



Home Office

Country Policy and Information Note

Nigeria: Actors of protection

Version 2.0

October 2021

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

Contents

Assessment.....	6
1. Introduction	6
1.1 Scope of this note	6
1.2 Points to note	6
2. Consideration of issues	6
2.1 Credibility	6
2.2 Exclusion	7
2.3 Protection	7
Country information	11
3. Organisations responsible for law enforcement	11
3.1 Overview.....	11
3.2 Police.....	12
3.3 Special Anti-Robbery Squad.....	13
3.4 Intelligence agencies	14
3.5 Armed forces	14
4. Legal rights	16
4.1 Penal code	16
4.2 Arrest, detention and torture.....	17
4.3 Death penalty	19
5. Conditions of detention.....	19
6. Capability of security forces	21
6.1 Effectiveness	21
6.2 Corruption.....	23
6.3 Human rights violations.....	25
6.4 Arbitrary arrest and detention	26
6.5 Disappearance	28
6.6 Accountability and impunity	29
7. Judiciary	32
7.1 Structure	32
7.2 Trial procedures	33
7.3 Independence and effectiveness of the judiciary	34
7.4 Legal aid and assistance	37
7.5 Alternative dispute resolutions.....	38
7.6 Lawyers	38
8. Access to protection for women	39

9. Human rights and governance oversight	43
9.1 National Human Rights Commission.....	43
9.2 Public Complaints Commission	45
9.3 Other complaint mechanisms	46
Terms of Reference	47
Bibliography	49
Sources cited	49
Sources consulted but not cited	51
Version control	52

Assessment

Updated: 27 October 2021

1. Introduction

1.1 Scope of this note

- 1.1.1 Whether, in general, those with a well-founded fear of persecution or serious harm from non-state actors can obtain state protection.

1.2 Points to note

- 1.2.1 Where a claim from an adult male is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Nigeria is listed as a designated state in respect of men only.
- 1.2.2 Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded, in line with the Home Office Guidance on [Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

2. Consideration of issues

2.1 Credibility

- 2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

[Back to Contents](#)

2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

[Back to Contents](#)

2.3 Protection

- 2.3.1 Where the person has a well-founded fear of persecution from non-state actors, including ‘rogue’ state actors, decision makers must assess whether the state can provide effective protection.
- 2.3.2 Nigeria has a framework of laws to penalise various forms of criminal activity and a criminal justice system composed of the security forces – police, military, intelligence services – and the judiciary, comprised of federal and state courts, and the Supreme Court sitting above various subordinate courts as well as Sharia courts in the north of the country (see [Organisations responsible for law enforcement](#), [Legal rights](#) and [Judiciary](#)).
- 2.3.3 The legal system is a mix of English common law, Islamic law (in 12 northern states), and traditional law. According to the sources consulted, the government maintains control over the security forces and has some mechanisms in place to investigate and punish abuse and corruption (see [Capability of security forces](#), [Judiciary](#) and [Accountability and impunity](#)).
- 2.3.4 The Nigerian Police Force (NPF) is the primary law enforcement agency with approximately 370,000 officers across the country. The military is used to maintain law and order in areas where there is ongoing conflict and serious violence, including in the Northeast, Southeast, Niger Delta, Middle Belt and Northwest. The national security services are collectively responsible for preventing crime and gathering intelligence to detect external and internal threats against the state of Nigeria (see [Organisations responsible for law enforcement](#)).

