

NIGERIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). In 2010 then Vice President Goodluck Jonathan, of the governing Peoples Democratic Party (PDP), assumed the presidency following the death of President Yar'Adua. In 2011 President Jonathan was elected as president to a four-year term, along with Vice President Mohammed Namadi Sambo, also of the PDP. International and domestic election observers considered the 2011 presidential, gubernatorial, and legislative elections to be generally credible and orderly, although marred by violence, fraud, and irregularities. The Supreme Court of Nigeria ultimately upheld the results of the presidential election, while the Court of Appeals upheld the results of most other contests. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The insurgency in the Northeast of militant terrorist sect Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad, better known as Boko Haram (which translates to "Western education is forbidden"), continued. Casualties and human rights abuses associated with Boko Haram attacks and the government's response escalated. On April 24, President Jonathan inaugurated a Committee on Dialogue and Peaceful Resolution of Security Challenges in the North. Self-appointed Boko Haram spokespersons rejected dialogue or amnesty. On May 14, President Jonathan declared a six-month state of emergency in Borno, Yobe, and Adamawa states, which was extended for another six months on November 20.

The most serious human rights abuses during the year were those committed by Boko Haram, which conducted killings, bombings, abduction and rape of women, and other attacks throughout the country, resulting in numerous deaths, injuries, and widespread destruction of property; those committed by security services, which perpetrated extrajudicial killings, torture, rape, beatings, arbitrary detention, mistreatment of detainees, and destruction of property; and widespread societal violence, including ethnic, regional, and religious violence.

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sexual exploitation of children; trafficking in persons; discrimination based on sexual orientation, gender identity, ethnicity, regional origin, religion, and disability; forced and bonded labor; and child labor.

Impunity remained widespread at all levels of government. The government brought few persons to justice for abuses and corruption, and the president pardoned a former governor convicted on six counts of corruption. Police and security forces generally operated with impunity. Authorities did not investigate the majority of cases of police abuse or punish perpetrators.

Throughout much of the country, Boko Haram perpetrated numerous killings and attacks, often directly targeting civilians. During the year the sect, which recruited child soldiers, claimed responsibility for coordinated assaults on social and transportation hubs in Kano; an attack on the town of Baga; multiple attacks on schools and mosques; an attack on the town of Benesheik; and the killing of government, religious, and traditional figures. On February 17, the terrorist group Ansaru, believed to be a Boko Haram faction, kidnapped seven foreigners in Bauchi State.

During the year, with government and military support, a youth vigilante group known as the Civilian Joint Task Force (C-JTF) emerged in the Northeast, centered around Maiduguri. According to nongovernmental organization (NGO) and press reports, C-JTF members included children and committed extrajudicial killings.

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

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

a. Arbitrary or Unlawful Deprivation of Life

The government and its agents committed numerous arbitrary or unlawful killings. The National Human Rights Commission (NHRC) and the Committee against Torture held mandates to examine security force killings and refer alleged perpetrators for prosecution but did not do so.

During the year joint task forces (JTFs), composed of elements of the military

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suspects in the states of Adamawa, Bauchi, Borno, Gombe, Kano, Kaduna, Kogi, Plateau, Sokoto, Taraba, Katsina, Jigawa, and Yobe. These raids resulted in numerous deaths of and injuries to alleged criminals, militants, and civilians. Local NGOs, international human rights groups, and political and traditional leaders in the affected states accused the security services of indiscriminate and extrajudicial killings.

Arbitrary and unlawful killings related to internal conflicts in the Northeast and other areas are reported in section 1.g.

Credible reports also indicated other uniformed military personnel and paramilitary mobile police carried out summary executions, assaults, torture, and other abuses throughout Borno, Kano, and Yobe states under the auspices of the Joint Task Force Restore Order (JTF-RO), which was disbanded in August. In August the Nigerian Army's Seventh Division replaced JTF-RO as the umbrella command for the northeastern security operations, although many of the commanders and units remained the same. The Seventh Division continued to be referred to as JTF or JTF-RO in press and other reports for much of the year.

The national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects as well as to disperse protesters. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. The reports of state or federal panels of inquiry investigating suspicious deaths remained unpublished.

Police use of excessive force, including use of live ammunition, to disperse demonstrators resulted in numerous killings during the year. On October 6, police fired into a crowd that had gathered at a police station in Lagos State to protest the killing by police of an innocent motorist the previous week, killing Ganiyu Adedoyin. No official was charged for the killing as of year's end.

In February 2012 the inspector general of police (IGP) announced the closure of all police checkpoints across the country. Whether this order had any effect on civilian casualties at checkpoints was not known. Checkpoints were reinstated in some states following the May 14 announcement by President Jonathan of a state of emergency in Borno, Yobe, and Adamawa states.

A state of emergency was declared in May following the declaration in May of a state of emergency

civilian targets, including banks, bars, restaurants, religious sites, schools, and government buildings in the North. Shootings and bombings in Maiduguri, Borno State, and the surrounding countryside occurred on a weekly--and sometimes daily--basis throughout the year, resulting in hundreds of deaths.

b. Disappearance

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

Other parts of the country also experienced a significant increase in abductions. Political figures were often targets of abduction, largely due to their wealth. Rarely did kidnappers announce political motives for the abductions. For example, on January 12, unknown persons kidnapped and later killed the director of protocol for the deputy governor of Imo State. Authorities had not charged anyone with the kidnapping and killing as of year's end.

Citizens and media reports accusing security forces of forced disappearances of young men, who allegedly were held in detention centers in Borno and Yobe states or killed, are covered in section 1.g.

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

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

Local NGOs, international human rights groups, and political and traditional leaders from affected states accused the security services of illegal detention, inhumane treatment of detainees, and torture during the year. The use of excessive force by JTF-RO, police, and other security forces during raids on militant groups and criminal suspects in many states in the North, during arrests and other operations, at legal and illegal checkpoints and roadblocks, and in the course of reportedly criminal activities resulted in injuries, mass rape, displacement of

civilians, unlawful and prolonged detentions without trial, and other abuses (see section 1.g.).

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

According to the Network on Police Reform in Nigeria (NOPRIN), the human rights desks at police stations were “at best docile during the year while human rights violations in the force continued unchecked.”

According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. For example, in March a woman accused the divisional police officer and his officers of negligence and failure to protect her from being raped by four men while in police custody in Abraka, Delta State. The woman had allegedly been detained in a cell among men. The woman also alleged that an investigating police officer urged her to remain quiet about the incident. The case continued at year’s end.

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

In April, according to press reports, a sharia court in Bauchi upheld the judgment of a lower court that ordered the amputation of the arm of defendant Abdullahi Sale for the theft of 13,000 naira (\$81.60). It was not known whether the punishment was carried out.

Statutory sharia law mandates that state governors treat all court decisions equally regardless of their origin in sharia or nonsharia penal code, including sentences such as amputation or the death penalty, but authorities often did not carry out sentences passed by sharia courts because defendants frequently appealed to a higher sharia court, a process which can be lengthy. Because no relevant case was appealed to the federal level, federal appellate courts did not decide whether such punishments violated the constitution. Sharia appellate courts consistently

overturned stoning and amputation sentences on procedural or evidentiary grounds, but the sentences were not challenged on constitutional grounds.

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

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

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners, a majority of whom had not been tried, were subject 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 and could result in death. Reports indicated guards and prison officials extorted inmates or levied fees on them to pay for food, prison maintenance, and prisoner release. In some cases female inmates faced the threat of rape. Female prisoners pregnant at the time of incarceration gave birth to and raised their babies in prison.

Domestic and international human rights groups reported the existence of unofficial military prisons, including the Giwa military barracks in Maiduguri, Borno State, and Sector Alpha (aka Guantanamo) and the Presidential Lodge (aka the Guardroom) facilities in Damaturu, Yobe State, among others. Human Rights Watch (HRW) and Amnesty International (AI) cataloged cases of illegal detention, inhumane and degrading treatment, beatings, torture, and extrajudicial killings in these prisons. In 2012 AI estimated 200 to 500 persons were detained at the Giwa barracks. On October 15, AI released a report claiming more than 950 persons died in military custody in the first six months of the year. Those interviewed for the reports claimed families and lawyers did not have access to suspects detained in these facilities, and authorities moved detainees frequently and without notice, making it difficult for families or lawyers to locate a detainee. Boko Haram suspects were also held in facilities throughout the country, including reportedly in inhumane conditions at the Special Anti-Robbery Squad detention center, also known as the “abattoir,” in Abuja.

Physical Conditions: The prison system included 12 maximum-security prisons, 83 satellite prisons, 10 farm centers, two women’s prisons, eight zonal offices, and

six directorates, all of which held prisoners and detainees. Detention of suspected militants did not always fall under the formal prison system structure. As of December 15, the country's prisons held 56,620 persons. Of these, 2 percent were women, and 1 percent were juveniles.

