

NIGERIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory. In February 2019 citizens re-elected President Muhammadu Buhari of the All Progressives Congress party to a second four-year term. Most independent observers agreed the election outcome was credible despite logistical challenges, localized violence, and some irregularities.

The Nigeria Police Force is the primary law enforcement agency, along with other federal organizations. The Department of State Services is responsible for internal security and reports to the president through the national security adviser. The Nigerian Armed Forces are responsible for external security but also have domestic security responsibilities. Consistent with the constitution, the government continued to turn to the armed forces to address internal security concerns, due to insufficient capacity and staffing of domestic law enforcement agencies. There were reports that members of the security forces committed human rights abuses. Civilian authorities did not always maintain effective control over the security services.

The insurgency in the Northeast by the militant terrorist groups Boko Haram and the Islamic State in West Africa continued. The groups conducted numerous attacks on government and civilian targets, resulting in thousands of deaths and injuries, widespread destruction, the internal displacement of more than two million persons, and the external displacement of somewhat more than an estimated 300,000 Nigerian refugees to neighboring countries as of December 14.

Significant human rights abuses included: unlawful and arbitrary killings by both government and nonstate actors; forced disappearances by the government, terrorists, and criminal groups; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government and terrorist groups; harsh and life-threatening prison conditions; arbitrary detention by government and nonstate actors; political prisoners; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in an internal

NIGERIA

conflict, including killing and torture of civilians; serious restrictions on free expression, the press, and the internet, including the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, in particular for lesbian, gay, bisexual, transgender, and intersex persons; severe restrictions on religious freedom; serious acts of corruption; trafficking in persons; inadequate investigation and accountability for violence against women; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and the worst forms of child labor.

The government took some steps to investigate alleged abuses by police, including the Special Anti-Robbery Squad and military forces, but impunity remained a significant problem. There were reports of further progress in formally separating and reintegrating child soldiers previously associated with the Civilian Joint Task Force, a nongovernmental self-defense militia, which received limited state government funding.

Boko Haram and the Islamic State in West Africa continued attacks on civilians, military, and police; recruited and forcefully conscripted child soldiers; and carried out scores of person-borne improvised explosive device attacks--many by coerced young women and girls--and other attacks on population centers in the Northeast and in Cameroon, Chad, and Niger. Abductions by Boko Haram and the Islamic State in West Africa continued. Both groups subjected many women and girls to sexual and gender-based violence, including forced marriages, sexual slavery, and rape. The government investigated attacks by Boko Haram and the Islamic State in West Africa and took steps to prosecute their members.

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

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

There were reports that the government or its agents committed arbitrary, unlawful, or extrajudicial killings. At times authorities sought to investigate, and when found culpable, held police, military, or other security force personnel accountable

NIGERIA

for the use of excessive or deadly force or for the deaths of persons in custody, but impunity in such cases remained a significant problem. State and federal panels of inquiry investigating suspicious deaths did not always make their findings public.

The national police, army, and other security services sometimes used force to disperse protesters and apprehend criminals and suspects. Police forces engaging in crowd-control operations generally attempted to disperse crowds using nonlethal tactics, such as firing tear gas, before escalating their use of force.

On October 20, members of the security forces enforced curfew by firing shots into the air to disperse protesters, who had gathered at the Lekki Toll Gate in Lagos to protest abusive practices by the Nigerian Police Force's Special Anti-Robbery Squad (SARS). Accurate information on fatalities resulting from the shooting was not available at year's end. Amnesty International reported 10 persons died during the event, but the government disputed Amnesty's report, and no other organization was able to verify the claim. The government reported two deaths connected to the event. One body from the toll gate showed signs of blunt force trauma. A second body from another location in Lagos State had bullet wounds. The government acknowledged that soldiers armed with live ammunition were present at the Lekki Toll Gate. At year's end the Lagos State Judicial Panel of Inquiry and Restitution continued to hear testimony and investigate the shooting at Lekki Toll Gate.

There were no reports of the federal government further investigating or publicly holding individuals accountable for the Nigerian Army's 2015 killing and subsequent mass burial of 347 members of the Islamic Movement of Nigeria (IMN) and other civilians. There was also no evidence that any members of the armed forces were held accountable for clashes in Abuja with IMN protesters in October and December 2018 that reportedly killed at least 42 persons.

In August a military court-martial convicted a soldier and sentenced him to 55 years in prison after he committed a homicide while deployed in Zamfara State.

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

NIGERIA

Criminal gangs also killed numerous persons during the year. On January 25, criminals abducted Bola Ataga, the wife of a prominent doctor, and her two children from their residence in the Juji community of Kaduna State. The criminals demanded a ransom of \$320,000 in exchange for their return. They killed Ataga several days later after the family was unable to pay the ransom. On February 6, the criminals released the children to their relatives.

b. Disappearance

In August 2019, to mark the International Day of the Disappeared, Amnesty International issued a statement calling on the government to release immediately hundreds of persons who had been subjected to enforced disappearance and held in secret detention facilities across the country without charge or trial.

Criminal groups abducted civilians in the Niger Delta, the Southeast, and the Northwest, often to collect ransom payments. For example, on the evening of December 11, criminals on motorbikes stormed the Government Science Secondary School in Kankara, Katsina State, abducting 344 schoolboys and killing one security guard. On December 17, the Katsina State government, in conjunction with federal government authorities, secured the release of the boys.

Maritime kidnappings remained common as militants turned to piracy and related crimes to support themselves. For example, in July, Nigerian pirates attacked a Floating Production Storage and Offloading vessel near Rivers State, kidnapping 11 crew members.

Other parts of the country also experienced a significant number of abductions. Prominent and wealthy figures were often targets of abduction, as were religious leaders, regional government leaders, police officers, students, and laborers, amongst others. In January the Emir of Potiskum, Alhaji Umaru Bubaram, and his convoy were attacked on the Kaduna-Zaria Highway. The emir was abducted, and several of his bodyguards were killed. The Abuja-Kaduna road axis was a major target for kidnappers, forcing most travelers to use the train.

Boko Haram and the Islamic State in West Africa (ISIS-WA) conducted large-scale abductions in Borno, Yobe, and Adamawa States (see section 1.g.).

NIGERIA

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. A 2017 law defines and specifically criminalizes torture. The law prescribes offenses and penalties for any person, including law enforcement officers, who commits torture or aids, abets, or by act or omission is an accessory to torture. It also provides a basis for victims of torture to seek civil damages. A 2015 law prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the legislation compliant with the 2015 law for the legislation to apply beyond the Federal Capital Territory (FCT) and federal agencies. Two-thirds of the country's states (Abia, Adamawa, Akwa Ibom, Anambra, Bayelsa, Benue, Cross River, Delta, Edo, Ekiti, Enugu, Jigawa, Kaduna, Kano, Kogi, Kwara, Lagos, Nasarawa, Ogun, Ondo, Osun, Oyo, Plateau, and Rivers) had adopted compliant legislation.

The Ministry of Justice previously established a National Committee against Torture. Lack of legal and operational independence and limited funding hindered the committee from carrying out its work effectively.

The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not always respect this prohibition. According to credible international organizations, prior to their dissolution, SARS units sometimes used torture to extract confessions later used to try suspects. President Buhari disbanded SARS units in October following nationwide #EndSARS protests against police brutality. Of the states, 28 and the FCT established judicial panels of inquiry to investigate allegations of human rights violations carried out by the Nigerian Police Force and the disbanded SARS units. The panels were made up of a diverse group of civil society representatives, government officials, lawyers, youth, and protesters with the task of reviewing complaints submitted by the public and making recommendations to their respective state government on sanctions for human rights violations and proposed compensation for victims. The work of the judicial panels continued at year's end.