- 2.3.5 Although the NPF is one of the largest police forces in the world, the ratio of police officers to citizens – one in every 600 Nigerians - is lower than the UN-recommended rate of one in every 450 people. A significant proportion of the police are deployed to protect important individuals and public property. Sources indicate the police are often low paid, lacking in equipment and in need of training. According to the publicly available sources consulted corruption and bribery remain commonplace, but sources indicate that police bribery prevalence rates fell between 2016 and 2019 from 46% to 33%. The sources also suggest police response to crimes is variable and often slow, and that the NPF is still perceived to be corrupt and ineffective by much of the population. However, an enhanced salary structure has been approved to increase police salaries, and legislation is now in place which aims to modernise policing structures and systems – this includes provisions on funding, training, women’s rights, and accountability, among other things. There is no published data on the number of arrests and prosecution undertaken by the police (and the prosecution service), but the police continue to arrest and detain individuals for breaches of the law, resulting in a prison population of over 64,000 (see [Organisations responsible for law enforcement](#) and [Capability of security forces](#)).
- 2.3.6 According to the sources consulted, there are reports of human rights violations by Nigerian security forces, including unlawful killings, forced disappearances and the use of force to disperse protesters and apprehend criminals. These reports are more frequent in areas where the military has been deployed to counter non-state armed groups (see [Human rights abuses](#)).
- 2.3.7 According to the sources, there are also reports of the use of arbitrary arrest, and detention conditions are reported to often be overcrowded and harsh - there have been allegations of torture of detainees. Several thousand prisoners were released during 2020 to improve conditions in an attempt to control the spread of COVID-19 (see [Arrest, detention and torture](#), [Conditions of detention](#) and [Capability of security forces](#)).
- 2.3.8 Extra-judicial oversight of human rights breaches and abuses of administrative procedure or law by the government are provided by the National Human Rights Commission (NHRC) and the Public Complaints Commission. In addition, the Nigeria Police Council, Police Service Commission (PSC) and the Ministry of Police Affairs oversee police conduct (see [Human rights and governance oversight](#)).
- 2.3.9 Mechanisms are in place to investigate reports of abuse and corruption of the police, army and security forces. Following #EndSARS’ protests in October 2020, the majority of states in Nigeria set up panels of inquiry to investigate allegations of abuses, and in October 2021 a statement was issued by the Vice President’s office, following a meeting of the National Economic Council, announcing that compensation is to be paid to victims of #EndSARS protests and that police officers indicted are prosecuted. However, in general, sources suggest police officers and members of the security forces responsible for misconduct and human rights violations are rarely held to account and the findings of investigations that do take place

are not always made public, fostering a culture of impunity (see [Accountability and impunity](#)).

- 2.3.10 Nigerian law provides for an independent judiciary. According to the sources consulted the judiciary does operate with some degree of independence, but political interference and corruption remain problems and the effectiveness of the courts is undermined by a lack of funding, training and equipment for staff, and the low levels of pay of court officials. Sources suggest access to the courts and legal redress is also hampered by the high costs of litigation and delays in the processing of cases, which has resulted in a large backlog of pending cases and prolonged periods of pre-trial detention. Legal aid is available through the Nigerian Legal Aid Council. However, the number of defendants who need legal advice outweighs the resources available. Although services exist for women and girls affected by sexual and gender based violence, resource constraints mean that access to services are at times limited. Women and girls often face obstacles to gaining access to justice because of discrimination, particularly in respect of gender based violence (see [Judiciary](#)).
- 2.3.11 Obstacles continue to exist for women and girls in gaining access to justice, however, a proposed Gender and Equal Opportunity Bill and Violence Against Persons Prohibition Act (VAPP) provides the potential for a reduction in discrimination and violence against women. Further, gender desks within the police has resulted in improved legislative protections and rights for women.
- 2.3.12 There are no published data on the numbers of court cases, convictions and sentences issued in the sources consulted. However, as noted above, while there is backlog and delays in the judicial process, the courts continue to hear cases and convict individuals leading to their imprisonment (albeit an estimated 70% of the prison population are in pre-trial detention) (see [Conditions in detention](#)).
- 2.3.13 According to the sources consulted, the state has taken steps to establish and operate an effective criminal justice system for the detection, prosecution and punishment of acts constituting persecution or serious harm and to which persons have access. The system's effectiveness in providing protection is hampered by poor pay, inefficiency, a lack of resources and training, and corruption, particularly in the police. It's effectiveness may also vary from place to place, depending on the levels of crime, civil conflict, the size and capability of the security forces and judiciary locally (see Country policy and information note [Islamist extremist groups in North East Nigeria](#)).
- 2.3.14 In general, while there are weaknesses, the state is generally willing and able to offer protection. However, this may be particularly difficult to access for those living in areas of armed conflict, for women or those belonging to certain groups (see [country policy and information notes](#) on Sexual orientation and gender identity or expression, Islamist extremist groups in North East Nigeria, Separatist groups in the South-East, Internal relocation and Background note).
- 2.3.15 Decision makers must consider each case on its facts, taking into account the person's background and profile, and whether they have previously

sought protection and the outcome of this, a person's reasons for not seeking protection and the intent and capability of the person or organisation they fear. The onus is on the person to demonstrate why the state would not be willing and able to provide effective protection.