Overcrowding was a significant problem in some prisons. Although national capacity stood at 47,284, an imbalance in the use of prisons resulted in underutilization at some facilities, while others were at more than 800 percent of their designed capacity. For example, the Owerri Federal Prison had the capacity to hold 548 prisoners but held more than 1,784. Ogwashi-Uku prison in Delta State, with a capacity to house 64 prisoners, housed 541, while Port Harcourt prison, with a capacity to hold 804, held 2,955. Ijebi-Ode prison in Lagos, with a capacity to hold 49 prisoners, held 309.

Most of the country's 234 prisons, built 70 to 80 years ago, 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 the space, and inmates with these illnesses lived with the general prison population. Prison authorities claimed the death rate in the formal prison system was 36 prisoners per year; no reliable independent statistics existed on the number of prison deaths.

During a June 2012 visit to prisons in Enugu State and Owerri, Imo State, an observer noted that cells designed for 20 inmates held 80; authorities conducted no routine screening for tuberculosis, other infectious diseases, or pregnancy; and authorities had not established isolation wards, adequately equipped clinic facilities, or proper sewage disposal systems.

Only those prisoners with money or whose relatives brought food regularly had sufficient food, and prison officials routinely stole money provided for food for prisoners. 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 as punishment or to extort money.

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

The federal government operated all the prisons but maintained few pretrial jail facilities. Of the total prison population, 70 percent were pretrial detainees.

Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned. Juvenile suspects were often held together with adult prisoners.

Although the law prohibits the imprisonment of children, minors--many of whom were born there--lived in the prisons. A 2006 report on the rights and welfare of children from the Federal Ministry of Women's Affairs to the African Union found an estimated 6,000 children lived in prisons and detention centers. The Nigerian Prison Service reported, however, that as of March, 69 infants resided in prison with their mothers while 847 juvenile inmates were detained in juvenile detention centers.

Authorities held political prisoners with the general prison population.

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

The country does not have an ombudsman to serve on behalf of convicted prisoners and detainees in considering such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, or recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense. The NHRC monitored prisons throughout the year and compiled a list of the human rights issues of detainees for submission to a presidential committee. The commission compiles an annual prison audit, but the

report for 2013 was not available at year's end. The commission reported a willingness and ability to investigate credible allegations of inhumane conditions but stated that it had not received many individual complaints. The Ministry of Justice was also known to monitor prisons under the Federal Government Prison Decongestion Program.

Authorities allowed the submission by detainees of complaints to judicial authorities without censorship. Prisoner complaints centered on lack of access to court proceedings, since in many cases inmates lacked transportation to attend a court hearing. All prisons suffered from poor facilities and lack of resources.

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

Improvements: The government did not make widespread improvements to prisons during the year, but individual attorneys general and prison administrations worked to improve local facilities and processes. According to reports the attorney general of Ekiti State, Wale Fapohunda, filed a protest with the IGP regarding the lack of case files for numerous inmates. Approximately 200 case files were subsequently produced, and more than 40 inmates were released or scheduled for release with time served. Some local administrations attempted to collect donations from religious organizations, NGOs, and the National Youth Service Corps to benefit inmates. On February 26, the Prisoner's Rehabilitation and Welfare Action donated educational publications and information to the Nigerian Prison Services Headquarters.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The National Police Force (NPF) reports to the inspector general of police, who is appointed by the president and responsible for law enforcement operations. An

assistant inspector general commands each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police for local emergency actions. The State Security Service is responsible for internal security and reports to the president through the national security advisor. Due to the police's inability to control societal violence, the government continued to turn to the army in many cases. For example, military, JTF, or Special Task Force units were deployed in the Middle Belt in response to indigene-settler violence; in Nassarawa, after local police could not contain outbreaks of ethnoreligious violence; and to Bauchi, Borno, Kano, Kaduna, Plateau, and Yobe states on a continuous basis in response to Boko Haram attacks. The military was often unable to respond adequately to reports of violence, however.

The NPF, SSS, and military reported to civilian authorities, but these security services periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish abuse and corruption. The NPF and the military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. In the military services, disciplinary action is determined by a soldier's commanding officer and is nominally subject to review by the chain of command under the Armed Forces Act. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units, but most cases lingered in court or went unresolved after an initial investigation. The NHRC has, as one of its thematic focus areas, responsibility for investigating cases of "torture and extrajudicial, summary, and arbitrary executions." During the year the army requested international assistance in developing civilian protection and human rights monitoring training.

According to AI's 2009 report, only a fraction of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. On May 13, widows of slain police officers protested for the Nassarawa state government to collaborate with NPF headquarters to pay benefits owed to them.

Arrest Procedures and Treatment of Detainees

Police and security forces have authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an

offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail.

Arbitrary Arrest: The law requires that even under a state of emergency, which the president declared in May, detainees must be brought before a magistrate within 48 hours and have access to lawyers and family members. There were no reports that government and security officials adhered to this regulation without bribery, and families were reportedly afraid to approach the Giwa barracks detention facility. Police routinely detained suspects without informing them of the charges or allowing access to counsel and family members; such detentions often included solicitations of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Authorities kept detainees incommunicado for long periods. Numerous detainees alleged police demanded bribes to take them to court to have their cases heard or in exchange for freedom. If family members wanted to attend a trial, police often demanded additional payment.

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

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

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

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

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

The NHRC reported some detainees were held because authorities had lost their case files. Some state governments released inmates who were already detained for longer than the potential maximum sentences they would have received if found guilty. Although detainees have the right to submit complaints to the NHRC, the commission had yet to act directly on any specific complaint. In December the NHRC established a committee to examine arbitrary and ad hoc detention (see section 5). Detainees could try to complain to the courts but often found this approach impossible since even detainees with legal representation often waited years to gain access to the courts.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches and the business sector. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with the lack of motivation primarily due to inadequate compensation.

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

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

The constitution provides that states may establish courts based on common-law or customary-law systems. This allows states to use the sharia penal code in their courts, which outlines hadd offenses and punishments, including caning, amputation, and death by stoning.

The nature of a case and the consent of the parties usually determined if a sharia court had jurisdiction. The impetus to establish sharia courts stemmed at least in part from inefficiency, expense, and corruption in the regular court system.

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

Trial Procedures

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

Authorities did not always respect these rights. Although an accused person is entitled to counsel of his choice, no law prevents a trial from going forward without counsel, except for certain offenses for which the penalty is death. Defendants were held in prison awaiting trial for periods well beyond the term allowed in the constitution (see section 1.c.). Human rights groups alleged the government denied terror suspects detained by the military their right to legal representation, due process, or the opportunity to be heard by a judicial authority.

On December 5, the Nigerian Defense Headquarters recommended 500 terror suspects for “immediate trial” and opened for review the cases of an additional 614 detainees suspected of terrorist activities.

In both common law and customary courts (including sharia), indigent persons without representation were more likely to have their sentences carried out immediately, although all convicted persons have the right to appeal.

The testimony of women and non-Muslims usually was accorded less weight in sharia courts, although no legal provisions in common law barred women or other groups from testifying in civil or criminal proceedings or gave their testimony less weight. Some sharia court judges allowed different evidentiary requirements to prove adultery or fornication for male and female defendants. For women, pregnancy represented permissible evidence in some sharia courts. In contrast, men could be convicted only if they confessed or there was eyewitness testimony. Sharia courts provided women with certain benefits, including increased access to divorce, child custody, and alimony. It remained significantly easier, faster, and cheaper to get a hearing in a sharia court than in a common law court.

Military courts tried only military personnel, but military court judgments may be appealed to civilian courts. Members of the military are subject to the Armed Forces Act regarding civil and criminal matters. Charges against a member of the security forces must be approved by the member’s operational commanding officer, who 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, with a final appeal to the civilian Court of Appeals. Members of the armed forces charged with crimes committed while performing their duties during active service are liable to court-martial under military, not civilian law.

On July 1, the military announced the court-martial of 18 soldiers for aiding members of Boko Haram and for the murder and manslaughter of soldiers and civilians. The soldiers faced the death penalty, the possibility of life imprisonment, or dismissal from the force. In September the media reported that the 18 were sentenced to death, but government officials denied these reports and told reporters that the court-martial continued. The proceedings were not open to the public or press.