NIGERIA

Local nongovernmental organizations (NGOs) and international human rights groups accused the security services of illegal detention, inhuman treatment, and torture of criminal suspects, militants, detainees, and prisoners. On February 10, the BBC published a report documenting police and military use of a torture practice known as *tabay* when detaining criminal suspects, including children. Tabay involves binding a suspect's arms at the elbows to cut off circulation; at times the suspect's feet are also bound and the victim is suspended above the ground. In response to the BBC video, military and Ministry of Interior officials told the BBC they would investigate use of the practice.

In June, Amnesty International issued a report documenting 82 cases of torture by the SARS from 2017 to May.

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

The sharia courts in 12 states and the FCT may prescribe punishments such as caning, amputation, flogging, and death by stoning. The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death to a higher sharia court. Statutory law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a nonsharia court. Sharia courts issued several death sentences during the year. In August a sharia court in Kano State convicted a man of raping a minor and sentenced the man to death by stoning. Authorities often did not carry out sentences of caning, amputation, and stoning ordered by sharia courts because defendants frequently appealed, a process that was often lengthy. Federal appellate courts had not ruled on whether such punishments violate the constitution because no relevant cases reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there were no challenges on constitutional grounds.

There were no new reports of canings during the year. Defendants generally did not challenge caning sentences in court as a violation of statutory law. Sharia

NIGERIA

courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison in lieu of caning.

According to the *Conduct in UN Field Missions* online portal, there were no new reports of sexual exploitation or abuse by peacekeepers from Nigeria deployed to UN peacekeeping missions, but there were still five open allegations, including one from 2019, one from 2018, and three from 2017. As of September, two allegations had been substantiated, and the United Nations repatriated the perpetrators, but the Nigerian government had not yet provided the full accountability measures taken for all five open cases.

In Oyo State, two Nigeria Police Force officers were arrested after reportedly mistreating subjects they arrested in July. In September the Nigeria Police Force dismissed 11 officers and filed criminal charges against an additional 19 for misconduct.

Impunity remained a significant problem in the security forces, including in the police, military, and the Department of State Services (DSS). The DSS, police, and military reported to civilian authorities but periodically acted outside civilian control. The government regularly utilized disciplinary boards and mechanisms to investigate security force members and hold them accountable for crimes committed on duty, but the results of these accountability mechanisms were not always made public. Police remained susceptible to corruption, faced allegations of human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects.

In response to nationwide protests against police brutality, the government on October 11 abolished SARS units. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier's commanding officer determined disciplinary action, and the decision was subject to review by the chain of command. The army had a human rights desk to investigate complaints of human rights abuses brought by civilians, and a standing general court-martial in Maiduguri. The human rights desk in Maiduguri coordinated with the Nigerian Human Rights Commission (NHRC) and Nigerian

NIGERIA

Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside major population centers remained limited. The court-martial in Maiduguri convicted soldiers for rape, murder, and abduction of civilians. Many credible accusations of abuses remained uninvestigated. The military continued its efforts to train personnel to apply international humanitarian law and international human rights law in operational settings.

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees reportedly were subjected to gross overcrowding, inadequate medical care, food and water shortages, and other abuses; some of these conditions resulted in deaths. The government sometimes detained suspected militants outside the formal prison system (see section 1.g.).

Physical Conditions: Overcrowding was a significant problem. Although the total designed capacity of the country's prisons was 50,153 inmates, as of October prison facilities held 64,817 prisoners. Approximately 74 percent of inmates were in pretrial detention or remanded. As of October there were 1,282 female inmates. Authorities sometimes held female and male prisoners together, especially in rural areas. Prison authorities sometimes held juvenile suspects with adults.

Many of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and overcrowding sometimes resulted in dangerous and unsanitary conditions. For example, in December 2019, according to press reports, five inmates awaiting trial at Ikoyi Prison were accidentally electrocuted in their cell, which held approximately 140 inmates despite a maximum capacity of 35.

Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused some prisoners to die from treatable illnesses, such as HIV/AIDS, malaria, and tuberculosis. This situation was exacerbated with the arrival of COVID-19. In July the government released 7,813 prisoners, including some older than 60 or with health conditions, and others awaiting trial, in response to COVID-19. Although

NIGERIA

authorities attempted to isolate persons with communicable diseases, facilities often lacked adequate space, and inmates with these illnesses lived with the general prison population. There were no reliable statistics on the total number of prison deaths during the year.

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

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

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

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

Several unofficial military detention facilities continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly improved, detainees were not always given due process and were subjected to arbitrary and indefinite detention (see section 1.g.). There were no reports of accountability for past deaths in custody, nor for past reports from Amnesty International alleging that an estimated 20,000 persons were arbitrarily detained between 2009 and 2015, with as many as 7,000 dying in custody.

NIGERIA

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

The government continued to arrest and detain women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. Some children held were reportedly as young as age five.

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

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

While prison authorities allowed visitors within a scheduled timeframe, in general few visits occurred, largely due to lack of family resources and travel distances. Prison employees sometimes requested bribes to allow access for visitors.

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

NIGERIA

Improvements: International organizations reported that the military released more than 400 persons, including at least 309 children, from military custody in Maiduguri in March. Operation Safe Corridor, a deradicalization program, graduated more than 600 former low-level Boko Haram affiliate members and former detainees.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, police and security services at times employed these practices. The law also provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but detainees found such protections ineffective, largely due to lengthy court delays. According to numerous reports, the military arbitrarily arrested and detained--often in unmonitored military detention facilities--thousands of persons in the context of the fight against Boko Haram in the Northeast (see section 1.g.). In their prosecution of corruption cases, law enforcement and intelligence agencies did not always follow due process, arresting suspects without appropriate arrest and search warrants.

Arrest Procedures and Treatment of Detainees

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they sometimes abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In some instances government and security employees did not adhere to this regulation. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities sometimes asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. In some cases police detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained

NIGERIA

arbitrary or subject to extrajudicial influence. Judges sometimes set stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. At times authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police sometimes demanded additional payment.

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

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

Arbitrary Arrest: Security personnel reportedly arbitrarily arrested numerous persons during the year, although the number remained unknown.

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

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NCS figures released in October, 74 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. Court backlogs grew due to COVID-related shutdowns and delays. In many cases multiple adjournments resulted in years-long delays. Some detainees had their cases adjourned because the NPF and the NCS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. Prison employees did not have effective prison case file management processes, including databases or cataloguing systems. In general the courts were plagued with inadequate, antiquated systems and procedures.

NIGERIA

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

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

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, inefficiency, and corruption prevented the judiciary from functioning adequately. There are no continuing education requirements for attorneys, and police officers were often assigned to serve as prosecutors. Judges frequently failed to appear for trials. In addition the salaries of court officials were low, and officials often lacked proper equipment and training.

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

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

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

NIGERIA

hastily implemented, insufficiently codified, and constitutionally debatable in most of the states.

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

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

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common law appellate courts. As of September no challenges with adequate legal standing had reached the common law appellate system. The highest appellate court for sharia-based decisions is the Supreme Court, staffed by common-law judges who are not required to have any formal training in the sharia penal code. Sharia experts often advise them. Sharia courts are thus more susceptible to human error, as many court personnel lack basic formal education or the appropriate training to administer accurately and effectively penal and legal procedures. Despite these shortfalls, many in the north prefer sharia courts to their secular counterparts, especially concerning civil matters, since they are faster, less expensive, and conducted in the Hausa language.

Trial Procedures

Pursuant to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges

NIGERIA

(with free interpretation as necessary from the moment charged through all appeals); receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal.