- 2.3.16 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

Country information

Section 3 updated: 27 October 2021

3. Organisations responsible for law enforcement

3.1 Overview

The Australian Government's Department of Foreign Affairs and Trade country information report Nigeria (DFAT 2020 country information report), updated in December 2020 stated: 'Security and law enforcement in Nigeria is managed at the federal level through the Nigerian Armed Forces (NAF), the Department of State Services (DSS) and the [Nigerian Police Force \(NPF\)](#). The government also utilises groups created for specific purposes, such as the CJTF [Civilian Joint Task Force] (which supports security operations against Boko Haram).'

¹

3.1.1 The US State Department (USSD) human rights country report 2020, covering events in 2020, stated:

'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.'

²

3.1.2 The [1999 Constitution of the Federal Republic of Nigeria](#) establishes the police and armed forces in 214(1) and 217(1) and (2) respectively:

'214. (1) There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.

'217. (1) There shall be an armed forces for the Federation which shall consist of an army, a navy, an Air Force and such other branches of the armed forces of the Federation as may be established by an Act of the National Assembly.

'(2) The Federation shall, subject to an Act of the National Assembly made in that behalf, equip and maintain the armed forces as may be considered adequate and effective for the purpose of –

'(a) defending Nigeria from external aggression;

'(b) maintaining its territorial integrity and securing its borders from violation on land, sea, or air;

'(c) suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly; and

¹ DFAT, '[Country information report: Nigeria](#)', 3 December 2020

² USSD, 2020 Human Rights Report, '[Nigeria](#)' (Section Executive summary), 30 March 2021

‘(d) performance such other functions as may be prescribed by an Act of the National Assembly.’³

- 3.1.3 Section 4 of the Nigerian Police Act 1943 explains: ‘The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act.’⁴

[Back to Contents](#)

3.2 Police

- 3.2.1 The DFAT 2020 country information report stated:

‘The NPF maintains law and order in each state and engages in border security, maritime and counter-terrorism operations. An inspector general of police, appointed by and reporting directly to the president, commands the NPF.

‘With around 370,000 officers, the NPF is one of the largest police forces in the world, although to meet the UN recommended ratio of one police officer per 400 residents it would need to train another 155,000 officers. While the exact number of female NPF officers is unclear, it has historically been low...’⁵

- 3.2.2 DFAT also noted: ‘Police salaries are low, with recruits earning less than USD400 [£290.51⁶] a year.’⁷ By comparison, the living wage for per individual averaged at 42500 NGN/Month [510,000 NGN per year or £900 per year⁸] from 2015 until 2018⁹.

- 3.2.3 EASO in their June 2021 report on the security situation in Nigeria (EASO June 2021 security situation report), and using a range of sources stated:

‘The Nigeria Police Force (NPF) is designated by the 1999 Constitution as a federal unit and the principal law enforcement agency in the country, with staff deployed across the 36 states and the Federal Capital Territory (FCT). The Constitution prohibits state and local governments from forming their own forces. The NPF maintains law and order in each state and engages in border security, maritime and counter-terrorism operations. An inspector general of police commands the NPF, appointed by and reporting directly to the president. The force is divided into seven administrative departments each headed by a Deputy Inspector General of Police, 17 operational Zonal Commands headed by Assistant Inspector Generals of Police, and 37 State Commands (including the FCT) headed by Commissioners of Police. The current and 20th Inspector General of Police is Muhammed A. Adamu, appointed by President Muhammadu Buhari in January 2019. The strength