In January 2012 a Lagos high court sentenced Major Hamza Al-Mustapha to death for the 1996 killing of Alhaja Kudirat Abiola, wife of former president-elect Chief Moshood Kashimawo Olawale Abiola. On June 14, a court of appeals in Lagos struck down the sentence, and Al-Mustapha was released from prison.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

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

Regional Human Rights Court Decisions

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

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

The law prohibits such actions, but authorities infringed on these rights during the year, and police entered homes without warrants. Human rights groups and the media reported security forces raided homes without warrants while searching for suspected Boko Haram militants. In some instances this occurred immediately following a bombing or attack by suspected militants. In others the security forces conducted searches and seizures during planned sweeps through neighborhoods in which they suspected Boko Haram militants resided. During the year, although the government did not punish family members for alleged offenses committed by individuals, reports indicated security forces arrested and detained the family members of suspected Boko Haram militants. On May 31, the military released 23 women and 38 juveniles detained on suspicion of having links to Boko Haram.

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

On February 23, members of the Lagos state environmental and special offences enforcement and armed NPF officers demolished thousands of structures in the Badia East informal settlement. AI estimated that the action rendered almost 9,000 residents homeless. The Lagos state government announced plans to build 1,008 low-income apartments on the site of the demolished slum, but most residents complained that authorities did not provide them with alternative housing following the destruction of their houses and businesses.

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

Killings: During the year security forces under the command of JTF-RO, the army's Seventh Division, the national police, the SSS, and other commands committed numerous killings.

The government claimed JTF-RO members faced disciplinary charges for human rights violations, but none was verified. According to eyewitnesses, press reports, and civil society reports, JTF-RO personnel allegedly committed numerous killings in Bauchi, Borno, and Yobe states, often after attacks by Boko Haram.

According to press and NGO reports, JTF-RO illegally detained and killed suspected members of Boko Haram in the Giwa barracks military facility in Maiduguri, Borno, and Sector Alpha and the Presidential Lodge facilities in Damaturu, Yobe. Former detainees alleged that torture and mistreatment by security forces led to the death of detainees in some cases. Authorities publicly denied the claims, describing them as inaccurate or unbalanced.

On April 16, witnesses in the town of Baga, Borno State, claimed Boko Haram shot and killed a soldier with the Multinational Joint Task Force, composed of soldiers from Chad, Niger, and Nigeria. In response Nigerian army members of the task force shot indiscriminately at individuals and animals and destroyed homes and property. The chief of defense staff and the police claimed that approximately 36 persons were killed, but Senator Maina Maaji Lawan, who represents Baga in the National Assembly, claimed based on his own field visit to Baga that up to 228 persons may have been killed. In addition reports varied on the extent of property damaged in the incident. Senator Lawan estimated the soldiers destroyed up to 4,000 homes, mostly by fire. HRW reported its analysis of geospatial images of the area affected showed at least 2,275 homes destroyed and another 125 severely damaged. The Nigerian National Space Research and Development Agency disputed HRW's estimate.

In June the NHRC released the report *The Baga Incident and the Situation in North-East Nigeria: an Interim Assessment and Report*. In preparing the report, the NHRC reviewed reports of the incident by Nigerian Defense Headquarters, the NPF, and various NGOs and interviewed security force personnel and persons displaced by the security challenges in the Northeast. The NHRC was unable to conduct an on-site visit to Baga to corroborate witness reports because of the state of emergency announced by President Jonathan on May 14. The report criticized Boko Haram's attacks and the security force's response to such attacks. Government officials in turn criticized the report and questioned its credibility.

On September 20, SSS operatives and a unit of the army killed nine persons squatting in an unfinished building in the Apo district of the Federal Capital Territory, where members of the National Assembly resided. The SSS claimed victims were members of Boko Haram and that the incident resulted from an investigation by the SSS and the army into a weapons cache allegedly buried on the property where the incident occurred. State security leadership defended the SSS' and army's action as self-defense in response to being shot at upon arrival at the house. The National Assembly and the NHRC opened investigations into the incident. There were no further updates as of year's end.

On October 15, AI released the report *Nigeria: Deaths of Hundreds of Boko Haram Suspects in Custody Requires Investigation*. AI reported that according to senior army officers, more than 950 persons died in military custody in the first six months of the year alone and, on average, the army killed nearly five persons daily at military detention centers holding persons suspected of membership in Boko Haram. A large proportion of these deaths reportedly occurred in Giwa military

barracks in Maiduguri, Borno State, and in Sector Alpha in Damaturu, Yobe State. Former detainees reportedly told AI that people died regularly of suffocation, starvation, lack of medical treatment, and extrajudicial executions. During an April visit, AI delegates discovered 20 emaciated corpses on the ground at the State Specialist Hospital mortuary in Maiduguri. The JTF-RO allegedly deposited corpses there daily for later collection and burial by the Borno state environmental protection agency. AI demanded that the government investigate deaths at detention facilities. On November 29, HRW published a press release detailing interviews with witnesses who claimed security forces had detained hundreds of young men suspected of being members of Boko Haram. Families reported that many of the detainees had disappeared. Former detainees of Giwa barracks also told HRW they had seen soldiers kill detainees, while many other detainees died as a result of life-threatening conditions within the cells.

On October 18, the Associated Press (AP) published the report *Nigeria's Military Killing Thousands of Detainees*. The report stated that according to records from the Sani Abacha Specialist Teaching Hospital in Maiduguri, thousands of detainees died in military custody in the government's crackdown on the Boko Haram insurgency in the Northeast. One hospital alone allegedly listed 3,335 bodies delivered by the military during the first six months of the year. According to the AP, in June the military delivered 1,795 bodies, making it the worst month in the records seen by the AP. The number of dead with Boko Haram connections was impossible to determine. News reports stated the government and military refused to comment.

On October 13, according to press reports, Seventh Division forces killed approximately 40 suspected Boko Haram members in the Borno towns of Gwoza, Bama, and Pulka.

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

The media, politicians, local and international NGOs, and other observers, including HRW, frequently argued that the government had been unable to curb widespread abuses by the Boko Haram insurgency because it had not provided a policy response that addressed underlying grievances or had not mounted an effective security response, or both. Observers argued that the government's strategy had created a climate of impunity, whereby the civilian population was victimized by both Boko Haram and government forces.

On September 14, C-JTF members reportedly killed four Boko Haram suspects who were trying to flee during a joint operation with the JTF-RO in the Michika Local Government Area of Adamawa State. No criminal charges were brought against the civilian JTF-RO members responsible for the killings. Also on that day, members of the C-JTF killed a police officer allegedly in retaliation for the police officer's killing of a C-JTF member a week earlier.

Boko Haram committed drive-by shootings and bombings; killed security personnel and civilians, including local officials, religious leaders, political figures, and the general public; bombed churches; coordinated attacks on police stations, military facilities, prisons, banks, and schools; and conducted suicide bombings, which resulted in the deaths of hundreds of persons, including civilian deaths. The rate of violent deaths at the hands of Boko Haram increased during the year to record levels, surpassing the number of deaths during 2012. Estimates of the number of Boko Haram victims varied, but based on available data, casualties ranged from 338 to 497 from May to September 2012, and 717 to 925 for the same period during the year.

On March 18, suicide bombers detonated explosives at a bus depot in Sabon Gari in Kano, reportedly killing more than 40 persons. On July 29, two blasts in Christmas Quarters in Sabon Gari reportedly left approximately 20 persons dead. Witnesses reported two churches damaged in the two later blasts. Christmas Quarters is a hub of nightlife and activity in Kano with bars, clubs, and restaurants.

On May 7, Boko Haram militants launched an attack against a prison in Bama, Borno State, releasing 155 inmates and killing 55 persons, including police officers, prison staff, soldiers, and civilians. The militants also burned down government buildings, including a police station and barracks, an Independent National Electoral Commission (INEC) office, a local government secretariat, a magistrate court, and a primary school.

On July 6, suspected Boko Haram militants attacked a secondary school in Mamudo, Yobe State, before dawn, burned the school, and killed 42 persons, mostly students. Boko Haram denied their involvement in the attack, but Boko Haram leader Abubakar Shekau expressed his support for the attack in a video released a few days after the attack.

On August 11, Boko Haram militants dressed in military uniforms attacked a mosque in Konduga, Borno State, and killed 44 persons.

Boko Haram retaliated against the civilian JTF-RO on several occasions. For example, on June 9, suspected Boko Haram militants killed 13 members of the civilian JTF-RO in Maiduguri, Borno State. On August 30, Boko Haram militants dressed in military uniforms killed 24 youths in Monguno, Borno State, whom they suspected of being members of the C-JTF. According to media and other reports, revenge motivated Boko Haram fighters on September 17 to mount a roadside attack in Benisheik, Borno State, pulling travelers from their vehicles and summarily executing more than 145 persons.

On September 29, suspected Boko Haram militants attacked a dormitory at the College of Agriculture in Yobe State. As many as 50 students were shot and killed in their beds.

On October 4, in its report *Keep away from Schools or We'll Kill You: Right to Education under Attack in Nigeria*, AI alleged that attacks during the year by Boko Haram and other groups in the North resulted in the deaths of 70 teachers and scores of students. Many others were injured. Thousands of students were forced out of school in communities across northern Nigeria, and many teachers fled for their safety. AI observed that during the year attacks became more targeted and brutal than in previous years, when schools were attacked mostly while they were empty.