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

Human rights groups stated the government did not permit all terror suspects detained by the military their rights to legal representation, due process, and to be heard by a judicial authority. Rights groups, including Human Rights Watch, expressed concerns regarding inadequate access to defense counsel, a lack of interpreters, and inadequate evidence leading to an overreliance on confessions. It was unclear whether confessions were completely voluntary. Those whose cases were dismissed reportedly remained in detention without clear legal justification. Human rights groups also alleged that in some cases dissidents and journalists were jailed without access to legal representation or had other rights denied, such as the right to a fair and public trial.

Women and non-Muslims may testify in civil or criminal proceedings and give testimony that carries the same weight as testimony of other witnesses. Sharia courts, however, usually accorded the testimony of women and non-Muslims less weight than that of Muslim men. Some sharia court judges allowed different evidentiary requirements for male and female defendants to prove adultery or fornication. Pregnancy, for example, was admissible evidence of a woman's adultery or fornication in some sharia courts. In contrast, sharia courts could

NIGERIA

convict men only if they confessed or there was eyewitness testimony. Sharia courts provided women increased access to divorce, child custody, and alimony, among other benefits.

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

Political Prisoners and Detainees

IMN's leader, Sheikh Ibrahim Zakzaky, and his spouse remained in detention. In 2018 the Kaduna State government charged Zakzaky in state court with multiple felonies stemming from the death of a soldier at Zaria.

Civil Judicial Procedures and Remedies

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

NIGERIA

Property Restitution

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

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

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

On February 25, the NGO Law and Rights Awareness Initiative filed a lawsuit against the Nigerian Communications Commission challenging regulations granting warrantless access to telecom subscribers' call data. The suit alleged that the regulations violate citizens' constitutional right to privacy.

g. Abuses in Internal Conflict

The insurgency in the Northeast by the militant terrorist groups Boko Haram and the ISIS-WA continued. The groups conducted numerous attacks on government and civilian targets, resulting in thousands of deaths and injuries, widespread destruction of property, the internal displacement of more than two million persons, and external displacement of approximately 300,000 Nigerian refugees as of September 30.

Killings: Units of the NA's Seventh Division, the NPF, and the DSS carried out operations against the terrorist groups Boko Haram and ISIS-WA in the Northeast. There were reports of military forces committing extrajudicial killings of suspected members of the groups.

Boko Haram and ISIS-WA attacked population centers, security personnel, and international organization and NGO personnel and facilities in Borno State. Boko Haram also conducted attacks in Adamawa, while ISIS-WA attacked targets in Yobe. These groups targeted anyone perceived as disagreeing with the groups'

NIGERIA

political or religious beliefs or interfering with their access to resources. While Boko Haram no longer controlled as much territory as it did in 2016, the two insurgencies nevertheless maintained the ability to stage forces in rural areas and launch attacks against civilian and military targets across the Northeast. Both groups carried out attacks through roadside improvised explosive devices (IEDs). ISIS-WA maintained the ability to carry out effective complex attacks on military positions, including those in population centers.

On November 28, suspected Boko Haram terrorists killed at least 76 members of a rice farming community in Zabarmari, Borno State. Some of those killed were beheaded.

Boko Haram continued to employ indiscriminate person-borne improvised explosive device (PIED) attacks targeting the local civilian populations. Women and children were forced to carry out many of the attacks. According to a 2017 study by UNICEF, children, forced by Boko Haram, carried out nearly one in five PIED attacks. More than two-thirds of these children were girls. Boko Haram continued to kill scores of civilians suspected of cooperating with the government.

ISIS-WA increased attacks and kidnappings of civilians and continued to employ acts of violence and intimidation against civilians in order to expand its area of influence and gain control over critical economic resources. As part of a violent campaign, ISIS-WA also targeted government figures, traditional leaders, international organization and NGO workers, and contractors. In multiple instances ISIS-WA issued “night letters” or otherwise warned civilians to leave specific areas and subsequently targeted civilians who failed to depart. During its attacks on population centers, ISIS-WA also distributed propaganda materials.

On June 13, suspected ISIS-WA militants attacked the village of Felo, Borno State, killing dozens of civilians.

Abductions: In previous years Human Rights Watch documented cases where security forces forcibly disappeared persons detained for questioning in conflict areas, but there were no reports of such cases during the year.

NIGERIA

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

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

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

Physical Abuse, Punishment, and Torture: There were reports that security services used excessive force in the pursuit of Boko Haram and ISIS-WA suspects, at times resulting in arbitrary arrest, detention, or torture.

Arbitrary arrests reportedly continued in the Northeast, and authorities held many individuals in poor and life-threatening conditions. There were reports some of the arrested and detained included children believed to be associated with Boko Haram, some of whom may have been forcibly recruited. On May 27, Amnesty International published a report documenting the prolonged detention of terrorism suspects, including children, in deplorable conditions in military facilities in the Northeast. According to Amnesty, the prolonged detention of children in severely overcrowded facilities without adequate sanitation, water, or food, amounted to torture or inhuman treatment. Amnesty documented cases in which children detained in the facilities died as a result of the poor conditions. Conditions in

NIGERIA

Giwa Barracks reportedly improved somewhat during the year, because the military periodically released groups of women and children, and less frequently men, from the facility to state-run rehabilitation centers. Government employees were not consistently held accountable for abuses in military detention facilities.

Reports indicated that soldiers, police, the Civilian Joint Task Force (CJTF), SARS, and others committed sexual exploitation and abuse of women and girls. Such exploitation and abuse were a concern in state-run IDP camps, informal camps, and local communities in and around Maiduguri, the Borno State capital, and across the Northeast. Women and girls continued to be exploited in sex trafficking, reportedly by other IDPs, aid workers, and low-level government employees. Some charges were brought against government officials, security force members, and other perpetrators. For example, an Air Force officer was convicted, dismissed, and sentenced in 2019 by a court-martial for sexual exploitation of a 14-year-old girl in one of the IDP camps. In August he was turned over to civilian authorities for further criminal prosecution. In September a military court-martial convicted, dismissed from service, and sentenced to five years' imprisonment a soldier after he raped a teenage girl in Borno State.

Boko Haram engaged in widespread sexual and gender-based violence against women and girls. Those who escaped, or whom security services or vigilante groups rescued, faced ostracism by their communities and had difficulty obtaining appropriate medical and psychosocial treatment and care. In 2019 Boko Haram kidnapped a group of women and cut off their ears in retaliation for perceived cooperation with Nigerian and Cameroonian military and security services.

Child Soldiers: There were no reports that the military used child soldiers during the year. In 2019 an international organization verified the Nigerian military recruited and used at least two children younger than age 15 in support roles. Between April and June 2019, the military used six boys between 14 and 17 years old in Mafa, Borno State, in support roles fetching water, firewood, and cleaning. In October 2019 the same international organization verified the government used five boys between 13 and 17 years old to fetch water at a checkpoint in Dikwa, Borno State.

NIGERIA

Reports indicated that the military coordinated closely on the ground with the CJTF. The CJTF and United Nations continued work to implement an action plan to end and prevent the recruitment and use of children, which was signed by both parties and witnessed by the Borno State government in 2017. According to credible international organizations, following the signing of the action plan there had been no verified cases of recruitment and use of child soldiers by the CJTF. Some demobilized former child soldiers were awaiting formal reintegration into communities.

Children (younger than age 18) participated in Boko Haram attacks. The group paid, forcibly conscripted, or otherwise coerced young boys and girls to serve in its ranks and perpetrate attacks and raids, plant IEDs, serve as spies, and carry out PIED bombings, often under the influence of drugs. The group also subjected abducted girls to sexual and gender-based violence, including rape and forced marriage.

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

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

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

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. Authorities in the north at times restricted free speech by labeling it blasphemy.