³ [1999 Consitution of the Federal Republic of Nigeria, 1999](#). Last accessed: 14 October 2021

⁴ Nigeria: [Police Act \[Nigeria\], Cap P19 LFN 2004](#), 1 April 1943

⁵ DFAT, ‘[Country information report: Nigeria](#)’ (page 52), 3 December 2020

⁶ [XE Currency](#) Converter, no date

⁷ DFAT, ‘[Country information report: Nigeria](#)’ (page 53), 3 December 2020

⁸ [XE Currency](#), Converter, no date

⁹ Trading Economics, ‘[Nigeria living wage individual](#)’, updated July 2021

of the NPF is more than 350 000 men and women, covering 36 states and the FCT, Abuja. Reportedly, the police to population ratio is 'drastically below' the UN's standard of 1:450, with 1:600 in Nigeria.¹⁰

3.2.4 The same EASO June 2021 security situation report stated:

'On 17 September 2020 President Muhammadu Buhari signed the Nigeria Police Act 2020, repealing the Police Act Cap. P19, laws of the federation, 2004. Sources report that the Act includes provisions aimed at building a more professional and effective police force, supported by an appropriate funding framework, driven by principles of transparency and accountability in resource management and operations, and encouraging closer citizen-police partnership to maintain peace and combat crime nationwide. Reports link the introduction of the Police Act with longstanding calls for police reform, widespread concerns about corruption, human rights abuses and 'violations of the civilian population' by the NPF, and the widespread protests that led to the disbandment of the Special Anti-Robbery Squad (SARS) in October 2020.'¹¹

3.2.5 A Council on Foreign Relations (CFR) article of September 2020 reported:

'In the face of apparently soaring levels of crime and violence, the Nigerian government has launched a community policing initiative. Abuja has set aside N13 billion (about \$35 million) [£25,440,382¹²] to fund the launch and is recruiting some 10,000 constables, [according to Nigerian media](#). The Chief of Police for Ekiti state is hinting that the new constables will be deployed in the areas from which they come. Locally based, the constables would develop ties with community leaders and, it is hoped, bring security closer to the people.'¹³

3.2.6 For more information about the police, see the [NPF](#) and [Interpol](#) websites.

[Back to Contents](#)

3.3 Special Anti-Robbery Squad

3.3.1 The EASO June 2021 security situation report stated:

'The Special Anti-Robbery Squad (SARS), a police unit established in 1992 to curb armed robbery, was disbanded in October 2020...

'This followed widespread protests in response to viral footage of the shooting of a man by SARS officers, who then drove off in his car. The NPF subsequently announced that they would set up a new Special Weapons and Tactics (SWAT) team to replace the old unit, provoking widespread concern and further protests... The SWAT team's first task was to perform routine patrols to tackle the surge of insecurity in the country.'¹⁴

[Back to Contents](#)

¹⁰ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 23), June 2021

¹¹ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 24), June 2021

¹² [XE Currency Converter](#), no date

¹³ CFR, '[Nigeria Launches Community Policing Initiative](#)', 15 September 2020

¹⁴ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 24), June 2021

3.4 Intelligence agencies

- 3.4.1 EASO's June 2021 security situation report, based a range of sources, noted Nigeria's security services are split into three separate bodies under the Office of the National Security Advisor (ONSA)¹⁵. The same source described the agencies¹⁶:

Department of State Services (DSS) – also known as State security services (SSS)	Domestic intelligence Agency	'Primarily responsible for gathering intelligence within the country and protecting senior government officials, particularly the president and state governors.' ¹⁷ The DSS perform a broad range of roles and functions including the 'Prevention and Detection of any crime against the internal security of Nigeria' ¹⁸	Headed by Director General who reports to the President.
National Intelligence Agency (NIA)		External threats to national interests responsible for foreign intelligence and involved in counter intelligence operations ¹⁹ .	
Defence Intelligence Agency (DIA)		Responsible for providing an efficient system of obtaining military intelligence for the armed forces and the Ministry of Defence ²⁰ .	