Abductions: An increasing number of kidnappings had links with terrorism. For example, on February 17, members of Ansaru, a Boko Haram terrorist offshoot, killed a guard and kidnapped seven foreigners working for the construction firm Setraco International Holding Group from their compound in Jama're, Bauchi State. The victims were nationals of the United Kingdom, Italy, Greece, Syria, and Lebanon. There were no official updates on the status of the victims as of year's end.

In December 2012 Ansaru announced it abducted a French engineer who worked for energy firm Vergnet in protest against the proposed French military action in Mali against Islamist groups and the French ban on the full-face veil known as the niqab. On November 18, newspapers reported that the French hostage had escaped from his captors and returned to France.

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

HRW reported cases of Boko Haram abducting and raping women from villages and during their attacks. Commanders of the C-JTF told HRW that, working with security forces, they had rescued 26 women from Boko Haram captivity. Some of the women were reportedly pregnant while others had children born in captivity. Human rights groups alleged that security forces harassed and raped women while conducting raids to discover Boko Haram suspects.

Child Soldiers: During the year youths under the age of 18 participated in Boko Haram attacks. Reports suggested boys as young as 11 were paid to fight for Boko Haram, plant bombs, and serve as spies and suicide bombers. HRW reported direct participation in C-JTF activities of persons under 18. Witnesses described seeing children ages 15 to 17 working with C-JTF at checkpoints within several towns in Borno State. C-JTF members admitted to having used numerous children in operations, specifically to collect information.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/.

Other Conflict-related Abuses: Domestic and international press and NGOs reported attacks on hospitals by government security forces. In May, according to press and social media reports, members of JTF-RO attacked Maiduguri Teaching Hospital and beat hospital staff and patients.

C-JTF supplied the JTF-RO with information about suspected Boko Haram militants, apprehended suspected Boko Haram militants, and reportedly manned some checkpoints.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

Press Freedoms: On May 1, Freedom House released its annual survey of media independence, *Freedom of the Press 2013*, which described the press as “partly free.” A large and vibrant private domestic press frequently criticized the government. Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information.

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

In December 2012 security forces without warrants raided the homes and offices of editor Musa Muhammad Awwal and reporter Aliyu Saleh of the Hausa-language weekly newspaper *Al-Mizan*. Security forces confiscated their laptops and cell phones and detained the pair and their wives. On January 1, security forces released them but did not return their equipment. Human rights activists believed they were detained on account of an *Al-Mizan* front page story that alleged security forces were involved in the extrajudicial killing of suspected Boko Haram militants, although they never received an official reason for their detention.

On February 14, SSS and JTF members once again detained Awwal without a warrant. The security forces confiscated his personal computer and cell phone. The SSS released Awwal on February 22. During his detention Awwal’s family was not notified of his whereabouts or the reason for his detention.

In August 2012 staff members of TOS Funeral Services Ltd beat photojournalist Benedict Uwalaka, of Leadership Newspapers, for taking photographs at Lagos State University Teaching Hospital’s mortuary of corpses from an airplane accident. At the end of that month, one of the assailants was officially arraigned in court on a two-count charge of assault and destruction of Uwalaka’s camera. The suspect pled not guilty on both counts, and a court date was set for February, but the trial was not held until April and then adjourned until May 10. The May 10 trial date was not met, and there were no further developments in the case. Uwalaka filed a civil law suit for 50 million naira (\$314,000) in damages against TOS Funeral Services Ltd and the hospital. The civil suit was pending at the end of the year.

Politicians and political parties harassed and attacked journalists perceived as reporting on them or their interests in a negative manner. For example, on April 8, authorities in Abuja detained two reporters for *Leadership Newspaper*, Tony Amokeodo and Chibuzor Ukaibe, following the publication on April 3 of an article alleging that President Jonathan had ordered the disruption of operations of his political opponents. Authorities charged the two men with “vexatious publication.” All charges were later dropped.

Other journalists were killed during the year, but the motives could not be linked to their status as journalists. For example, on September 11, A’isha Usman, a reporter for the Hausa magazine *Mahangar Arewa* in Zaria, Kaduna State, was found dead and mutilated along Kwangila highway in Zaria.

Journalists also were at risk of abduction. For example, in March assailants in Ondo State abducted a Nigeria Television Authority journalist, Olubunmi Oke, as she arrived home from work with her infant child and maid. The child and maid were later released. Media reports stated that the assailants had demanded an eight million naira (\$50,240) ransom. Oke was freed after three days, following the payment of an undisclosed ransom.

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

The government controlled much of the electronic media through the National Broadcasting Commission (NBC), which was responsible for monitoring and regulating broadcast media.

The law prohibits local television stations from transmitting programming from other countries except for special religious programs, sports programs, or events of national interest. Cable and satellite broadcasting is less restricted. For example, the NBC permits live broadcasts of foreign news and programs on these networks. Cable and satellite services are, however, required to dedicate 20 percent of broadcast time to local programming.

Radio stations remained susceptible to political censorship and attacks by political groups. For example, on February 12, police arrested two radio journalists, Muhammed Suleiman Gama and Yakubu Musa Faggae, from local radio station Wazobia FM in Kano State. Police argued that Faggae’s on-air comments about the polio vaccination campaign caused the attacks that killed 10 immunization

workers. During his show Faggae questioned why local officials in the state made it compulsory for children to be immunized against polio. Authorities charged and arraigned Gama and Faggae with conspiracy and inciting a disturbance. They were free on bail at year's end. The NBC suspended their radio program while the investigation continued.

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

On September 3, the minister of the Federal Capital Territory, Senator Bala Mohammed, had Tukur Mamu, publisher of the Kaduna-based newspaper *Desert Herald*, arrested on charges of defamation and extortion. The minister claimed Mamu published defamatory stories in the *Desert Herald* and demanded payment to stop further publication. Mamu's allies alleged Mamu was arrested to halt the publication of the book *FCT Administration: The Rot Within*, which accused Senator Bala of corruption. After the arraignment there were no further developments in the case as of year's end.

Nongovernmental Impact: During the year Boko Haram threatened to kill journalists and attack media outlets that failed to report what Boko Haram believed to be authentic stories about the group. For example, Ahmad Salkida, a reporter for online newspaper *Premium Times*, fled the country and went into hiding in April after turning down several requests from Boko Haram to publish exclusive Boko Haram interviews and materials. Salkida reported he had also been threatened by members of JTF-RO because his reporting on Boko Haram appeared to reveal his closeness to the group.

Unlike in previous years, there were no reports that mob violence inhibited freedom of expression.

Internet Freedom

There were few government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms. Access to the internet and other digital technologies was limited for many residents, although internet penetration continued to grow across the country due to growing cell

phone usage. In 2012 internet usage rose to 33 percent, from 28 percent in 2011, according to the International Telecommunication Union.

Several internet news sites critical of the government experienced server problems, which site owners attributed to government interference. Such disruptions usually lasted a few hours.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government occasionally banned gatherings when it concluded their political, ethnic, or religious nature might lead to unrest. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis. Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries (also see section 1.a.). Open-air religious services held away from places of worship remained prohibited in many states, due to fears they might heighten interreligious tensions. Police used gunfire to control or disperse political rallies.

On February 8, members of JTF-RO dispelled a group of approximately 100 women who were protesting the disappearances and prolonged detention of male members of their families in Maiduguri. JTF-RO members fired rifles into the air to disperse the crowd.

On February 25, security forces shot and killed two students, seriously injured seven, and arrested 17 at Nassarawa State University, Keffi. The students were protesting the lack of water and electricity at the university. Both the police and military denied responsibility for the shootings, and no one was criminally charged.

Freedom of Association

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

government mostly respected this right. The constitution and law allow the free formation of political parties. As of year's end, 25 parties were registered with INEC.

On August 6, six members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) were arrested for alleged illegal activities after being found in possession of 114 Biafran flags and Biafran currency totaling 129 Biafran pounds. The six members were arraigned, and the case continued as of year's end.

In May 2012 the chief magistrate's court sitting in Asaba, Delta State, sentenced six men to prison for wearing MASSOB regalia and announcing their membership in the organization. Counsel for the convicted men stated they would appeal the judgment. MASSOB petitioned President Jonathan for the release of the six men. Some of the men remained imprisoned as of year's end.