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

NIGERIA

At times civilian leaders instructed security forces to harass journalists covering sensitive topics such as human right abuses, electoral malpractices, high-level public corruption, and the government's war against terrorism.

Violence and Harassment: Security services detained and harassed journalists, sometimes for reporting on sensitive problems such as political corruption and security. Security services including the DSS and police occasionally arrested and detained journalists who criticized the government. Moreover, army personnel in some cases threatened civilians who provided, or were perceived to have provided, information to journalists or NGOs on misconduct by the military. On at least six occasions, journalists were charged with treason, economic sabotage, or fraud when uncovering corruption or public protests.

Numerous journalists were killed, detained, abducted, or arrested during the year.

On January 21, Alex Ogbu, a reporter for the *RegentAfrica Times* magazine and website, was shot and killed in a cross fire while covering an IMN protest in Abuja.

On October 24, police arrested Onifade Pelumi, an intern reporter for Gboah TV, as he conducted interviews in a crowd gathered outside a food warehouse in Agege near Lagos. His family was unable to locate him until his body was found in a Lagos morgue two weeks later.

On November 28, soldiers assaulted and detained Voice of America Hausa-service reporter Grace Abdu in Port Harcourt, Rivers State. Abdu was interviewing residents of the Oyigbo community about allegations the army had committed extrajudicial killings of members of the proscribed separatist group the Indigenous People of Biafra (IPOB), as well as killed or indiscriminately arrested civilians during a crackdown against IPOB. She was released later that afternoon.

Censorship or Content Restrictions: The government controlled much of the electronic media through the National Broadcasting Commission (NBC), which is responsible for monitoring and regulating broadcast media. The law prohibits local television stations from transmitting programming from other countries except for special religious programs, sports programs, or events of national

NIGERIA

interest. Cable and satellite transmission was less restricted. For example, the NBC permitted live transmission of foreign news and programs on cable and satellite networks, but they were required to dedicate 20 percent of their programming time to local content.

The government used regulatory oversight to restrict press freedom, notably clamping down on television and radio stations. Citing violations of amendments to the sixth edition of the Nigeria Broadcasting Code, in August the NBC fined local radio station Nigeria Info 99.3 FM for comments by the former deputy governor of the Central Bank of Nigeria, Obadiah Mailafia, on insecurity in the country. Mailafia alleged that a northern governor was a sponsor of Boko Haram.

The NBC also sanctioned private television stations Africa Independent Television, Channels TV, and Arise News during October's #EndSARS protests, alleging their reportage of the nationwide protests relied on unverifiable video footage from social media handles.

Some journalists reported they practiced self-censorship. Journalists and local NGOs claimed security services intimidated journalists, including editors and owners, into censoring reports perceived to be critical of the government. In February, Samuel Ogundipe, a reporter for the newspaper *Premium Times*, went into hiding after receiving numerous threatening telephone calls, having his email hacked, and being told to stop his reporting that relations between the country's national security adviser, the army chief of staff, and the chief of staff for the presidency were strained. The newspaper's editor, Musililu Mojeed, also reported receiving threats and the online edition of *Premium Times* suffered cyberattacks.

Libel/Slander Laws: Libel and slander are civil offenses and require defendants to prove truthfulness or value judgment in news reports or editorials or pay penalties. The requirement limited the circumstances in which media defendants could rely on the common law legal defense of "fair comment on matters of public interest," and it restricted the right to freedom of expression. Allegations of libel were also used as a form of harassment by government employees in retaliation for negative reporting. Defamation is a criminal offense carrying a penalty for conviction of up to two years' imprisonment and possible fines. On October 13, police arrested Oga Tom Uhia, editor of *Power Steering*, a magazine covering the

NIGERIA

electrical power sector, at his home in Gwarimpa near Abuja. Uhia was charged with defamation, based on a complaint by Minister of State for Power Goddy Jeddy Agba. As of November, Uhia remained in detention.

On April 28, police arrested Mubarak Bala, president of the Humanist Association of Nigeria, for allegedly posting blasphemous statements regarding the Prophet Muhammad on Facebook. On December 21, the Federal High Court in Abuja ordered the inspector general of police, Mohammed Adamu, and the Nigerian Police Force to release Bala, ruling that his detention without charge for almost eight months violated his rights to freedom of expression and movement, among others. At year's end the inspector general and police had not complied with the court's decision, and Bala remained in detention.

Sharia courts sentenced persons for blasphemy. In August singer Yahaya Sharif-Aminu was convicted of blasphemy and sentenced to death by a Kano State sharia court. A 13-year-old boy was convicted of blasphemy and sentenced to 10 years' imprisonment. Lawyers for both defendants were appealing the convictions at year's end.

Internet Freedom

There were few government restrictions on access to the internet, but challenges with infrastructure and affordability persisted. The NGO Freedom House reported that internet providers sometimes blocked websites at the request of the Nigerian Communications Commission, particularly websites advocating independence for Biafra. The internet and communications technology enterprise Paradigm Initiative reported that mobile internet providers blocked websites related to the #EndSARS protests.

Civil society organizations and journalists expressed concern regarding the broad powers provided by the law on cybercrime. Some local and state governments used the law to arrest journalists, bloggers, and critics for alleged hate speech. On August 17, authorities in Akwa Ibom State arrested journalist Ime Sunday Silas following his publication of a report, *Exposed: Okobo PDP Chapter Chair Links Governor Udom's Wife with Plot to Blackmail Deputy Speaker*. Authorities charged Silas with "cyberstalking." Silas's case was pending before the court at

NIGERIA

year's end. The law on cybercrimes had yet to be fully tested in the courts. Legislative interest and calls for regulating social media increased due to concerns it plays a role in accelerating rural and electoral violence.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for rights to freedom of peaceful assembly and association, but the government limited these rights.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly. The government occasionally banned and targeted gatherings when it concluded their political, ethnic, or religious nature might lead to unrest. The government put limitations on public gatherings, including temporary bans on congregational worship services in some states, in response to COVID-19. As of September public gatherings were limited to no more than 50 persons in enclosed spaces. State-level mandates varied on the reopening of religious services. Open-air religious services held away from places of worship remained prohibited in many states due to fear they might heighten interreligious tensions.

Members of a Shia political organization, the IMN, carried out a series of protests across the country in response to the continued detention of their leader, Sheikh Ibrahim El-Zakzaky. Police and military officials set up roadblocks and used other means to contain protesters in and around the capital city of Abuja. On January 23, Shia Rights Watch reported that government forces used tear gas and firearms against IMN protesters, killing one protester and severely injuring another. An IMN spokesperson alleged that police killed three IMN members during the group's annual Ashura mourning procession in Kaduna on August 24 and that two persons died in clashes with police on August 30. On October 19, IMN members protested El-Zakzaky's continued detention on the first anniversary of the violent clash with police in Zaria.

NIGERIA

In August, #RevolutionNow protesters organized a set of demonstrations in several cities across the country to mark the one-year anniversary of their inaugural protests calling for more responsive and accountable governance. Although the protests were allowed to proceed unimpeded in most places, civil society observers reported the arrest of some peaceful protesters in Lagos, Osun, and Kano States on charges of “conduct likely to cause breach of public peace.” All those arrested were released within days of their arrest.

In October, #EndSARS protests were staged in states across the country to demand an end to police brutality. Demonstrations were largely peaceful, but some protests turned violent after criminal elements infiltrated the protests and security forces fired at protesters at the Lekki Toll Gate on October 20 (see section 1.a.). According to #EndSARS Legal Aid, by year’s end a network of volunteer lawyers had secured the release of 337 protesters, but it was unable to confirm how many remained in detention.

