drove the insurgents out of major population centers, but they remained in control of rural areas and capable of conducting complex attacks and suicide bombings. Casualty figures increased, and reports of serious human rights abuses by both Boko Haram and security forces continued.

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 1.8 million persons, and the external displacement of an estimated 191,000 Nigerian refugees to neighboring countries, principally Cameroon, Chad, and Niger. In its response to Boko Haram attacks, and at times in response to crime and insecurity in general, security services perpetrated extrajudicial killings and engaged in torture, rape, arbitrary detention, mistreatment of detainees, looting, and destruction of property.

The country also suffered from ethnic, regional, and religious violence. Other serious human rights problems included vigilante killings; prolonged pretrial detention, often in poor conditions and with limited independent oversight; civilian detentions in military facilities, often based on flimsy evidence; denial of fair public trial; executive influence on the judiciary; infringement on citizens' privacy rights; restrictions on freedoms of speech, press, assembly, and movement; official corruption; violence against women and children, including female genital mutilation/cutting; 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. The government did not investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power.

Boko Haram's numerous attacks often targeted civilians. The group, which recruited and forcefully conscripted child soldiers, carried out bombings--including suicide bombings--and other attacks on population centers in the Northeast and in Cameroon, Chad, and Niger. The government investigated these attacks but prosecuted few members of Boko Haram; it detained the vast majority of suspected Boko Haram supporters in military custody without charge.

Abductions by the group continued. The group subjected many abducted women and girls to sexual and gender-based violence, including forced marriages and rape. The government investigated attacks but rarely prosecuted Boko Haram members; it detained the vast majority of suspected Boko Haram supporters in military custody without charge.

The United Nations and other international organizations reported that vigilante groups, collectively known as the Civilian Joint Task Force (CJTF), which at times aligned with the military against Boko Haram, continued to recruit and use, sometimes by force, child soldiers. The government prohibited these actions and maintained that CJTF forces aligned with the government did not employ child soldiers. Nonetheless, the Borno State government continued to provide financial and in-kind resources to some members of the CJTF, which was also at times aligned with the Nigerian military in operations against Boko Haram.

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

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

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

The use by security services of excessive force, including live ammunition, to deal with protesters and disperse demonstrators resulted in numerous killings. On February 9, police and military personnel reportedly used live ammunition to disperse protesting members or supporters of the separatist Indigenous People of Biafra (IPOB) movement at a school in Aba, Abia State, killing at least nine. In June Amnesty International (AI) published the findings of an investigation, concluding that on May 29-30, police and military personnel in Onitsha, Anambra State, killed at least 17 IPOB members or supporters ahead of a planned political demonstration. According to a September AI report, since August 2015 security forces killed at least 150 IPOB members or supporters and arbitrarily arrested hundreds. As of December the government had not investigated these incidents.

In January the government of Kaduna State appointed a judicial commission of inquiry to investigate the December 2015 killing by Nigerian Army (NA) forces of members of the Shia group Islamic Movement of Nigeria (IMN) in Zaria, Kaduna State. The federal government indicated it would wait for the results of this investigation before taking action, claiming it would be the most acceptable course of action. During the proceedings, from which the IMN abstained, claiming bias against the group, Kaduna officials revealed the existence of a mass grave holding the remains of 347 IMN members killed by the NA. The government of Kaduna made public the commission's nonbinding report on July 31. According to the document, 348 IMN members and one soldier died during the December 2015 altercations, which were followed by the government's destruction of IMN religious sites and property in and around Zaria. The commission found the NA used "excessive and disproportionate" force and recommended the federal government conduct an independent investigation and prosecute anyone found to have acted unlawfully. It also called for the proscription of the IMN and the monitoring of its members and their activities. In December the government of Kaduna published a white paper accepting the commission's recommendation to investigate and prosecute allegations of excessive and disproportionate use of force by the NA. It also accepted the recommendation to hold IMN leader Sheikh Ibrahim Zakzaky responsible for all illegal acts committed by IMN members during the altercations and in the preceding 30 years. A federal court in December declared the continued detention without charge of Zakzaky and his wife illegal and unconstitutional. The court ordered the immediate and unconditional release of the IMN leader and his spouse but gave authorities 45 days to carry it out,

reasoning that the government needed that time to provide the couple with a dwelling to replace the one destroyed in the wake of the 2015 Zaria incidents. As of December more than two hundred imprisoned IMN members continued to await trial on charges of conspiracy and culpable homicide.

Security forces were allegedly responsible for extrajudicial killings, often arbitrarily killing many individuals at one time. For example, in August military personnel entered a village in Bosso Local Government Area (LGA), Niger State, and allegedly killed seven civilians for denying soldiers permission to enter their houses and search for arms and ammunition. The government of Niger State set up a commission of inquiry to investigate. As of December it had not issued a report.

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

### **b. Disappearance**

According to AI, on August 16, armed men in a sport utility vehicle bearing government license plates shot and abducted pro-Biafra activist Sunday Chucks Obasi outside his home in Amuko Nnewi, Anambra State. In response to inquiries by his family, police in Anambra stated Obasi was not in their custody. As of December his whereabouts remained unknown.

Criminal groups continued to abduct civilians in the Niger Delta and the Southeast, often to collect ransom payments. For example, according to press reports, in June gunmen kidnapped as many as seven cement company contractors, including several expatriates, in the outskirts of Calabar, Cross River State. The kidnappers released the men unharmed several days later.