On November 3, a police officer attached to the Asokoro Police Division entered the Kano Government Lodge in Abuja and ordered the dispersal of a private meeting of five governors and several other elected officials and politicians. The officer, reportedly accompanied by six truckloads of mobile police, claimed to be acting under orders from above.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but security officials restricted freedom of movement at times by enforcing curfews in areas experiencing terrorist attacks and ethnoreligious violence. In the months following the announcement of the state of emergency on May 14, the Office of the UN High Commissioner for Refugees (UNHCR) documented thousands of Nigerian refugees in Cameroon, Chad, and Niger. In addition thousands of immigrants fled to their home countries from Nigeria. Internally displaced persons also sought refuge in Bauchi and Gombe states.

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

In-country Movement: On May 14, after reports that Boko Haram had taken over as many as 24 local government areas in the North, President Jonathan declared a state of emergency in Borno, Yobe, and Adamawa states. Curfews were imposed on the affected areas limiting freedom of movement.

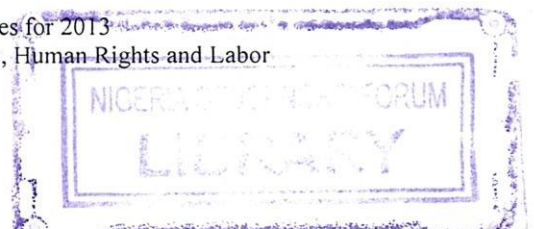
At various times throughout the year, the federal, state, or local governments imposed curfews or otherwise restricted movement in Bauchi, Borno, Kano, Kaduna, Kogi, Plateau, Adamawa, and Yobe states in the aftermath of Boko Haram attacks.

Despite the IGP's order for police to dismantle all roadblocks, illegal roadblocks and checkpoints remained, often so that police could extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks.

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

Internally Displaced Persons (IDPs)

There was no national registration of internally displaced citizens and no accurate count, although the NCFR estimated the number to be approximately 258,350 as of June. The many causes of displacement included boundary and border disputes, sectarian and communal violence, localized political violence, forced evictions, conflict in the Niger Delta and Plateau State, Boko Haram attacks in the North, the government's use of force in its efforts to eliminate extremist sects, altered cattle grazing patterns due to weather change, and major flooding in the South-South and South-West zones. The government's response to IDPs remained uneven, depending on the state affected. Federal NCFR budgets did not cover the need, and state and federal emergency management resources were inadequate. There was "an alarming lack of understanding of the country's displacement dynamics," the Internal Displacement Monitoring Center (IDMC) reported.



Boko Haram attacks, JTF-RO responses to these attacks, and battles between the two resulted in a continuous movement of persons between communities throughout the North, and from the North to the South throughout the year. Many cities, including Maiduguri, Kano, and Damaturu, experienced an exodus of residents. These IDPs largely sought refuge with family members in other communities and were not supported by the government. According to BBC reports and the IDMC, in some locations families attempting to flee were forced to pay bribes at security checkpoints. To avoid having to pay these bribes, IDPs sought temporary shelter in forests but were then at risk of being mistaken for combatants. Unverified reports suggested a number of Christians in the predominately Muslim North continued to flee to the predominantly Christian South. No reliable estimate of the number of IDPs resulting from Boko Haram violence and the government's counterinsurgency was available by year's end.

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

As of October the UNHCR had assisted 39,000 IDPs in 11 states who were victims of 2012 flooding.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. According to the UNHCR, the country had 1,865 refugees and 1,662 asylum seekers as of September. Most of these refugees came from Cameroon and the Democratic Republic of the Congo.

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

Refoulement: While the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, in December, during a personal visit to Nigeria, former lieutenant colonel Cipriano Nguema Mba Mitongo, a citizen of Equatorial Guinea granted political asylum in Belgium, was returned to Equatorial Guinea on board one of

Equatoguinean President Teodoro Nguema Obiang's airplanes, with the purported complicity of Nigerian officials at the request of President Obiang. There was no indication that Nigeria took into account Nguema Mba's refugee status in Belgium prior to facilitating his return to Equatorial Guinea. The circumstances under which Nguema Mba was transferred suggested that his return may have constituted an act of refoulement.

Access to Basic Services: The UNHCR provided food, education, and job skills training, and refugees could move and work freely in the country. Refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

Durable Solutions: During the year the UNHCR and the government worked with the Liberian government to ensure the timely issuance of Liberian passports to locally integrating former Liberian refugees, which would allow for the regularization of their immigration status. Dozens of refugees continued to live at the decommissioned Oru camp through the year.

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

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

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

Elections and Political Participation

Recent Elections: On November 16, INEC held the gubernatorial election in Anambra State. While voting occurred in many areas without incident, in some places ballots appeared late, and little voting occurred in the Idemili North local government area. The head INEC official for Idemili North was later arrested and charged with dereliction of duty, while INEC conducted an investigation into the incident. As a result of these irregularities, INEC conducted a supplementary election on November 30 at 212 polling units in 16 of Anambra's 21 local government areas. After the supplemental election, INEC declared Chief Willie Obiano of the All Progressives Grand Alliance the winner.

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

Thirty-seven parties participated in the legislative elections. INEC initially estimated a voter turnout as high as 75 percent, although this number varied from 20 to 60 percent, depending on the region. The legislative elections returned only approximately one-third of incumbents in either house, and opposition parties gained many seats. International observers witnessed generally calm and orderly voting at many polling stations.

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

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

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

A widespread perception in Cross River State continued that the ruling PDP harassed journalists and politicians opposed to the Cross River PDP.

Participation of Women and Minorities: Men continued to account for more than 90 percent of the country's national assembly members. Before President Jonathan sacked a disproportionate number of women among nine ministers and ministers of state in September, women made up 31 percent of the 42-member federal cabinet, which up to that point had been the highest female representation in the country's history.

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

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

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, 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 forces. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office.

Corruption: The anticorruption efforts of the Independent Corrupt Practices Commission (ICPC) and EFCC remained largely ineffectual. The ICPC holds broad authorities to prosecute all forms of corruption, whereas the EFCC is tasked with handling only financial crimes. Despite this wider mandate, the ICPC had achieved only 68 convictions since its inauguration in 2000.

EFCC Chairman Ibrahim Lamorde, who took office in 2011, continued previous cases or brought new cases against 12 nationally prominent public officials. The EFCC faced several frustrating setbacks during the year. In January the EFCC won the conviction of John Yakubu Yusuf for embezzling two billion naira (\$12.6 million) from the Police Pension Fund, which carried with it a two-year prison sentence. The judge fined Yusuf 250,000 naira (\$1,570) in lieu of prison time. The day following this judgment, the EFCC re-arrested Yusuf on the charge of failing to declare a 250 million naira (\$1.57 million) bank account on his mandatory Declaration of Assets Form; Yusuf remained in custody pending trial at the end of the year.

In March, President Jonathan pardoned former Bayelsa state governor Diepreye Solomon Peter Alamiyeseigha, who was convicted in 2008 for embezzling more than \$10 million in state funds. While Alamiyeseigha served two years in prison and forfeited the property he held in the country, he was still wanted in the United Kingdom on money laundering charges, and another foreign government seized his assets. By granting him a pardon, President Jonathan paved the way for Alamiyeseigha to run for another elected office or to hold other appointed offices.

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

In February 2012 the EFCC brought criminal charges against former governor of Bayelsa State Timipre Sylva for laundering almost five billion naira (\$31.4 million) of funds belonging to Bayelsa State. In October 2012 the EFCC seized 48 properties worth approximately one billion naira (\$6.3 million) allegedly belonging to Sylva in Abuja. Sylva was granted bail in January. The EFCC discovered still more evidence of Sylva's money laundering activities, and after he refused to cooperate with the investigation, the EFCC arrested him again in May to bring new charges, raising the amount of money he was suspected of laundering to 6.46 billion naira (\$40.6 million). The court held Sylva in custody for one month before granting him bail of 100 million naira (\$628,000); the court refused his request to return his passports to travel to London with his wife.

The trial of Representative Farouk Lawan for soliciting a bribe from Femi Otedola, president and chief executive officer of Zenon Petroleum and Gas Limited, started on October 23.

On July 4, the Federal High Court in Abuja acquitted former minister of works and housing Hassan Lawal. In May 2011 the EFCC arrested Lawal on 24 counts of fraudulently awarding contracts, money laundering, and embezzlement of 75 billion naira (\$471 million).

On May 28, the Federal High Court in Abuja started the trial of former speaker of the House of Representatives Dimeji Bankole for making fraudulent contracts worth 894 million naira (\$5.6 million); it continued at year's end.

Police corruption remained rampant. In January the police released a new code of conduct, which includes provisions on officer integrity. The police did not report any enforcement actions related to the code of conduct.

Whistleblower Protection: There is no law protecting whistleblowers, but legislation providing some protection for public and private employees has been under consideration in the National Assembly since 2011.

Financial Disclosure: The law requires public officials, including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels), to declare their assets to the Code of Conduct Bureau before assuming and after leaving office. Violators risked prosecution, but cases rarely came to conclusion. The president had not published information on his assets as of year's end, insisting the law required declaration of assets but not publication of the report. The constitution calls on the bureau to "make declarations available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe." The Code of Conduct Act does not address the problem of publication.