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

Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or other special interest organizations. While the government generally respected this right, on occasion authorities abrogated it for some groups. The government of Kaduna State continued its proscription of the IMN, alleging the group constituted a danger to public order and peace. In July 2019 the government extended that proscription nationwide and designated the IMN as a terrorist organization.

The law criminalizes the registration, operation, or participation in so-called gay clubs, societies, or organizations, and further prohibits any support to such organizations (see section 6). Rights groups reported the law had a significant chilling effect on free association.

NIGERIA

c. Freedom of Religion

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

d. Freedom of Movement

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

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

Police conducted “stop and search” operations in cities and on major highways and, on occasion, set up checkpoints. In response to COVID-19, the federal and state governments each instituted restrictions on movement between and within states, as well as curfews that varied throughout the year.

e. Status and Treatment of Internally Displaced Persons

As of September the Office of the UN High Commissioner for Refugees (UNHCR) reported there were approximately 2.5 million persons displaced in the Lake Chad Basin region. Insurgency was the reason for the overwhelming majority of the displacements, followed by communal clashes.

Access to farmland remained a problem for IDPs in the Northeast, particularly for those living with host communities. Many IDPs with access to farmland were told by the military to refrain from planting taller crops for security reasons. Distribution of fertilizers to areas with some farming opportunities was restricted due to the military's suspicion that fertilizers such as urea could be used for military purposes.

NIGERIA

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

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

f. Protection of Refugees

The government cooperated with UNHCR and humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, Migrants, and IDPs. The government participated in a regional protection dialogue to continue to work through a tripartite agreement with UNHCR and Cameroon signed in 2017 to ensure that any Nigerian refugees in Cameroon returning to Nigeria were fully informed and gave their consent. Nevertheless, the agreement was not fully enforced, and the return of Nigerian refugees to Nigeria was sometimes forced, uninformed, or dangerous according to some humanitarian organizations.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Asylum seekers originated mainly from Cameroon, the Democratic Republic of the Congo, Central African Republic, Mali, Cote d'Ivoire, and Sudan, with a majority living in urban areas in Cross River State, Lagos, and Ijebu Ode in Ogun State. According to UNHCR, approximately 60,000 Cameroonians fleeing the Anglophone Crisis sought refuge in Cross River, Benue, and Akwa Ibom States.

NIGERIA

Access to Basic Services: Legal documentation such as birth certificates, national identity cards, certificate of indigenes and voter registration are the key civil documentation to prove state of origin and nationality. They are also necessary to access services such as education. UNHCR reported in August that ineffective and inexistent civil registration and identification management systems in areas hosting IDPs and returnees remained a concern.

Durable Solutions: The country received a high number of returnees, both voluntary and forced, primarily in the Northeast. Accurate information on the number of returnees was not available. The government was generally unable to take action to reintegrate returning refugees. Many returnees did not find durable solutions and were forced into secondary displacement.

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

g. Stateless Persons

The government does not require birth registration, and the majority of births were unregistered. The *2018 Nigeria Demographic and Health Survey*, the most recent data available, found that only 42 percent of births of children younger than age five were registered. Most persons did not become stateless because of their lack of birth registration; however, there were some reported cases where the government denied individuals citizenship because they did not have a birth registration and did not have another way to prove their citizenship.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The Independent National Electoral Commission (INEC) is the independent electoral body responsible for overseeing elections by regulating the process and preventing electoral misconduct. In 2019 INEC conducted the

NIGERIA

presidential election, National Assembly elections, state houses of assembly elections, and local elections in all 36 states plus the FCT, as well as gubernatorial elections in 30 states. During the year INEC conducted gubernatorial elections in Edo and Ondo States. There was evidence in some of these elections that military and security services intimidated voters, electoral officials, and election observers. There were reports in some of these elections of corrupt practices, including high incidences of vote buying.

Political Parties and Political Participation: The constitution and law allow the free formation of political parties. As of September there were 18 parties registered with INEC. INEC deregistered 74 political parties in February on the basis that the parties did not satisfy the requirements of the law. The constitution requires political party sponsorship for all election candidates.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. Observers attributed fewer leadership opportunities for women in major parties and government, particularly in the north, to religious and cultural barriers. The number of female candidates was disproportionately low. Although INEC introduced assistive materials, including braille ballot guides and sign language interpreters' manuals, the accessibility of polls for persons with disabilities remained poor. Less than 4 percent of those elected in the 2019 general elections were women. Only 12 percent of the 6,300 candidates for the National Assembly's House of Representatives and Senate were women, and women won only 17 of the 469 Assembly seats. The situation was similar in the 36 state houses of assembly and 774 local government councils. Women's participation dropped from a high of 8 percent of National Assembly members elected in 2007 to 4 percent in 2019.

Section 4. Corruption and Lack of Transparency in Government

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

NIGERIA

the judiciary and security services. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office. There were numerous allegations of government corruption during the year.

Corruption: The Independent Corrupt Practices Commission (ICPC) holds broad authorities to prosecute most forms of corruption. The Economic and Financial Crimes Commission's (EFCC) writ extends only to financial and economic crimes. During the year there was a high-profile investigation involving the acting chairman of the EFCC, Ibrahim Magu. In July authorities arrested Magu and charged him with embezzlement. Magu was suspended as acting EFCC chairman. The ICPC led a raid in August 2019 that resulted in the arrest of 37 federal road safety officers and five civilian employees on charges of extortion. As of December 2019, the EFCC had secured 890 convictions, a record during the year. Through court-martial, the military convicted and fired a major general in connection with the 2019 reported theft of 400 million naira (more than one million dollars) in cash.

The bulk of ICPC and EFCC anticorruption efforts remained focused on low- and mid-level government officials. In 2019 both organizations started investigations into, and brought indictments against, various active and former high-level government officials. Many of the corruption cases, particularly the high-profile ones, remained pending before the court due to administrative or procedural delays.

In June the Nigeria National Petroleum Corporation released audited 2018 financial statements, the first such release since its establishment in 1977. The corporation also published audited accounts of its 20 subsidiaries and business divisions. In December the federal government launched the Financial Transparency Policy and Portal, commonly referred to as Open Treasury Portal, with the aim of increasing transparency and governmental accountability of funds transferred by making the daily treasury statement public. The Open Treasury Portal required all ministries, departments, and agencies to publish daily reports of payments greater than five million naira (\$13,300). The Nigeria Extractive

NIGERIA

Industries Transparency Initiative and other anticorruption watchdog groups hailed the government for providing better access to government spending data.

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

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded but generally dismissed allegations quickly without investigation. In some cases the military threatened NGOs and humanitarian organizations.

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

NIGERIA

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

Women

Rape and Domestic Violence: Federal law addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic violence. The law cites spousal battery, forceful ejection from the home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), other harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) as offenses. Victims and survivors of violence are entitled by law to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies, with their identities protected during court cases, although during the year these services were often limited due to resource constraints. As of September only 13 of the country's 36 states (Kaduna, Anambra, Oyo, Benue, Ebonyi, Edo, Ekiti, Enugu, Osun, Cross River, Lagos, Plateau, and Bauchi) and the FCT had adopted the act, meaning that most Nigerians were not yet protected by the law.

The law criminalizes rape, but it remained widespread. According to the *2018 Nigeria Demographic and Health Survey*, approximately 31 percent of women between ages 15 and 49 had experienced some form of physical violence and 9 percent had experienced sexual violence. On May 27, a university student was raped and killed while studying inside a church in Benin City, Edo State. With support from Edo State, the inspector general of police sent a special homicide team to investigate, which resulted in the arrest of six suspects in August. Four were charged and remained in jail awaiting trial until October, when they escaped during a mass jailbreak during the #EndSARS protests. At year's end they remained fugitives, while two more suspects had yet to be charged because authorities could not locate them.

Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. Federal law provides penalties for conviction ranging from 12 years' to life imprisonment for offenders older than 14 and a maximum of 14 years'

NIGERIA

imprisonment for all others. It also provides for a public register of convicted sexual offenders and appointment of protection officers at the local government level to coordinate with courts and provide for victims to receive various forms of assistance (e.g., medical, psychosocial, legal, rehabilitative, and for reintegration) provided by the law. The law also includes provisions to protect the identity of rape victims and a provision empowering courts to award appropriate compensation to victims of rape. Because the relevant federal law had only been adopted in one-third of states, state criminal codes continued to govern most rape and sexual assault cases and typically allowed for lesser sentences. While some, mostly southern, states enacted laws prohibiting some forms of gender-based violence or sought to safeguard certain rights, a majority of states did not have such legislation. Victims generally had little or no recourse to justice. In September, Kaduna State enacted laws increasing the maximum penalty for rape to include sterilization and the death penalty.

The law provides for up to three years' imprisonment, a monetary fine, or both for conviction of spousal battery. It also authorizes courts to issue protection orders upon application by a victim and directs the appointment of a coordinator for the prevention of domestic violence to submit an annual report to the federal government.

Domestic violence remained widespread, and many considered it socially acceptable. A 2019 survey on domestic violence found that 47 percent of respondents had suffered from domestic violence or knew someone who had; 82 percent of respondents indicated that violence against women was prevalent in the country.

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

Female Genital Mutilation/Cutting (FGM/C): Federal law criminalizes female circumcision or genital mutilation, but there were few reports that the government took legal action to curb the practice. The law penalizes a person convicted of performing female circumcision or genital mutilation with a maximum of four

NIGERIA

years in prison, a monetary fine, or both. It punishes anyone convicted of aiding or abetting such a person with a maximum of two years' imprisonment, a monetary fine, or both. The federal government launched a revised national policy on the elimination of FGM for 2020-24.

The *2018 Nigeria Demographic and Health Survey* found that 20 percent of women ages 15 to 49 had undergone FGM/C, a decrease from approximately 25 percent in 2013. While 13 of 36 states banned FGM/C, once a state legislature had criminalized FGM/C, NGOs found they had to convince local authorities that state laws applied in their districts.

Other Harmful Traditional Practices: According to the law, any person convicted of subjecting another person to harmful traditional practices may be punished with up to four years' imprisonment, a monetary fine, or both. Anyone convicted of subjecting a widow to harmful traditional practices is subject to two years' imprisonment, a monetary fine, or both. For purposes of the law, a harmful traditional practice means all traditional behavior, attitudes, or practices that negatively affect the fundamental rights of women or girls, to include denial of inheritance or succession rights, FGM/C, forced marriage, and forced isolation from family and friends.

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

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

Sexual Harassment: Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but assault statutes provide for prosecution of violent harassment. The law criminalizes stalking, but it does not explicitly

NIGERIA

criminalize sexual harassment. The law also criminalizes emotional, verbal, and psychological abuse and acts of intimidation.

The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions.

Reproductive Health: Although couples and individuals have the legal right to decide the number, spacing, and timing of children, traditional practices often hampered a woman's choice on family size.

Information on reproductive health and access to quality reproductive health services and emergency obstetric care were not widely available. The UN Population Fund (UNFPA) reported as of 2020 that only 46 percent of married or in-union women were free to make their own informed decisions in all three categories of reproductive health care, contraceptive use, and sexual relations. More than 30 percent of women of reproductive age experienced spousal violence during pregnancy.

Modern methods of contraception were used by 12 percent of women, with nearly 19 percent of all surveyed women stating they had an unmet need for family planning, and 24 percent of women stating they wanted no more children. The UN Population Division estimated 17 percent of girls and women ages 15-49 used a modern method of contraception. As of 2010, the UNFPA reported that 29 percent of women ages 20-24 had given birth before the age of 18.

Cultural and religious views across regions affected access to reproductive services, especially contraceptive use. Not all primary health centers provided free family-planning services. The National Health Insurance Scheme did not always cover family-planning services.

Conversations around sex and sexuality issues were taboo in many places, posing a barrier for access for youth who might need services and information from health-care providers.

Pediatricians provided primary care for adolescents through 18 years of age. Adolescent-friendly reproductive health services and interventions were usually

NIGERIA

not provided within the health system. Low literacy and low economic empowerment among couples hampered effective access to skilled health attendance during pregnancy and delivery, although government insurance policies sometimes provided for free antenatal services. The 2018 *Nigeria Demographic and Health Survey* (NDHS) reported that 67 percent of women ages 15-49 received antenatal care from a skilled provider during pregnancy, and 39 percent of live births took place in a health-care facility.

Inadequate funding for primary health-care facilities and cost of services, as well as lack of access to primary health-care facilities in rural and hard-to-reach areas with poor transportation and communications infrastructure, limited access to antenatal care and skilled birth delivery. Gender roles also limited access to maternal health services; women who were financially or socially dependent on men might be unable to access health care without seeking consent from their spouses. In some states, health-care workers frequently required women to provide proof of spousal consent prior to accessing contraceptives. In the North, societal and cultural norms inhibited women from leaving the house unaccompanied to access reproductive health services. Some women also preferred to deliver their babies using traditional birth attendants because of the belief they could prevent spiritual attacks and because of the affordability of their services.

According to the 2018 NDHS, one in 10 women ages 15-49 experienced sexual violence. A UNICEF survey from 2014 indicated one in four girls and one in 10 boys experienced sexual violence before age 18. The government received support from donors to provide access to age-appropriate sexual and reproductive health services for survivors of sexual violence in all 36 states and the Federal Capital Territory. Sexual violence survivors who sought and had access to care could receive a minimum package of care, including counseling, HIV testing services, provision of post-exposure prophylaxis (within 72 hours), linkage to pre-exposure prophylaxis for HIV-negative clients, linkage to anti-retroviral services for HIV-positive clients, provision of emergency contraceptives (within 120 hours), testing and treatment for sexually transmitted diseases, and legal support where required, among other services such as referrals for longer term psycho-social support and economic empowerment programs.

NIGERIA

The 2018 NDHS reported a maternal mortality rate of 512 deaths per 100,000 live births due to lack of access to antenatal care, skilled birth attendants, emergency obstetric care, and other medical services.

Complications associated with FGM/C included potential spread of HIV due to tearing of scarred vaginal tissue and use of unsterilized instruments; emotional trauma; and sexual health problems such as pain during sex, decreased sexual desire and pleasure, and obstetric problems such as prolonged or obstructed labor, obstetric fistulas, infection, sepsis, and postpartum bleeding.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although the constitution provides the same legal status and rights for women as for men, and there were no known legal restrictions on women's working hours or jobs deemed too dangerous for women, there were limitations on women's employment in certain industries such as construction, energy, and agriculture. Women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, nor does it mandate nondiscrimination based on gender in hiring.

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

In the 12 northern states that adopted religious law, sharia and social norms affected women to varying degrees. For example, in Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care.

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

Children

NIGERIA

Birth Registration: Children derive their citizenship from their parents. The government does not require birth registration, and the majority of births were unregistered. The *2018 Nigeria Demographic and Health Survey*, the most recent data available, found that only 42 percent of births of children younger than age five were registered. Lack of documents did not result in denial of education, health care, or other public services.