Other parts of the country continued to experience a significant number of abductions. Prominent and wealthy figures were often targets of abduction. For example, in March gunmen kidnapped, and later killed, NA Colonel Samaila Inusa in Kaduna State. In April kidnappers briefly abducted former minister of education Senator Iyabo Anisulowo in Ogun State, allegedly releasing him after a ransom payment.

Boko Haram continued to conduct large-scale abductions in Adamawa, Borno, and Yobe States (see section 1.g.).

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. The Administration of Criminal Justice Act (ACJA), passed in 2015, prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of December only the states of Anambra, Ekiti, Enugu, and Lagos had adopted it. Final passage of an antitorture bill, initially passed in 2015 by both houses of the National Assembly but returned by President Buhari to the Senate for amendments, was pending.

The Ministry of Justice established a National Committee against Torture (NCAT). Lack of legal and operational independence and lack of funding, however, continued to prevent NCAT from carrying out its work effectively.

The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and police often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.

In September AI reported police officers in the Special Antirobbery Squad (SARS) regularly tortured detainees in custody as a means of extracting confessions and bribes. For example, SARS officers in Enugu State reportedly beat one victim with machetes and heavy sticks, releasing him only after payment of 25,500 naira (\$81). In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force.

Local nongovernmental organizations (NGOs) and international human rights groups continued to accuse the security services of illegal detention, inhuman treatment, and torture of demonstrators, criminal suspects, militants, detainees, and prisoners. 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. According to reports, security services committed rape and other forms of violence against women and girls, often with impunity. For example, in July a police inspector allegedly raped a 15-year-old girl in Mkpato Enin, Akwa Ibom State. As of December there were no reports of any investigation into the incident.

Police continued to use a technique commonly referred to as “parading” of arrestees, which involved walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees.

The sharia courts in 12 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 law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a non-sharia court. Authorities, however, often did not carry out caning, amputation, and stoning sentences passed by sharia courts because defendants frequently appealed, a process that could be lengthy. Federal appellate courts had not ruled on whether such punishments violate the constitution because no relevant cases had reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there were no challenges on constitutional grounds.

There were no 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 in lieu of caning.

In January a sharia court in Kano confirmed the death sentence for blasphemy of an Islamic cleric and eight others. They had allegedly made blasphemous statements the previous May at a religious gathering in honor of the founder of the Tijaniya sect. As of December the case remained on appeal.

### **Prison and Detention Center Conditions**

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees were reportedly subjected to extrajudicial execution, torture, gross overcrowding, food and water shortages, and other abuses. The government often detained suspected militants outside the formal prison system (see section 1.g).

Physical Conditions: Overcrowding was a significant problem. Although the total designed capacity of the country’s prisons was 50,153 inmates, as of March they held 63,142 prisoners. Approximately 72 percent of inmates were in pretrial

detention or remanded. There were 1,225 female inmates as of September 2015. Authorities sometimes held female and male prisoners together, especially in rural areas. In 2013 the NPS reported there were 847 juvenile inmates in juvenile detention centers, but prison authorities often held juvenile suspects with adults.

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.

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. There were no reliable 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.

In general prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned. Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons. According to the Nigerian Prisons Service (NPS), in 2013 there were 69 infants in prison with their mothers. Results of a survey of women and children in prisons conducted by CURE-Nigeria and released in March revealed many children in custody did not receive routine immunizations, and authorities made few provisions to accommodate their physical needs, to include hygiene items, proper bedding, proper food, and

recreation areas. According to a report by the NGO CURE-Nigeria, female inmates largely relied on charitable organizations to obtain female hygiene items.

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

Several unofficial military prisons reported by domestic and international human rights groups--including the Giwa Barracks facility in Maiduguri, Borno State--continued to operate (see section 1.g.). In May AI reported that at least 149 individuals, including 12 children and babies, had died since January at Giwa Barracks. According to the report, overcrowding coupled with disease and inadequate access to food and water were the most likely causes of the increase in mortality at the installation. The military reportedly detained many of those at Giwa Barracks during arbitrary mass arrests based on random profiling rather than reasonable suspicion of supporting Boko Haram. The military publicly denied the findings of the report but worked with the UN Children's Fund (UNICEF) and by October had released 876 children previously detained at the facility. It was unclear following their release how many other children or adults remained in detention at Giwa Barracks or other unofficial detention facilities.

In 2014 AI reported the mass extrajudicial executions of more than 600 recaptured prisoners at Giwa Barracks following an escape attempt. In 2013 AI had revealed the existence of previously unknown military detention facilities in the Northeast--including Giwa Barracks, and the Sector Alpha (also called "Guantanamo") and Presidential Lodge (also called "the Guardroom") facilities in Damaturu, Yobe State. According to AI, the military subjected detainees in them to inhuman and degrading treatment; hundreds allegedly died due to of extrajudicial killings, beatings, torture, or starvation. In response to the Giwa Barracks allegations, the military indicated it would conduct an investigation. As of December the military had not released any reports of an investigation.

Administration: Recordkeeping on prisoners was inadequate, and authorities did not take steps to improve it. Authorities maintained records for individual prisoners in paper form inconsistently and did not make them widely accessible.