Public Access to Information: The law allows any person to request information from a government office. The office must grant access to the information, explain why access was denied within seven days of receiving the request, or transfer the request to the appropriate office within three days. By law all public offices must keep records; the law provides immunity for public officers against any form of civil or criminal proceeding for "disclosure in good faith of any information" pursuant to the law. The law provides a 30-day window within which anyone denied access by any public institution can bring the matter to court for a judicial review. The law includes a fine of 500,000 naira (\$3,140) for any institution or public officer who wrongfully denies access to information or records. Destruction of records is a felony punishable by a minimum penalty of one year's imprisonment under the act.

On November 13, the National Police stormed the venue for an event on Freedom of Information Act organized by the local Anti-Corruption Network and ordered all participants to leave the premises. Police gave no reason for their actions and did not respond to the organization's requests for an explanation.

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

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

Government Human Rights Bodies: The NHRC, which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. The law provides for the independence and funding of the NHRC through the Human Rights Fund. The law also provides for recognition and enforcement of NHRC decisions. At its annual meeting in December, the NHRC established a new subset within the institution specifically focused on visiting prisoners and facilities, assessing conditions, and making recommendations for improvement to appropriate authorities.

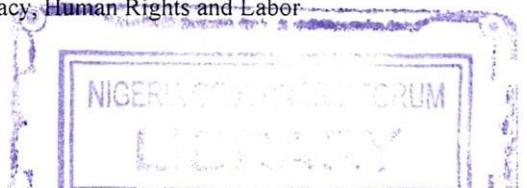
Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: The law criminalizes rape and provides penalties of 10 years' to life imprisonment and fines of 200,000 naira (\$1,255). Rape remained widespread. In May Positive Action for Treatment Access, an NGO focused on HIV treatment, released a countrywide survey of 1,000 preadolescents and adolescents (ages 10-19) that found 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. On September 13, eight men gang-raped a woman in Lagos State. Only one of the rapists was brought to trial. The remaining seven attempted to force the victim to drop the charges by threatening her life via telephone calls and text messages during and after the trial. The case continued as of October. In the states of Borno, Yobe, and Adamawa,



Boko Haram abducted women and forced them to marry militants throughout the year.

The law recognizes spousal rape as a separate offense, but spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. According to the 2008 Nigeria Demographic and Health Survey (NDHS), 3 percent of married women and girls between ages 15 and 49 experienced spousal rape.

Rapes of elderly women were reported in several southern states. During the year older women, including a 70-year-old woman in Abia State in June and a 60-year-old woman in Ekiti State in August, reported young men attacked them in their homes. In both cases the suspected perpetrators remained incarcerated awaiting trial as of October.

No national laws criminalize gender-based violence, and some federal laws allow such violence. For example, the law permits husbands to use physical means to chastise their wives as long as it does not result in “grievous harm,” which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman. Ebonyi, Jigawa, Cross River, and Lagos are the only states to have enacted domestic violence laws. The National Center for Women Development hosted antidomestic violence educational events and continued to advocate for enactment of the Violence Against Persons (Prohibition) Bill, which the House of Representatives passed in March. The bill remained under review by the Senate at year’s end.

Domestic violence remained widespread and often was considered socially acceptable. CLEEN Foundation’s National Crime and Safety Survey for 2013 reported 30 percent of respondents countrywide claimed to have been victims of domestic violence.

Police did not intervene in domestic disputes. In rural areas courts and police remained reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas.

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

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

Harmful Traditional Practices: Purdah, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the North. In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs. "Confinement," which occurred predominantly in the Northeast, remained the most common rite of deprivation for widows. Confined widows stayed under social restrictions for as long as one year and usually shaved their heads and dressed in black as part of a culturally mandated mourning period. In other areas communities viewed a widow as a part of her husband's property to be "inherited" by his family. In some traditional southern communities, widows fell under suspicion when their husbands died. To prove their innocence, they were forced to drink the water used to clean their deceased husband's bodies.

Polygyny remained legal and widely practiced among many ethnic and religious groups.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but authorities may prosecute violent harassment under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions. Women's rights groups reported the Abuja Environmental Protection Board forcibly abducted women, including students and businesswomen, taking them into custody under the pretext of removing commercial sex workers from Abuja throughout the year. Activists reported the protection board forced women to buy their freedom or confess to prostitution and undergo rehabilitation, and that any woman outside her home after dark in Abuja was vulnerable.

Reproductive Rights: Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of children; however,

effective information and counseling on reproductive health was not widely available to women and couples. According to the 2013 NDHS, 15 percent of married women used a contraceptive method (10 percent of these used modern methods, and 5 percent used traditional methods). Urban women were much more likely to use contraception as compared with rural women (27 percent and 9 percent, respectively). The 2008 NDHS reported the maternal mortality rate was 545 deaths per 100,000 live births.

Discrimination: Although the constitution provides for equality and freedom from discrimination, women experienced considerable economic discrimination. No laws bar women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. 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.

Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. No laws bar women from owning land, but some customary land tenure systems allowed only men to own land, and women could gain access to land only through marriage or family. Many customary practices also did not recognize a woman’s right to inherit her husband’s property, and many widows became destitute when their in-laws took virtually all the deceased husband’s property.

In the 12 states where sharia has been adopted, sharia and social norms affected women to varying degrees. In Zamfara state local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. While in the past Kano State did not strictly enforce a long-standing prohibition of mixing of sexes while using public transportation, it appeared more likely to enforce it after beginning a “campaign to restore morality” in the last quarter of the year. In October the state government issued a statement to media outlets declaring that men and women must remain separate while using public

transportation. Women were directed to use seats reserved for female passengers at the rear of public transport.

The testimony of women received less weight than that of men in many criminal courts. No law bars women from arranging surety bonds for bail for persons detained by police, but women could not provide such bail arrangements at most police detention facilities across the country.

Children

Birth Registration: Citizenship of a child is derived from the parents. The government did not require birth registration, and the majority of births remained unregistered. Lack of documents did not result in denial of education, health care, or other public services.

Education: Public schools remained substandard, and limited facilities precluded access to education for many children. Even though the law calls for the government – when practical – to provide free, compulsory, and universal primary education, authorities rarely provided compulsory primary education and often charged school fees. Most educational funding came from the federal government, with state governments required to pay a share; some states did not disclose their funding share. Of the country's estimated 30 million primary school-age children, as many as 10 million did not enroll in the conventional school system. In Bauchi State, the Bauchi state universal basic education board incorporated English and mathematics courses into the Koranic school curriculum at 500 schools to educate almajiri (children whose parents send them from their rural homes to urban areas with the expectation they will study and live with Islamic teachers) and help them transition to the state education system if they desired. In many parts of the country, social and economic reasons led to discrimination against girls in access to education. When economic hardship restricted families' ability to send children to school, many girls became involved in activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in elementary and secondary schools.

According to the 2010 Nigeria Education Data Survey, attendance rates in primary schools ranged from 35 to 80 percent. The lowest attendance rates were in the Northeast (rates of 43 percent for boys and 38 percent for girls) and the Northwest, where rates for boys and girls hovered around 47 percent and 35 percent, respectively. Overall, 63 percent of boys and 58 percent of girls attended school. According to the UN Children's Fund (UNICEF), for every 10 girls in school,

more than 22 boys attended. Approximately 25 percent of young persons between ages 17 and 25 had fewer than two years of education. Boko Haram claimed credit for causing the destruction of primary and secondary schools in Borno and Yobe states. According to AI the attacks prohibited thousands of children from continuing their education in the Northeast.

Child Abuse: Child abuse remained common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to combat it. Human rights groups reported sexual assaults and rapes of young girls, especially in the North.

In some states children accused of witchcraft were killed or suffered abuse such as kidnapping and torture. According to two local NGOs that operated shelters, Stepping Stones Nigeria and the Child Rights and Rehabilitation Network, attackers drove nails into children's heads, cut off fingers, tied children to trees, and abandoned them in the jungle. The press reported several cases during the year of family and community members torturing children because of suspicion of witchcraft. On February 23, police in Cross Rivers State rescued a six-year-old girl whose father had beaten, bound, and gagged her for five days without food or water at the behest of the family's pastor, who accused her of being a witch. The father was arrested and the child sent to live with her grandmother in another village. There were no further updates as of October.