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

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

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

According to the *2015 Nigeria Education Data Survey*, attendance rates in primary schools increased to 68 percent nationwide. Of the approximately 30 million primary school-age children, an estimated 10.5 million were not enrolled in formally recognized schools. At least an additional four million were estimated to be out of school at the secondary level. Primary school attendance was low, and learning outcomes nationally were poor on average, especially across the northern states, where compounding disadvantages included higher levels of household poverty, insecurity, and restrictive cultural norms. According to the 2015 education survey, the net attendance ratio at primary level was only 67 percent of children between the ages of six and 11. Children in rural areas were at a greater disadvantage than those in urban areas, with a ratio of 57 percent and 81 percent,

NIGERIA

respectively. Furthermore, national data on students' reading and literacy levels revealed all of the northern states fell within the bottom third on reading performance.

The lowest attendance rates were in the north, where rates for boys and girls were approximately 45 percent and 35 percent, respectively. According to UNICEF, in the north, for every 10 girls in school, more than 22 boys attended. Approximately 25 percent of young persons between ages 17 and 25 had fewer than two years of education.

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

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

In 2010 the Ministerial Committee on Madrasah Education reported 9.5 million children worked as *almajiri*, poor children from rural homes sent to urban areas by their parents ostensibly to study and live with Islamic teachers. Since government social welfare programs were scarce, parents of children with behavioral, mental health, or substance abuse problems turned to the *almajiris* of some *mallams* who claimed to offer treatment. Instead of receiving an education, many *almajiri* were forced to work manual jobs or beg for alms that were given to their teacher. The religious leaders often did not provide these children with sufficient shelter or food, and many of the children effectively became homeless. In April governors of 19 northern states agreed to ban *almajiri* schools, and during the COVID pandemic

NIGERIA

they repatriated thousands of students across state lines. By year's end there were reports that almajiri schools had resumed in some states.

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

So-called baby factories operated, often disguised as orphanages, religious or rehabilitation centers, hospitals, or maternity homes. They offered for sale the newborns of pregnant women--mostly unmarried girls--sometimes held against their will and raped. The persons running the factories sold the children for various purposes, including adoption, child labor, child trafficking, or sacrificial rituals, with boys fetching higher prices. Media reports indicated some communities killed infants born as twins or with birth defects or albinism.

Child, Early, and Forced Marriage: The law sets a minimum age of 18 for marriage for both boys and girls. According to UNICEF, 43 percent of women between the ages of 20 and 24 had been married before the age of 18, while 16 percent were married before age 15. The prevalence of child, early, and forced marriage varied widely among regions, with figures ranging from 76 percent in the Northwest and 36 percent in the North as a whole, to 10 percent in the Southeast. Only 25 state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, emphasizing the health hazards of early marriage. Certain states worked with NGO programs to establish school subsidies or fee waivers for children to help protect against early marriage. The government did not take significant legal steps to end sales of young girls into marriage.

According to an NGO, education was a key indicator of whether a girl would marry as a child--82 percent of women with no education were married before 18, as opposed to 13 percent of women who had at least finished secondary school. In the north parents complained the quality of education was so poor that schooling could not be considered a viable alternative to marriage for their daughters. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent "indecent" associated with premarital sex or for

NIGERIA

other cultural and religious reasons. Boko Haram subjected abducted girls to forced marriage.

Sexual Exploitation of Children: The law prohibits child commercial sexual exploitation and sexual intercourse with a child, providing penalties for conviction from seven years' to life imprisonment, respectively, for any adults involved. Two-thirds of states had adopted the relevant federal law. The minimum age for sexual consent varies according to state law. The constitution provides that "full age" means the age of 18, but it creates an exception for any married woman who "shall be deemed of full age." In some states children as young as 11 can be legally married under customary or religious law. The law criminalizes child sex trafficking and prescribes a minimum penalty of seven years' imprisonment and a substantial monetary fine.

The law criminalizes incest and provides prison sentences of up to 10 years. The law criminalizes the production, procurement, distribution, and possession of child pornography with prison terms of 10 years, a substantial monetary fine, or both.

Sexual exploitation of children remained a significant problem. Children were exploited in commercial sex, both within the country and in other countries. Girls were victims of sexual exploitation in IDP camps. There were continued reports that camp employees and members of security forces, including some military personnel, used fraudulent or forced marriages to exploit girls in sex trafficking (see section 1.g.). The government expanded efforts to identify victims of exploitation in IDP camps and investigate camp officials alleged to be complicit in the exploitation. For example, the government continued a screening and sensitization campaign to identify sex-trafficking victims in IDP camps in Bama and other areas near Maiduguri. The National Agency for the Prohibition of Traffic in Persons (NAPTIP) also collaborated with the Borno State government, international organizations, and NGOs to establish the Borno State Anti-Trafficking Task Force.

Displaced Children: As of September, UNHCR reported there were approximately 2.5 million persons displaced in the Lake Chad Basin region. According to the International Organization for Migration, children younger than age 18 constituted 56 percent of that IDP population, with 23 percent of them

NIGERIA

younger than age six. There were displaced children among IDP populations in other parts of the north as well. Many children were homeless.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution prohibits discrimination based on the "circumstances of one's birth." In 2019 the government passed a disability rights law for the first time, prohibiting discrimination on the basis of disability. Violators are subject to fines, imprisonment, or both. In August, President Buhari named the first appointees to lead the new National Commission for Persons with Disabilities.

Some national-level policies such as the *National Health Policy of 2016* provide for health-care access for persons with disabilities. By year's end 10 states had adopted the national disability law including Kano, Jigawa, Anambra, Kogi, Ondo, Lagos, Ekiti, Plateau, Kwara, and Bauchi. The Ministry of Women's Affairs and Social Development has responsibility for persons with disabilities. Some government agencies, such as the NHRC and the Ministry of Labor and Employment, designated an employee to work on matters related to disabilities.

NIGERIA

The government operated vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to help persons with physical disabilities become self-supporting. The Joint National Association of Persons with Disabilities served as the umbrella organization for a range of disability groups.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many indigent persons with disabilities begged on the streets. Mental health-care services were almost nonexistent. Officials at a small number of prisons used private donations to provide separate mental health facilities for prisoners with mental disabilities. All prisoners with disabilities stayed with the general inmate population and received no specialized services or accommodations.

Members of National/Racial/Ethnic Minority Groups

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

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

The constitution requires the government to have a "federal character," meaning that cabinet and other high-level positions must be distributed to persons representing each of the 36 states or each of the six geopolitical regions. President Buhari's cabinet appointments conformed to this policy. Traditional relationships were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

NIGERIA

All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and military. For example, in Plateau State the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

Land disputes, competition over dwindling resources, ethnic differences, and settler-indigene tensions contributed to clashes between herdsman and farmers throughout the north-central part of the country. Ethnocultural and religious affiliation also contributed to and exacerbated some local conflicts. Nevertheless, many international organizations, including the International Crisis Group, assessed these divisions were incidental to the farmer-herder conflict. “Silent killings,” in which individuals disappeared and later were found dead, occurred throughout the year in north-central Nigeria.

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

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

A 2014 law effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. According to the law, anyone convicted of entering into a same-sex marriage or civil union may be sentenced to up to 14 years’ imprisonment. The law also criminalizes the public show of same-sex “amorous affection.”

A 2016 Human Rights Watch report asserted police and members of the public used the law to legitimize human rights abuses against LGBTI persons, such as

NIGERIA

torture, sexual violence, arbitrary detention, extortion, and violations of due process rights.

During the year LGBTI persons reported increased harassment, threats, discrimination, and incidents of violence against them based on their real or perceived sexual orientation or gender identity according to the NGO The Initiative for Equal Rights (TIERs). TIERs documented 482 human rights abuses based on real or perceived sexual orientation, gender expression, and sex characteristics between December 2019 and November. Of these cases, more than 20 percent involved state actors. Invasion of privacy, arbitrary arrest, and unlawful detention were the most common abuses perpetrated by law enforcement and other state actors. Blackmail, extortion, assault, and battery were the most common types of abuses perpetrated by nonstate actors.