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. The ACJA provides that the chief judge of each state, or

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

The National Human Rights Commission (NHRC) conducts prison audits and in September announced the start of a new one. Despite an expressed willingness and ability to investigate credible allegations of inhuman conditions, however, the last audit report it publicly released was in 2012. Through its Legal Aid Council, the Ministry of Justice reportedly provided some monitoring of prisons under the Federal Government Prison Decongestion Program.

Independent Monitoring: There was limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross continued to have access to police detention and NPS facilities. It was also able to visit some military detention facilities.

Improvements: Some individual attorneys general and prison administrators worked to improve local facilities and processes. CURE-Nigeria worked with the chief justice of the FCT to review the cases of FCT inmates incarcerated in neighboring states while awaiting trial or after having served their sentences.

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

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

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

The National Police Force (NPF) is the country's largest law enforcement agency. An inspector general of police, appointed by the president and reporting to the minister of interior, commands the NPF. In addition to traditional police responsibilities of maintaining law and order in communities in each of the states and the FCT, the inspector general oversees law enforcement operations throughout the country involving border security, marine (navigation) matters, and

counterterrorism. A state commissioner of police, nominated by the inspector general and approved by the state governor, commands NPF forces in each of the states and the FCT. Although administratively controlled by the inspector general, operationally the state commissioner reports to the governor. In the event of societal violence or emergencies, such as endemic terrorist activity or national disasters that necessitate the temporary deployment to a state of additional law enforcement resources, the governor may also assume operational control of these forces.

The Department of State Services (DSS) is responsible for internal security and reports to the president through the national security adviser. Several other federal organizations have law enforcement components, such as the Economic & Financial Crimes Commission (EFCC), Attorney General's Office, Ministry of Interior, and federal courts.

Due to the inability of law enforcement forces to control societal violence, the government increasingly turned to the armed forces in many cases. In July, for example, the military launched Operation Accord to tackle an increase in the number of herder-farmer conflicts throughout the country.

The police, DSS, and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish 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, torture, and extrajudicial execution of suspects. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier's commanding officer determined disciplinary action, and the decision was subject to review by the chain of command under the Armed Forces Act. In March the army announced the creation of a human rights desk to investigate complaints of human rights violations brought by civilians, although as of December that office's mandate remained unclear and no investigations had been formally initiated.

### **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. 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. In the Northeast the military and members of vigilante groups, such as the CJTF, reportedly continued to round up individuals during mass arrests, often with no evidence against them.

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

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NPS figures from March, 72 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF and the NPS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:  
Detainees can challenge the lawfulness of their detention before a court and have

the right to submit complaints to the NHRC. For example, in April an Abuja court ordered the EFCC to pay the sum of 10 million naira (\$31,750) as damages to the former acting national chairman of the Peoples Democratic Party after declaring his arrest and subsequent detention by the commission illegal.

Nevertheless, most detainees found this approach ineffective because, even with legal representation, they often waited years to gain access to court.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption prevented the judiciary from functioning adequately. Judges frequently failed to appear for trials. In addition, the pay for court officials was low, and they often lacked proper equipment and training.

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

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

The constitution provides that, in addition to common law courts, states may establish courts based on sharia or customary (traditional) law. Sharia courts functioned in 12 northern states and the FCT. Customary courts functioned in most of the 36 states. The nature of a case and the consent of the parties usually determined what type of court had jurisdiction. In the case of sharia courts in the North, the impetus to establish them stemmed at least in part from perceptions of inefficiency, cost, and corruption in the common law system.

The constitution specifically recognizes sharia courts for “civil proceedings,” but they do not have the authority to compel participation by non-Muslims. Non-Muslims have the option to have their cases tried in the sharia courts if involved in civil disputes with Muslims.

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

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

### **Trial Procedures**

Defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges (with free interpretation as necessary from the moment charged through all appeals); receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal. 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 by law (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. Despite announcements in 2015 that the government was preparing to prosecute 350 Boko Haram suspects in custody, as of December there were no reports of the government initiating their prosecutions. Thousands of

other individuals suspected of association with Boko Haram remained in detention with no investigations or prosecutions initiated against them.

Under common law women and non-Muslims may testify in civil or criminal proceedings and give testimony that carries the same weight as testimony of other witnesses. Sharia courts usually accorded the testimony of women and non-Muslims less weight than that of Muslim men. Some sharia court judges allowed different evidentiary requirements for male and female defendants to prove adultery or fornication. Pregnancy, for example, was admissible evidence of a woman's adultery or fornication in some sharia courts. In contrast, sharia courts could convict men only if they confessed or there was eyewitness testimony. Sharia courts, however, provided women some benefits, including increased access to divorce, child custody, and alimony.

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

In May the NA announced a special court-martial to try two generals on unspecified charges. In September the court convicted one of them of indiscipline and reduced his rank. In August the NA convened a court-martial to try 16 soldiers and four officers for offenses allegedly committed during operations in the Northeast. Their cases were pending as of December.

### **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 or Unlawful 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 judicial or other appropriate authorization. There were reports of warrantless arrests of young men in the Niger Delta region on suspicion of having links with militant groups. In their pursuit of corruption cases, law enforcement agencies reportedly carried out searches and arrests without warrants.