[Back to Contents](#)

3.5 Armed forces

- 3.5.1 The DFAT 2020 country information report stated: 'Chapter 6 Part 3 C of the Constitution (Articles 217-220) sets out the roles and responsibilities of the Nigerian Armed Forces (NAF), which report to the Ministry of Defence. The NAF consists of an Army, Navy and Air Force, and has around 181,000 personnel... Nigeria's military spending in 2019 was the equivalent of 0.5 per

¹⁵ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 24), June 2021

¹⁶ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 26-27), June 2021

¹⁷ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 26-27), June 2021

¹⁸ Department of State Services, '[About DSS](#)', no date

¹⁹ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 26-27), June 2021

²⁰ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 26-27), June 2021

cent of GDP [GDP \$432 billion²¹ = GBP £313 billion²²]. Nigeria's voluntary military service age is 18; there is no conscription.'²³

3.5.2 DFAT also noted: 'In addition to being responsible for Nigeria's external security, Article 217(2)(c) authorises the President (with support of the National Assembly) to use the NAF to suppress insurrection and act in aid of civil authorities to restore order. In 2019, the NAF was part of continuing joint operations against insurgencies in the Northeast, Southeast, Niger Delta, Middle Belt and Northwest.'²⁴

3.5.3 The EASO June 2021 security situation report noted:

'The Nigerian Armed Forces comprise the army, navy (including the coast guard), and the air force. Sources estimate the 2021 size of the armed forces active military personnel between 120 000 and 135 000, including 100 000 in the army, 20 000 navy/coast guard, and 15 000 Air Force. Paramilitary personnel (like the Nigeria Security and Civil Defence Corps (NSCDC), which is an agency of the Ministry of the Interior, but assists the military) is estimated around 80 000. In 2021 Nigeria was the 35th most powerful military power in the world... Reportedly, Nigeria has been the largest arms importer in sub-Saharan Africa since 2014... The army, navy and air force are administered and coordinated by a Defence Headquarters, which is headed by a Chief of Defence Staff. The Nigerian Army is the land branch of the armed forces and by far the largest of the three branches, facing the brunt of the country's security challenges, notably the Boko Haram insurgency.'²⁵

3.5.4 The same EASO report provided details of the Nigeria Security and Civil Defence Corps (NSCDC)

'The Nigeria Security and Civil Defence Corps (NSCDC) is described as a paramilitary agency commissioned to assist the military in the management of threats to internal security, including attacks and natural disasters... Established in 1967 by the federal government it was initially known as the Lagos Civil Defence Committee and in 2003 statutorily empowered by law... 2019-2021 sources indicate that the NSCDC has 80 000 active personnel... The NSCDC consists of a Directorate of Administration, Disaster and Crisis Management, Intelligence and Investigation, Operations, Technical Service, and Critical Infrastructure and National Assets... In April 2017, the Ministry of Interior announced that personnel drawn from the NSCDC would be trained to become 'Agro Rangers' with the aim to protect farmers and their investments from attacks by criminals, as well as mediate local farmer-herders disputes... The NSCDC has also been deployed to protect the Internally Displaced Persons' (IDPs) camps... and inform IDPs about COVID-19.'²⁶

3.5.5 With regard regional military forces EASO stated:

²¹ World Bank, '[GDP \(current US\\$\) Nigeria](#)', 2020

²² [XE Currency Converter](#), no date

²³ DFAT, '[Country information report: Nigeria](#)' (page 52), 3 December 2020

²⁴ DFAT, '[Country information report: Nigeria](#)' (page 52), 3 December 2020

²⁵ EASO, '[Nigeria - Security situation](#)' (pages 25 to 26), June 2021

²⁶ EASO, '[Nigeria - Security situation](#)' (page 27), June 2021

‘The Multi-National Joint Task Force (MNJTF) was established in 1994 by Nigeria to deal with trans-border armed banditry in the Lake Chad Basin. In 1998 Chad and Niger joined the MNJTF to deal with common cross-border security challenges within the Lake Chad Region. With the authorization of the African Union Peace and Security Council, in 2015 Benin joined Chad, Niger, Nigeria and Cameroon. The MNJTF was reactivated and refocused on eliminating Boko Haram and creating a safe and secure environment for those affected by Boko Haram and other militant groups... In 2016 the EU signed an agreement with the African Union Commission to provide EUR 50 million to the MNJTF for key assets... Civilian oversight is provided by the sub-regional body, the Lake Chad Basin Commission. The force has its headquarters in Chad and is structured into four sectors based in Cameroon, Chad, Niger and Nigeria. According to the African Union, the total strength of the MNJTF is around 10 000 uniformed troops, with an additional civilian component.’²⁷