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

On October 27, the Federal High Court in Lagos struck out the charges against 47 men charged in 2018 with public displays of same-sex amorous affection for their attendance at a hotel party where police stated homosexual conduct took place. The presiding judge struck out the charges due to a “lack of diligent prosecution” after the prosecuting counsel repeatedly failed to present witnesses or evidence for court proceedings among other concerns.

Several NGOs provided LGBTI groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness; they also provided safe havens for LGBTI individuals. This work took place contrary to the law.

HIV and AIDS Social Stigma

In general the public considered HIV to be a disease, a result of immoral behavior, and a punishment for same-sex sexual conduct. 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.

NIGERIA

Other Societal Violence or Discrimination

Amnesty International reported in 2018 that 3,641 citizens and perhaps more were killed in violence involving herders and farmers since January 2016. According to International Crisis Group, what were once spontaneous attacks had increasingly become premeditated, scorched-earth campaigns driven primarily by competition for land between farmers and herders, and an estimated 300,000 persons were displaced by the violence.

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

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

Members of both Christian and Muslim groups continued to report some state and local government laws discriminated against them, including by limiting their rights to freedom of expression and assembly and in obtaining government employment.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides all workers, except members of the armed forces, the Central Bank of Nigeria, and public employees who are classified in the broad category of “essential services,” the right to form or belong to a trade union or other association, conduct legal strikes, and bargain collectively; some statutory limitations substantially restrict these rights. Trade unions must meet various registration requirements to be legally established. By law a trade union may be registered only if there is no other union already registered in that trade or

NIGERIA

profession and if it has a minimum of 50 members, a threshold most businesses could not meet. A three-month notice period, starting from the date of publication of an application for registration in the *Nigeria Official Gazette*, must elapse before a trade union may be registered. If the Ministry of Labor and Employment does not receive objections to registration during the three-month notice period, it must register the union within three months of the expiration of the notice period. If an objection is raised, the ministry has an indefinite period to review and deliberate on the registration. The registrar may refuse registration because a proper objection has been raised or because a purpose of the trade union violates the Trade Union Act or other laws. Each federation must consist of 12 or more affiliated trade unions, and each trade union must be an exclusive member in a single federation.

The law generally does not provide for a union's ability to conduct its activities without interference from the government. The law narrowly defines what union activities are legal. The minister of labor and employment has broad authority to cancel the registration of worker and employer organizations. The registrar of trade unions has broad powers to review union accounts at any time. In addition the law requires government permission before a trade union may legally affiliate with an international organization.

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

NIGERIA

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

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

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

NIGERIA

Court. The arbitration process was cumbersome, time consuming, and ineffective in deterring retribution against strikers. Individuals also have the right to petition the Labor Ministry and may request arbitration from the National Industrial Court.

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

In 2013 the ILO ruled that many provisions of the Trade Union Act and the Trade Disputes Act contravened ILO conventions 87 and 98 by limiting freedom of association. While workers exercised some of their rights, the government generally did not effectively enforce the applicable laws. Penalties were not commensurate with those for similar violations. Inflation reduced the deterrence value of many fines established by older laws.

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. In Port Harcourt union members were harassed in an effort to silence opposition to the unilateral abolition of the 30,000 naira (\$78) monthly national minimum wage. On July 21, the Trade Union Side of the Joint National Public Service Negotiating Council alleged the governor of Rivers State dispatched armed thugs to the National Labor Congress secretariat to vandalize property and abduct the chairperson of the Judiciary Staff Union of Nigeria. The chairman was detained at Government House, dragged to a magistrate court on trumped up offenses, and kidnapped while undergoing trial; his whereabouts remained unknown.

Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in some parts of the private sector, particularly in banking and telecommunications. According to the International

NIGERIA

Trade Union Confederation, the government and some private-sector employers occasionally failed to honor their collective agreements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children, except compulsory prison labor. Criminal penalties were commensurate with those for similar crimes but were seldom appropriately enforced. The government did not effectively enforce these laws in many parts of the country. The government took steps to identify or eliminate forced labor, but insufficient resources and lack of training on such laws hampered efforts.

Forced labor remained with reports of women and girls subjected to forced labor in domestic service, and boys subjected to forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The government does not prohibit all of the worst forms of child labor. Penalties were not commensurate with those for similar crimes. Child labor was prevalent, especially in the informal sector.

By law age 12 is the general minimum age for employment. Persons younger than age 14 may be employed only on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence. By law these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No person younger than age 16 may work underground, in machine work, or on a public holiday. No "young person," defined as a person younger than age 18 by the Labor Act, may be employed in any job that is injurious to health, dangerous, or immoral. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15, consistent with the age for completing educational requirements. The law

NIGERIA

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

The Labor Ministry dealt specifically with child labor problems but mainly conducted inspections in the formal business sector, where the incidence of child labor reportedly was not significant. The 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.

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, the government operated vocational training centers with NGOs around the country. The Labor Ministry confirmed that 2,996 children were removed from child labor during the year. Despite the policy and action plan, children largely were not adequately protected due to weak enforcement of the law and gaps in coverage.

Children engaged in the worst forms of child labor identified in the country including: commercial agriculture and hazardous farm work (cocoa, cassava); street hawking; exploitative cottage industries such as iron and other metal works; hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.

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

NIGERIA

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

d. Discrimination with Respect to Employment and Occupation

The law does not prohibit discrimination in employment and occupation based on race, sex, religion, political opinion, gender, language, sexual orientation, gender identity, age, HIV-positive status, or social status. The government did not effectively address discrimination in employment or occupation except in the area of discrimination against persons with disabilities. Penalties were not commensurate with those for similar violations. Gender-based discrimination in employment and occupation occurred (see section 6, Women). Women are legally barred from particular fields of employment, such as mining. Women often experienced discrimination due to traditional and religious practices. Police regulations provide for special recruitment requirements and conditions of service applying to women, particularly the criteria and provisions relating to pregnancy and marital status.

In January 2019 the government adopted the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, which prohibits discrimination against persons with disabilities, giving them the right to education without discrimination or segregation; the right to work on an equal basis with others, including the right to opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open. The act further provides that “all employers of labor in public organizations shall, as much as possible, have persons with disabilities constituting at least 5 percent of their employment.”

NGOs expressed concern regarding 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 where labor protections and higher wages applied. Women did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination. Several states had laws mandating equal opportunity for women.

NIGERIA

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

e. Acceptable Conditions of Work

In April 2019 President Buhari signed legislation increasing the legal national monthly minimum wage. The minimum wage was not higher than the poverty income level. Trade unions protested the failure of the new minimum wage to keep up with inflation. Employers with fewer than 50 employees are exempt from this minimum, and the large majority of workers were not covered. Government enforcement of the minimum wage, particularly by state governments, remained sporadic despite workers' protests and warning strikes. For example, on December 23, the Academic Staff Union of Universities (ASUU) conditionally suspended its nine-month strike (the country's longest strike since 1999) in protest of the government's nonpayment of salaries of ASUU members and failure to revitalize public-sector universities.

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. Penalties for wage and hour violations were not commensurate with those for similar violations.

The law establishes appropriate health and safety provisions. The law requires employers to compensate injured workers and dependent survivors of workers killed in industrial accidents. The law provides for the protection of factory employees in hazardous situations. The law does not provide other nonfactory workers with similar protections. The law applies to legal foreign workers, but not all companies respected these laws. Penalties were not commensurate with those for similar violations. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations.

The Ministry of Labor and Employment is responsible for enforcing these standards. The ministry did not effectively enforce occupational health and safety

NIGERIA

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