The Federal Capital Development Authority (FCDA) continued to threaten to evict residents in communities not deemed in compliance with the Abuja city master plan. The FCDA typically claimed that 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 with connections to government officials acquired vacated properties. No transparent legal process existed for deciding which homes the government would demolish. 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.

For example, the government of Kaduna State issued demolition notices in March to residents of Gbagyi Villa despite a court injunction against the planned demolition. Residents claimed the government had not consulted with them or offered alternative housing or compensation.

#### **g. Abuses in Internal Conflict**

**Killings:** Units of the NA's Seventh and Eight Divisions, the NPF, and the DSS continued to carry out operations against Boko Haram in the Northeast. Some military forces allegedly killed suspected members of the group and engaged in retaliatory tactics against civilians believed to have harbored or associated with the

group. Security forces also committed mass arrests of men and boys and torture. NGOs and former detainees alleged that starvation and other forms of torture by the military resulted in detainee deaths at military detention facilities, including Giwa Barracks.

An AI report published in 2015 asserted that between 2013 and 2014, the military committed more than 1,200 extrajudicial killings in the course of operations against Boko Haram. In 2014 press and NGOs reported the NA illegally detained and killed suspected members of Boko Haram in Giwa Barracks, in one instance executing 622 prisoners following a Boko Haram attack on the installation. While President Buhari repeatedly reiterated his administration's commitment to human rights, as of December there were no reports of investigations into or prosecutions for these incidents.

Boko Haram continued its campaign of violence against secular authority and anyone perceived as disagreeing with the group's political or religious beliefs. While driven out of much of the territory it controlled in early 2015 and left only in control of some small towns and rural areas, the group was still capable of carrying out complex attacks and suicide bombings against civilian and military targets across the Northeast. Data compiled by an NGO based on media reports indicated approximately 2,900 persons (including civilians and fighters on both sides) died as a result of the conflict between Boko Haram and the government during the year.

The terrorist group continued to attack population centers in the states of Adamawa, Borno, and Yobe. It also carried out attacks in Gombe. Women and children carried out many of the attacks. According to a study by UNICEF, nearly one in five suicide attacks by Boko Haram used a child, and more than two-thirds of the children were girls. On February 10, for example, two female suicide bombers ages 17 and 20 blew themselves up at an internally displaced persons' (IDP) camp in Dikwa, Borno State, killing 58 persons and wounding 78 others.

Abductions: Allegations by NGOs and activists of enforced disappearances by security forces in the Northeast remained uninvestigated by the government as of October. One civil society-compiled 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 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 and sexual slavery. Boko Haram also used women and girls to lure security forces into ambushes, force payment of ransoms, and leverage prisoner exchanges.

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

Most of the 219 remaining students abducted by Boko Haram from the Chibok Government Girls Secondary School in 2014 remained in captivity. In May a vigilante group found one of the girls on the outskirts of Borno's Sambisa Forest, along with her baby and the man to whom Boko Haram had given her in marriage. In October the government confirmed the release of 21 of the kidnapped girls.

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.).

Arbitrary mass arrests continued in the Northeast, and authorities reportedly held many individuals there in poor and life-threatening conditions. At one military detention facility, an NGO documented evidence indicating the presence of more than 120 boys between five and 16 years of age held incommunicado in a single cell. In 2015 AI reported that since 2009 security forces arbitrarily arrested approximately 20,000 persons in the region. Of these, AI estimated 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.

Boko Haram engaged in widespread sexual violence against women and girls. Those who escaped or that security services or vigilante groups rescued faced ostracism by their communities and had difficulty obtaining appropriate medical and psychosocial treatment and care.

Child Soldiers: Youths under age 18 participated in Boko Haram attacks. The group paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant improvised explosive devices, serve as spies, and carry out suicide bombings. According to an April UNICEF report, the number of boys and girls used by Boko Haram in suicide attacks rose sharply from four in 2014 to 44 in 2015. The group also used abducted girls as sex slaves and forced them to work for the group. In April the United Nations reported it had verified the recruitment during the year of 225 children by Boko Haram. Boko Haram used children to conduct suicide attacks in Nigeria, Cameroon, and Chad.

Although the government prohibited the recruitment and use of child soldiers, government security forces conducted on-the-ground coordination with vigilante groups, including the CJTF, some of which reportedly recruited and used children in hostilities. According to the United Nation's April report, the CJTF recruited and used 53 child soldiers during the year. These children manned checkpoints and served as messengers and spies.

The Borno state government continued to provide financial and in-kind resources to some CJTF members. According to government officials, community members in the Northeast, and some international NGOs, only CJTF members who had been part of the Borno State Youth Empowerment Program--a state-sponsored training and employment program whose participants underwent vetting to establish they were more than 18 years of age--received any kind of support.

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 August there were approximately 1.8 million persons internally displaced in the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. The Boko Haram insurgency was the main reason given for displacement by 97 percent of IDPs (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 2016*, 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 including police occasionally arrested and detained journalists who criticized the government.

For example, in May a journalist was driving to an assignment when he saw two police officers beating up a driver and his passenger by the side of the road. When he stopped to film the scene, one officer tried to prevent him from doing so while the other slapped him. After a struggle, the officers arrested the journalist and took him to the police station in Mushin LGA, Lagos State. After threatening him, the police released the journalist.