So-called baby factories, small facilities disguised as private medical clinics, housed pregnant women, mostly young unmarried girls, and offered their children for sale. In some cases young women were held against their will and raped, with their newborns sold on the black market for several thousand dollars, with boys fetching higher prices. The children were sold for various purposes, including adoption, child labor, prostitution, or sacrificial rituals. Mothers received approximately 31,850 naira (\$200). On May 10, police rescued 17 pregnant girls between 14 and 17 years of age and 11 infants and small children from the Ahamefula Motherless Babies Home in Umuaka, Imo State, a presumed baby factory. Police also reportedly arrested a 23-year-old man suspected of impregnating all the girls. The owner of the facility, a woman known as "Madame One Thousand," remained at large as of October.

Forced and Early Marriage: The law sets a minimum age of 18 years for marriage. Of women ages 20 to 24, 39 percent reported being married or in a union before the age of 18. Fewer than half of the country's state assemblies had adopted the Child Rights Act, which sets the minimum marriage age. Most states, especially

northern states, did not adopt the act, and those states did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the subject, pointing out the health hazards and improving their awareness on the problem. Certain states worked with NGO programs to put in place 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 at times 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 “indecentry” associated with premarital sex or for other cultural and religious reasons.

On July 16, the Senate failed to strike Section 29 (4)(b) from the constitution, which states that a married woman, regardless of age, could legally be considered “of age” for the purpose of renouncing her citizenship. While this vote maintained the current language in the constitution, local media outlets erroneously reported that the vote had legalized underage marriage.

Harmful Traditional Practices: The law criminalizes FGM/C except for medical reasons when the procedure is performed by a doctor. By law an offender is any woman who offers herself for FGM/C; any person who coerces, entices, or induces any woman to undergo FGM/C; or any person who, for other than medical reasons, performs an operation removing part of a woman’s or a girl’s sexual organs. The law provides for a fine of 50,000 naira (\$314), one year’s imprisonment, or both, for a first offense and doubles penalties for a second conviction.

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

The 2008 NDHS reported 30 percent of women in the country had suffered FGM/C. While practiced in all parts of the country, FGM/C remained most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM/C, was common in the South and infrequently occurred in northern states. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, most victims suffered FGM/C before their first birthday.

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

Sexual Exploitation of Children: There is no statutory rape law. Child prostitution is prohibited, with penalties of up to seven years' imprisonment for the adult involved. The minimum age of consensual sex is 18. The law, not implemented in all states, provides a 10-year prison term for anyone hiring or using a child for the production of pornography or for any pornographic performance, and a fine of 50,000 naira (\$314) or imprisonment for five years, or both, for anyone found guilty of printing, publishing, selling, or possessing "harmful" publications. The sexual exploitation of children remained a significant problem; children were subjected to forced prostitution, both within the country and abroad.

Displaced Children: According to 2011 UN statistics, the country had 10.8 million orphans, of whom 2.2 million had become orphans due to HIV/AIDS. UNICEF noted 25 percent of children in the country, including orphans, suffered from inadequate nutrition, poor access to health care, and infrequent school attendance.

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

In 2010 the Ministerial Committee on Madrasah Education reported that 9.5 million children worked as almajiri. Instead of receiving an education, however, many almajiri became child beggars and were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide almajiri with sufficient shelter or food, and many of these children effectively became homeless.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The constitution does not prohibit explicitly discrimination based on disability, but it prohibits discrimination based on the circumstances of one's birth. 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. Plateau and Lagos states have laws that provide for protections for the rights of persons with disabilities. Government responsibility for persons with disabilities falls under the National Human Rights Commission and the Ministry of Women's Affairs and Social Development, although the federal government announced that plans for a Persons With Disabilities Commission had been completed on October 17. These institutions advocated for the Nigerian Disability Bill, which was passed by the Senate but not the House of Assembly by year's end.

Mental health services were almost nonexistent. Officials at a small number of prisons used private donations to provide separate mental health facilities for prisoners with mental disabilities. All prisoners with disabilities stayed with the general inmate population without regard to disability, and no additional services were available.

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

The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist those who were blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs such as the Hope for the Blind Foundation in Zaria, Kano Polio Victims Trust Association, Joint National Association of Persons with Disabilities, Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities. In 2008 the Ministry of Education estimated there were 3.25 million school-age children with disabilities. Of these, an estimated 90,000 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 among minorities and ethnic groups typically involved heavily concentrated security actions, incorporating police, military, and other security services, often in the form of a joint task force. The National Orientation Agency occasionally organized conferences and issued public messages in support of tolerance and national unity.

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

The constitution requires the government have a “national character,” meaning that cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geopolitical regions. Traditional relationships were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had personal ties. State and local governments sometimes compelled nonindigenous persons to move by threats,

discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and military.

For example, in Plateau State the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

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

Incidents of communal violence between ethnic groups in the Middle Belt, also divided along Christian-Muslim lines, resulted in numerous deaths and injuries, the displacement of thousands of persons, and widespread property destruction.

Ethnoreligious violence, often triggered by disputes between farmers and herders, resulted in numerous deaths and significant displacement during the year. The largest number of examples of such conflict occurred in Benue State. In May more than 50 persons were reportedly killed and 13 villages burned by Fulani herdsmen. Nine suspects were reportedly arrested and put on trial for the killings. The trial was adjourned until June, and there were no further developments in the case as of October.

Land disputes, ethnic differences, settler-indigene tensions, and religious affiliation all contributed to these attacks. Determining 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. For example, between June 21 and June 24, unknown attackers reportedly killed six persons, including village head Muhammad Abubakar, injured many more, and burned 16 homes in a series of attacks and reprisal killings in Wase Local Government Area of Plateau State. On June 26, suspected Fulani herdsmen attacked three villages in the Langtang South Local Government Area of Plateau State, killed 32 persons, and burned more than one hundred houses. The

attackers reportedly indiscriminately killed men, women, children, and the elderly. Authorities did not convict any perpetrators of such violence as of October.

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

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

Consensual same-sex sexual activity is illegal under federal law and punishable by prison sentences of up to 14 years. In the 12 northern states that adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread societal taboos against homosexuality, very few lesbian, gay, bisexual, and transgender (LGBT) persons were open about their sexual orientation. The NGOs Global Rights and The Independent Project provided LGBT groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also worked under the Coalition for the Defense of Sexual Rights to provide access to information and services on sexual health and rights for LGBT persons, sponsor programs to help build skills useful in social outreach, and provide safe havens for LGBT individuals. The government and its agents did not impede the work of these groups during the year.

On June 12, approximately 50 protesters gathered at the Chief Magistrates' Court in the Ogbaru Council Area of Anambra State to challenge the arrest and demand the release of two men standing trial for homosexuality. The court remanded the case on the basis that it lacked jurisdiction. There were no further updates as of October.

There were also reports of communities rounding up suspected LGBT persons, stripping them naked, and parading them through villages, as occurred on January 14 in Imo State. In another incident, on March 20, an angry mob in Delta State surrounded an intersex man, stripped him naked, and prodded his genitalia before police intervened and took the man into protective custody.

In November the Kano government and Kano's morality police, which enforces sharia-based codes of conduct, announced a crackdown on violations of sharia,

including being an LGBT person. According to the police reports, numerous suspected LGBT persons were arrested.

On December 17, a harmonized version of the “Same Sex Marriage (Prohibition) Bill” passed the Senate. Previous versions had passed both the House and the Senate. Under this bill an individual who “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. LGBT advocacy groups, human rights organizations, and local lawyers expressed concern that the bill contains provisions that would further criminalize consensual same-sex relations and impose restrictions on freedom of expression, association, and assembly. Public debate of the bill was a matter of considerable national interest and resulted in some violence.

Other Societal Violence or Discrimination

There was widespread societal discrimination against persons with HIV/AIDS. The public considered the disease a result of immoral behavior and a punishment for homosexual 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.

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

Communal violence remained an issue in Jos. News reports indicated Fulani herdsmen had killed no fewer than 32 persons, presumably in retaliation for the theft of 200 head of cattle belonging to the herdsmen.

On May 9, members of the outlawed Ombatse cult killed as many as 50 police officers and 10 SSS members in an ambush near Lafia, Nassarawa State. The police were on their way to arrest some members of the cult, including its leader. The Ombatse cult, which means “time has come,” claimed to be fighting against social vices, but critics argued that the group was attempting to advance the political power of the Eggon people before and during the 2015 elections cycle. On September 17, claims by troops that they killed the leader of the Ombatse cult, Baba Alakyo, proved to be false. The violent clashes remained under investigation by Nassarawa state authorities.

Ritualists who believed certain body parts to confer mystical powers kidnapped and killed persons to harvest body parts for rituals and ceremonies. For example, on September 23, the body of Audu Nemu was discovered in Jos, Plateau State – missing organs, including both eyes and tongue – a week after he was reported missing. No arrests had been made as of October.