In August EFCC agents arrested a popular blogger known as Abusidiqu after he published a post highly critical of the head of the EFCC. He was released two days later, amid widespread criticism of his arrest.

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

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 it restricted the right to freedom of expression. Defamation is a criminal offense carrying a penalty of two years’ imprisonment and possible fines.

### **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 10 percent in 2014 to 14 percent during the year. According to the World Bank, 47 percent of individuals used the internet in 2015.

Human rights advocates and business executives expressed concern over the inadequacy of laws to protect personal data and privacy rights. Some civil society organizations, government officials, and business executives expressed concern over the broad powers the Cybercrimes Act of 2015 gives law enforcement and other security agencies to intercept private communications. According to civil society organizations, 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. Open-air religious services held

away from places of worship remained prohibited in many states, due to fears they might heighten interreligious tensions. In October several northern states enacted restrictions on religious activities shortly before the Shia commemoration of Ashura. When the IMN attempted to observe Ashura, security forces seeking to enforce the restrictions killed at least 15 IMN members. In November a similar situation between the IMN and the NPF during a pilgrimage march in Kano State resulted in the death of one police officer and more than 40 IMN members.

The Same Sex Marriage Prohibition Act, a law prohibiting marriages and civil unions among persons of the same sex, criminalizes the free association of any persons through so-called gay organizations (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.).

### **Freedom of Association**

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or other special interest organizations. While the government generally respected this right, on occasion authorities abrogated it for some groups. In October the government of Kaduna State proscribed the IMN, alleging the group constituted a danger to public order and peace, and ordered the arrest of IMN spokesperson Ibrahim Musa for allegedly violating the ban. As of December Musa was in hiding.

### **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 the states of Adamawa, Borno, and Yobe in connection with operations against Boko Haram. Other states imposed curfews in reaction to events such as ethnoreligious violence.

Police continued to conduct “stop and search” operations in cities and on major highways and, on occasion, set up checkpoints. Upon assuming office, the new inspector general of police renewed his predecessor’s order to dismantle all checkpoints. Nonetheless, many checkpoints operated by military and police remained in place.

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 or for fear for their personal security.

### **Internally Displaced Persons**

In December the International Organization for Migration (IOM) reported there were approximately 1.8 million persons displaced in the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. Insurgency was the main reasons for displacement, followed by communal clashes. The IOM estimated approximately 24 percent of IDPs lived in camps and camp-like settings and 76 percent with host families. More than half of the IDP population was female and 55 percent children under 18, 48 percent of them under five years of age. The true number of IDPs was likely much higher, as IOM’s efforts did not encompass all states and did not include inaccessible areas of the Northeast.

Food continued to be one of the IDPs’ greatest immediate needs. The United Nations reported in December that 5.1 million persons in the three northeastern states, including most IDPs, were in urgent need of food assistance. According to the Famine Early Warning Systems Network, 20 to 50 percent of children screened by October in recently accessible areas of Borno and Yobe States were acutely

malnourished. According to NGOs, in Bama, Borno State, 120 IDPs died in May of starvation over the course of 10 days. In addition to food, IDPs faced shortfalls in clean water, health care, and shelter. After recognizing the severity of the crisis in the Northeast, in September the government appointed an interministerial task force to assess and revamp the response efforts of its various ministries, departments, and agencies.

IDPs, especially those in the Northeast, continued to face severe protection issues. In April UNHCR published the results of a rapid protection assessment of IDPs in camps, settlements, and host communities in Maiduguri, Dikwa, and Damboa. In Maiduguri more than half of areas surveyed reported instances of survival sex in exchange for food or freedom to move in and out of IDP camps. Nearly half of all the areas surveyed reported rapes of women and girls in their camps and communities. A report by Human Rights Watch (HRW) in October documented cases of rape and sexual exploitation of IDP women and girls committed by government officials and other authorities, including camp leaders, vigilante groups, police officers, and soldiers. The government responded quickly to HRW's findings, indicating it had already ordered investigations into the matter. In November the inspector general of police announced establishment of a special panel to investigate all the cases reported by HRW. Shortly after, the Borno Police Command announced it had deployed 100 female police officers to IDP camps. In December the inspector general announced the arrest of two police officers, one prison warden, two CJTF members, one civil servant, and three servicemen suspected of sexual misconduct toward IDPs.

Slightly more than one-third of all sites in the UNHCR rapid protection assessment reported cases in which security services arrested and detained suspected Boko Haram members at IDP camps and in host communities; most families had not heard from the detainees since their arrest. Other protection concerns among respondents' included attacks or bombing, lack of accountability and diversion of humanitarian aid, drug abuse, hostility and insecurity, harassment of women and girls, and lack of humanitarian assistance for host communities.

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

## **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 November there were approximately 1,363 refugees (including more than 1,100 urban refugees) and 440 asylum seekers. They came mainly from the Democratic Republic of the Congo, the Central African Republic, Mali, Cote d'Ivoire, Togo, Sudan, and Guinea, the majority of them living in urban areas in Lagos and Ijebu Ode, in Ogun State.

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

Access to Basic Services: Refugees, like citizens, had poor access to police and the courts.

Durable Solutions: The government, working with UNHCR, facilitated the voluntary repatriation of 616 Cameroonian refugees by February. It was also implementing a local integration work plan for protracted refugees.

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 conducted by secret ballot. The constitution and law allow the free formation of political parties. As of September, 40 parties were registered with the Independent National Electoral Commission (INEC), an increase from the previous 28. The constitution requires political party sponsorship for all election candidates.

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

Recent Elections: INEC is the independent electoral body responsible for overseeing elections by regulating the process and preventing electoral misconduct. From November 2015 to August, INEC conducted 139 elections, including end of tenure and by-elections. There were allegations of malpractices in some elections, and INEC suspended 22 of them due to violence.

Many elections, such as the Ondo State gubernatorial election in November, were relatively peaceful. Significant violence and intimidation of voters and election officials by political operatives, however, marred several of the off-cycle and rerun elections. As a result, INEC postponed elections in some states.

There were several instances of INEC canceling, postponing, and rerunning gubernatorial or state legislative elections. In July INEC postponed rerun legislative elections in Rivers State. In the commission's view, incidents of violence in several of Rivers' LGAs, inflamed political rhetoric, and attacks against INEC facilities in the state threatened the exercise. The elections had originally taken place in 2015, but an election petition tribunal cancelled the results and ordered a rerun in response to a suit alleging intimidation of voters, unavailability of results sheets, the disappearance of electoral materials, and noncollation of results in several LGAs. According to NGO observers, serious irregularities marred the Three Rivers rerun elections in December. These included breach of the code of conduct and rules of engagement by the security forces and overt bias by electoral managers and others. There were serious cases of violence perpetrated by the NPF, NA, and DSS that resulted in several deaths. At least one police officer was killed. There was evidence of election malpractices and ballot hijacking by party agents under the watch of INEC and security agents.

Civil society organizations reported no legal restrictions on their ability to comment or observe parts of the electoral process. They reported aspects of the electoral process, however, remained opaque, allegedly because of deliberate attempts to undermine or circumvent the integrity of the process by stakeholders or because of INEC's financial or logistical constraints. According to some civil society organizations, attempts to disenfranchise voters were on the rise through circumvention of permanent voter card procedures and targeted electoral violence. In response to some of these trends, INEC regularly cancelled votes from polling units that failed to use card readers properly.

Participation of Women and Minorities: No laws prevent women or minority members from voting, running for office, or serving as electoral monitors. There were no incidents or reports of deliberate exclusion of any group from participating in the political process. Observers attributed fewer leadership opportunities for women in major parties and government, particularly in the North, to religious and cultural barriers. Women occupied approximately 5 percent of National Assembly seats, and six of the 36 cabinet members were women. Few women ran for elected office at the national level: in 2015 just 128 women of 746 total candidates (17

percent) and 270 of the 1,772 House of Representative candidates (15 percent) were women.

#### **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: The Independent Corrupt Practices Commission (ICPC) holds broad authorities to prosecute most forms of corruption. The EFCC writ extends only to financial and economic crimes. In October the ICPC had 82 prosecutions underway and 1,311 open investigations, and it had secured eight convictions between September 2015 and August. The EFCC had 66 corruption cases pending in court, had secured 13 convictions during the year, and had 598 open investigations.

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

EFCC arrests and indictments of politicians continued throughout the year, implicating a significant number of opposition political figures and leading to allegations of partisan motivations on the part of the EFCC. In a case brought by the EFCC, in November a federal court convicted four firms allegedly used by a former aide of former president Goodluck Jonathan of laundering 1.67 billion naira (\$5.3 million) in stolen funds. In its pursuit of corruption, the EFCC often did not observe all pertinent due process safeguards. In November the Economic Community of West African States (ECOWAS) Court of Justice declared unlawful the arrest and detention in November 2015 of former national security advisor Sambo Dasuki. A court had released him on bail in a case brought by the EFCC

for the alleged diversion of 13.6 billion naira (\$43.2 million) intended to purchase military materiel during the Jonathan administration.

In October and November, the DSS arrested several federal judges, including some Supreme Court justices, for corruption. Prominent civil society representatives denounced the arrests, alleging that as a domestic intelligence agency the DSS lacked the necessary law enforcement powers. Subsequent to their arrests, the government indicted some of the judges for various crimes, ranging from immigration violations to money laundering.

Despite the announcement in 2015 of measures to tackle rampant police corruption and the 2013 propagation of a police code of conduct, as of November there were no reports of pending corruption cases against police officers.

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.

In 2015 the CCB brought charges before the Code of Conduct Tribunal--a court created by the CCBTA to try violations of that act--against Senate President Bukola Saraki for false declaration of assets. In November the tribunal adjourned the trial until 2017.

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 and ensure that information, except as otherwise noted, is “widely disseminated and made readily available to members of the public through various means, including print, electronic, and online sources.” 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, except for that information covered under the criminal code, penal code, and the Official Secrets Act. This exception hinders disclosure and access to information. The law

provides a 30-day period 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 (\$1,590) 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, vice president, senate president, speaker of the House of Representatives, and all state governors. The law requires each public institution to submit an annual report on freedom of information requests and compliance to the attorney general and to make such information available to the public by various means; such information, however, was difficult to locate.

### **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, but on some occasions dismissed allegations quickly without investigating the charges.

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.

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

#### **Women**

Rape and Domestic Violence: 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 enacted laws prohibiting some forms of gender violence or seeking to safeguard certain rights, a majority of states did not have such legislation.