People born with albinism faced discrimination, were considered bad luck, and were sometimes abandoned at birth or killed for witchcraft purposes. The Christian Missionary Foundation Inc., in Kuje, FCT, rescued albino children abandoned by their mothers.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides all workers, except those in certain categories, with the right to form or belong to any trade union or other associations, conduct legal strikes, and bargain collectively. Some statutory limitations substantially restricted these rights. By law labor unions must be registered with the government and have a minimum of 50 members. Other trade unions may not be registered if a trade union already exists in that trade or profession. Workers, except members of the armed forces and employees designated under the law as essential public sector workers, may join trade unions. Trade union federations, called in the law “central labor organizations,” must register with the government. Each federation must consist of 12 or more affiliated trade unions, and each trade union must be an exclusive member in a single federation.

The law generally does not provide for a union’s ability to conduct its activities without interference from the government. The law narrowly defines which union activity is legal. The minister of labor has broad authority to cancel the registration of workers’ and employers’ organizations. The Registrar of Trade Unions has broad powers to review union accounts at any time. In addition the law requires government permission before a trade union can be legally affiliated to an international organization.

The law stipulates 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, the 1992 Nigeria Export Processing

Zones Decree, and other laws. Workers in EPZs are allowed to organize and engage in collective bargaining, but there are no explicit provisions to provide workers in EPZs with the right to organize their administration and activities without interference by the government. The law does not allow worker representatives free access to EPZs to organize workers, nor does it allow workers to strike for 10 years following the commencement of operations within a zone. In addition the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, has the exclusive authority to handle the resolution of disputes between employers and employees, thereby limiting the autonomy of the bargaining partners.

The law provides for certain restrictions to the exercise of the right to strike. The law requires a majority vote of all registered union members for calling a strike. The law limits the right to strike to disputes of 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. Strikes are prohibited in essential services, defined in an overly broad manner to include the Central Bank of Nigeria; Nigerian Security Printing and Minting Company Limited; any corporate body licensed to carry out banking business under the Banking Act; postal service; sound broadcasting; telecommunications; maintenance of ports, harbors, docks, or airports; transportation of persons, goods, or livestock by road, rail, sea, or river; road cleaning; and refuse collection. Strike actions, including many in nonessential services, may be subject to a compulsory arbitration procedure leading to a final award, which is binding on the parties concerned.

Strikes over national economic policy are prohibited. Penalties for participating in an illegal strike include fines and imprisonment for up to six months.

Workers under collective bargaining agreements cannot participate in strikes unless their unions comply with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers may bring 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, in the case of strikes that commence without due cause. 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. The panel's decisions are binding on the parties but may be appealed to the National Industrial Court. The arbitration process was cumbersome, time consuming, and ineffective in deterring retribution against strikers. Individuals also have the right to petition the Ministry of Labor and may request arbitration from the National Industrial Court.

The law generally does not prohibit antiunion discrimination; only unskilled workers are protected against such discrimination. The law does not provide for re-instatement for workers fired for union activity.

In June the International Labor Organization (ILO) ruled that many provisions of the Trade Union Act and the Trade Disputes Act contravened ILO conventions 87 and 98 and recommended amending the noncompliant provisions of the laws to ensure workers enjoy full freedom of association.

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

While workers exercised some of these rights, the government generally did not effectively enforce the applicable laws. Inflation reduced the value of many fines since the relevant laws were adopted. For instance, some fines may not exceed 100 naira (\$0.63).

Officials reported union membership declined in recent years, and a majority of workers operated in the informal economy.

In many cases workers' fears of negative repercussions inhibited their reporting of antiunion activities.

According to labor representatives, police rarely gave permission for public demonstrations and routinely used force to disperse protesters.

According to the Nigeria Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), of the 123 companies in the free zones, only five had allowed the unions to organize workers, and at all five companies, union leaders had been victimized and dismissed. In January, NUPENG and PENGASSAN issued notice of a three-day strike to start on February 13 if dismissed shop floor union leaders

were not re-instated and union rights established in all companies in the free zone. The minister of labor and productivity agreed with the Oil and Gas Free Zone Authority and the unions that companies would be given 90 days to comply with the relevant law, allowing unions to be put in place. The strike was cancelled after parties reaching an amicable agreement.

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

Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in some parts of the private sector, particularly in the banking and telecommunications sectors. According to the International Trade Union Confederation, the government and some private sector employers occasionally failed to honor their collective agreements. For example, the government failed to respect a collective agreement that stipulated a new salary structure for academics and more funding for universities. University staff held a strike starting July 1 over the nonpayment of allowances. Polytechnic staff also held a three-month strike over the government's nonimplementation of its collective bargaining agreement.

Most of these strikes, particularly in the aviation and petroleum sectors, lasted less than a week and were quickly resolved, although the university system experienced multiple long strikes during the year. The strike of the Academic Staff Union of Universities (ASUU) shut down universities beginning July 1. The ASUU staged an 81-day strike earlier in the year and resumed its strike on October 4 over issues related to conditions of service for university lecturers and funding of universities. Media reports indicated that the federal government implemented a "no-work-no-pay" rule and stopped paying the striking professors in September. In December the government ordered the professors to resume work or potentially lose their jobs, but the government and ASUU reached an agreement before action was taken. Furthermore, police prevented an ASUU protest in Ebonyi, Benue, Sokoto, and Kano states in October and broke up an ASUU protest at the Gwagwalada campus of the University of Abuja on October 30.

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 NUPENG to stage a three-day warning strike in July.

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

Chinese employers reportedly continued to fail to comply with labor laws pertaining to the protection of union organizing, especially in the construction and textile sectors. Although no new complaints were made during the year, in the past a local NGO reported employers required workers to sign, as a condition of employment, contracts that explicitly prohibited employees from attempting to join a union. Some employers dismissed workers involved in organizing unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, some laws contain provisions for sanctions that include imprisonment with compulsory prison labor. The law provides for fines and imprisonment for individuals convicted of engaging in the practice of forced or compulsory labor. Enforcement of the law remained ineffective in many parts of the country. The government took steps to identify or eliminate forced labor, but insufficient resources and jurisdictional problems between state and federal governments hampered efforts. There were no data on the number of victims removed from forced labor during the year.

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

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

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets a general minimum age for employment of 13 years. Persons under age 14 may be employed only on a daily basis, must receive the day's wages at the

end of each workday, and must be able to return each night to their parents' or guardian's residence. By law these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No person under 16 may work underground, in machine work, or on a public holiday. The law does not specify an age threshold but says that no "young person" may be employed in any job that is injurious to health, dangerous, or immoral; previous and subsequent chapters make reference to children under 16. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15, which is consistent with the age for completing educational requirements. The law states children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths above the age of 12 is allowed in skilled trades or as domestic servants.

In September the government approved the National Action Plan and National Strategy for the Elimination of Child Labor. Despite the law and action plan, children remained inadequately protected due to weak or nonexistent enforcement. The Labor Ministry is responsible for enforcing labor laws. The federal government's Child Rights Act requires state-level ratification for full implementation. Twenty-three states and the FCT passed the act. The remaining states were primarily in the North, where sharia is in effect. The ILO recommended that action be taken to ensure children under 14 not undertake apprenticeship and to regulate the employment of children ages 13-15 in light work. No action was taken by year's end.

The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to December 10, the ministry reported a total of 8,441 labor inspections in all areas, resulting in 1,200 cases of violations. The ministry employed 882 labor officers and factory inspectors. Of these 882 inspectors, 209 were hired during the year, 80 percent of whom were factory inspectors. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints, of illegal activity. The ministry, however, conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. 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

to suggest that 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.

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

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

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

In addition to children who were citizens, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun state. An international agency worked with state government officials to eliminate

the number of child workers under age 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/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The legal national monthly minimum wage is 18,000 naira (\$113). Employers with fewer than 50 employees are exempt from this minimum, and the large majority of workers are not covered.

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

The law establishes general health and safety provisions, some of which are aimed specifically at young or female workers. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The law provides for the protection of factory employees in hazardous situations, including the right of employees to remove themselves from such situations. The law does not provide other, nonfactory workers with similar protections. The law applies to legal foreign workers, but not all companies respected these laws. The Ministry of Labor is responsible for enforcing these standards.

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

Due to an insufficient number of inspectors, the Ministry of Labor did not properly monitor and enforce health and safety conditions. The inspectorate division of the ministry inspected factories' compliance with health and safety standards, but it was underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations. In addition the government did not enforce the law strictly. Enforcement of these standards did not occur in the informal sector.

The Ministry of Labor reported there were 25 occupational health and safety-related deaths during the year and one major industrial accident. Multiple sources indicated unsafe conditions were common at worksites across the country, however. Aside from the more than 8,400 labor inspections, there were no reports of wider government action during the year to prevent violations and improve working conditions, particularly for hazardous sectors or vulnerable groups. The ministry more than tripled the number of factory inspectors during the year, and one of the Zamfara villages affected by lead poisoning received remediation.