The Violence against Persons Prohibition (VAPP) Act addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic violence. Under the VAPP, spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), other harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) 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. Until adoption by the states, however, the provisions of the VAPP Act are only applicable to the FCT.

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 provisions to protect the identity of rape victims and a provision empowering courts to award appropriate compensation to victims of rape.

Rape remained widespread. According to a study, almost 20 percent of college students surveyed reported at least one incident of rape committed against them. 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.

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 (\$635), 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 the appointment of 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. The CLEEN Foundation's National Crime Victimization and Safety Survey for 2013 reported 30 percent of male and female respondents countrywide claimed to have been victims of domestic violence.

Police often refused to intervene in domestic disputes or blamed the victim for provoking the abuse. In rural areas courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed local customary norms.

Female Genital Mutilation/Cutting (FGM/C): According to a UNICEF 2016 report, among women 15-49 years of age, 25 percent had undergone the practice. Mothers reported 17 percent of girls age 14 and younger had similarly undergone FGM/C. The age at which women and girls underwent the practice varied from the first week of life until after a woman delivered her first child. Most victims underwent FGM/C before their first birthday. In 2014 UNICEF reported the highest prevalence among women 15 to 49 years of age was in the Southwest (approximately 51 to 80 percent), followed by the Southeast and South (approximately 26 to 50 percent), and on a smaller scale in the North.

The VAPP penalizes a person who performs female circumcision or genital mutilation with a maximum of four years in prison, a fine of 200,000 naira (\$635), or both. It punishes anyone who aids or abets such a person with a maximum of two years' imprisonment, a fine of 100,000 naira (\$317), 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 banned FGM/C, once a state legislature criminalizes FGM/C, NGOs found they had to convince local authorities that state laws apply in their districts. The 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, a fine not exceeding 500,000 naira (\$1,590), or both. Anyone subjecting a widow to harmful traditional practices is subject to two years' imprisonment, a fine not exceeding 500,000 naira (\$1,590), or both. For purposes of the VAPP, a harmful traditional practice means all traditional behavior, attitudes, or practices that negatively affect the fundamental rights of women or girls, to include denial of inheritance or succession rights, FGM/C or circumcision, forced marriage, and forced isolation from family and friends.

Despite the federal law, *purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in parts of the North. 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 husbands' 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 (\$1,590), 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 Court of Justice. As of November the case was pending.

Reproductive Rights: Couples and individuals have the legal right to decide the number, spacing, and timing of children. Information on reproductive health and access to quality reproductive health services and emergency obstetric care was not widely available. The World Health Organization (WHO) reported the maternal mortality rate was 814 deaths per 100,000 live births in 2015 due to factors including lack of access to antenatal care, skilled birth attendants, emergency obstetric care, and other medical services. During the year WHO reported the percentage of births attended by skill health personnel between 2006 and 2014 was 35 percent. The UN Population Division estimated 16 percent of girls and women ages 15-49 used a modern method of contraception in 2015. The UN Population Fund reported as of 2010 that 28 percent of women ages 20-24 had given birth before the age of 18.

Discrimination: Although the constitution provides the same legal status and rights for women as for men, women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, nor does it mandate nondiscrimination based on gender in hiring. No laws bar women from particular fields of employment, but women reportedly faced challenges in obtaining employment in heavy manufacturing and construction. Women often experienced discrimination under traditional and religious practices.

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. For example, in Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. In 2013 the Kano State government issued a statement declaring men and women must remain separate while using public transportation.

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

## Children

Birth Registration: Children derive their citizenship from their parents. The government does not require birth registration for either girls or boys, and the majority of births were unregistered. The 2013 Nigeria Demographic and Health Survey (NDHS), the most recent data available, 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. The law requires provision of tuition free, compulsory, and universal basic education for every child of primary and junior secondary school age. Under the constitution, women and girls are supposed to receive career and vocational guidance at all levels, as well as access to quality education, education advancement, and lifelong learning. Despite these provisions, extensive discrimination and impediments to female participation in education persist.

Most educational funding comes from the federal government, with state governments required to pay a share. Public investment was insufficient to achieve universal basic education. Available estimates for public investment in education ranged from 1 percent to just over 7 percent of GDP.

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

In many 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. According to the 2015 Nigeria Education Data Survey, attendance rates in primary schools increased to 68 percent nationwide, with school-age boys continuing to be somewhat more likely than girls to attend primary school. According to the survey, primary enrollment was 91 percent for boys and 78 percent for girls; secondary enrollment was 88 percent for boys and 77 percent for girls.

The Northeast had the lowest primary school attendance rate, 45 percent for the entire northern region (43 percent for girls, 46 percent for boys). The most pronounced reason was the Boko Haram insurgency, which prevented thousands of children from continuing their education in the states of Borno and Yobe (due to destruction of schools, community displacement, and mass movement of families from those crisis states to safer areas).

Child Abuse: Child abuse remained common throughout the country, but the government took no significant measures to combat it. Findings from the Nigeria Violence Against Children Survey released in 2015 revealed approximately six of every 10 children 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 2010 the Ministerial Committee on Madrasah Education reported 9.5 million children worked as “almajiri,” poor children from rural homes sent to urban areas by their parents ostensibly to study and live with Islamic teachers. 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 these children with sufficient shelter or food, and many of the children effectively became homeless.

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

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 persons running the factories sold the children for various purposes, including adoption, child labor, prostitution, or sacrificial rituals, with the boys’ fetching higher prices. In August police in Aba, Abia State, rescued five pregnant women from a house, alleging its owners were engaged in child trafficking. In October police in Asaba, Delta State, rescued seven pregnant women ranging in age from 18 to 20 years, alleging the proprietor and his wife sold the children upon delivery.

Early and Forced Marriage: The law sets a minimum age of 18 years for marriage for both boys and girls. According to UNICEF’s *State of the World’s Children*

2016, 43 percent of girls were married before age 18, and 17 percent were married before age 15. The prevalence of child marriage varied widely between regions, with figures ranging from 76 percent in the Northwest to 10 percent in the Southeast. Only 24 state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, emphasizing the health hazards of early marriage. Certain states worked with NGO programs to establish school subsidies or fee waivers for children to help protect against early marriage. The government did not take legal steps to end sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes or for reasons pertaining to social and religious traditions.

According to an NGO, education was a key indicator of whether a girl would marry as a child--82 percent of women with no education were married before 18, as opposed to 13 percent of women who had at least finished secondary school education. In the north, parents complained that the quality of education was so poor that schooling could not be considered a viable alternative to marriage for their daughters. 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 “indecentcy” associated with premarital sex or for other cultural and religious reasons. Boko Haram subjected abducted girls to forced marriage.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in the Women’s section above.

Sexual Exploitation of Children: The 2003 Child Rights Act 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 adopted the act. While the majority of them retained the act’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 (\$63,500), 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 the IOM reported there were approximately 1.8 million persons displaced in the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. Children under 18 constituted 55 percent of the IDP population, with 48 percent of them under five years of age.

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. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [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 the Ministry of Labor and Productivity, designated an employee to work on issues related to disabilities.

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

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many 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.

Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation contributed to clashes between Fulani herdsmen and farmers throughout the Middle Belt (the central part of the country). 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**

The 2014 Same Sex Marriage Prohibition Act (SSMPA) 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, which was oftentimes nothing more than a bribe. In a report published in October, HRW found no evidence of any prosecutions under the SSMPA. According to HRW, however, the law had become a tool used by police and members of the public to legitimize human rights violations against LGBTI persons such as torture, sexual violence, arbitrary detention, extortion, and violations of due process rights. Other effects of the SSMPA reported by HRW included increased isolation of LGBTI persons and self-censoring behavior, which in some cases led LGBTI persons to marry opposite-sex partners and have children in an attempt to conform to socially acceptable gender norms.

According to a study published in 2015, 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.

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, in previous years individuals convicted of same-sex sexual activity were sentenced to lashing.

In August sharia police in Sokoto arrested two men, accusing them of attempting to celebrate a gay marriage. Authorities released both of them and later issued a statement acknowledging they mistakenly arrested them while the two men were taking part in a traditional ceremony featuring cross-dressers.

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. For example, in April police in Ogun State discovered a shrine containing the body of a man 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.

## **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. Trade unions must meet various registration requirements to be legally established. By law a trade union may be registered if it has a minimum of 50 members and if there is no other 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 has an indefinite period to review and deliberate over the registration. The registrar may refuse registration because a proper objection has been raised or because a purpose of the trade union violates the Trade Union Act or other laws. Each federation must consist of 12 or more affiliated trade unions, and each trade union must be an exclusive member in a single federation.

The law generally does not provide for a union’s ability to conduct its activities without interference from the government. The law narrowly defines what union activities are legal. The minister of labor and 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, according to the International Labor Organization (ILO). These include the Central Bank of Nigeria; the Nigerian Security Printing and Minting Company, Ltd.; any corporate body licensed to carry out banking under the Banking Act; postal service; sound broadcasting; telecommunications; maintenance of ports, harbors, docks, or airports; transportation of persons, goods, or livestock by road, rail, sea, or river; road cleaning; and refuse collection. Strike actions, including many in nonessential services, may be subject to a compulsory arbitration procedure leading to a final award, which is binding on the parties concerned.

Strikes 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 labor ministry and may request arbitration from the National Industrial Court.

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

In 2013 the 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 (\$0.32).

The labor ministry 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 on unpaid wages.

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 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 and 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.

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

Also see the Department of State's *Trafficking in Persons Report* at [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 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. 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 labor ministry 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. The National Agency for the Prohibition of Traffic in Persons (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 the ministry issued any citations or collected any fines from employers of child labor during the year.

The government’s child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. In an effort to withdraw children from the worst forms of child labor, it operated vocational training centers with NGOs around the country.

Despite the policy and action plan, children remained inadequately protected due to weak or nonexistent enforcement of the law. 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 other metal works; hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

Many children worked as beggars, street peddlers, 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, children broke up 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 worked in industrial facilities used to process gold ore, where they were exposed 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, religion, political opinion, 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. 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 was 18,000 naira (\$57). 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 labor ministry employs factory inspectors and labor officers, but its Inspectorate Department declared it did not have sufficient staff to properly monitor and enforce health and safety conditions. The department is tasked to inspect factories' compliance with health and safety standards, but it was underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations. In addition the government did not enforce the law strictly. Authorities did not enforce standards in the informal sector.

The labor ministry 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.