3.5.6 EASO also reported:

‘Reportedly the police and military “struggled to meet the multiple security missions across the country, including participating in the Multinational Joint Task Force, countering terrorism, enforcing maritime security, countering narcotics trafficking and other criminal networks, and peacekeeping. Police forces are viewed as oppressive and ineffective, thus putting more burden on the military to assume internal security missions.”... This crisis in federal security has led to the proliferation of state-level and local self-defence groups (militias) mobilisation to provide protection or security to local communities in the absence of state protection, sometimes organised by state governors... Concerns have been raised by several sources that this trend could lead to the emergence of ‘ethno-regional’ security arrangements and the erosion of national cohesion... Several community militias have been amalgamated into the Civilian Joint Task Force (CJTF), particularly present in the North-East Region..., which now performs a range of security functions, often alongside the military. Some have received state funding and other support, although civilian authorities do not have full control over their operations. Some CJTF forces have been implicated in civilian harm and human rights abuses, in a context where they are not held accountable. They are reported to have become part of the local war economy, participating in criminal networks, while acting as a local police force.’²⁸

[Back to Contents](#)

Section 4 updated: 27 October 2021

4. Legal rights

4.1 Penal code

- 4.1.1 Nigeria has established a code of criminal law through the Criminal Code Act, first established in 1916, amended in 1990²⁹, and the enforcement of the

²⁷ EASO, ‘[Nigeria - Security situation](#)’ (pages 27 to 28), June 2021

²⁸ EASO, ‘[Nigeria - Security situation](#)’ (pages 28 to 29), June 2021

²⁹ Nigeria government, ‘[Criminal Code Act](#)’, 1990

law through the Criminal Procedure Act, 1990³⁰.

4.1.2 The [Administration of Criminal Justice Act 2015](#) provides for the administration of criminal justice in the courts of the Federal Capital Territory (FCT) and other Federal Courts in Nigeria.

4.1.3 A range of legal texts can be found at [Nigeria - Law guide - ecoi.net](#).

[Back to Contents](#)

4.2 Arrest, detention and torture

4.2.1 The DFAT 2020 country information report stated:

‘Article 35(3) of the Constitution states any person who is arrested or detained must be informed in writing within 24 hours (in a language they understand) of the facts and grounds for their arrest and detention.

‘Article 35(4) requires that an arrested or detained person be brought before a court of law within a reasonable time, defined as two months from the date of arrest or detention for a person who is in custody or not entitled to bail, or three months in the case of a person who has been released on bail.

‘Article 35(6) states a person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person.’³¹

4.2.2 [Administration of Criminal Justice Act 2015](#) provides for issuance procedures in warrants for arrest, including the following:

‘Article 37 - A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.

‘Article 39 -

- 1) ‘A warrant of arrest may be directed to a police officer by name or to all police officers.
- 2) ‘It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.
- 3) ‘Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.’³²

4.2.3 The [Police Act 2020 \(Part V1\)](#), Powers of Police officers includes provisions for persons arrested, investigated, tried or dealt with according to the provisions of the Act³³.

4.2.4 The [Anti-Torture Act 2017](#) makes ‘... provisions for the acts of torture and other cruel, inhuman and degrading treatment or punishment, and prescribes penalties for the commission of such acts.’³⁴

³⁰ Nigeria government, ‘[Criminal Procedure Act](#)’, 1990

³¹ DFAT, ‘[Country information report: Nigeria](#)’ (page 50), 3 December 2020

³² [Administration of Criminal Justice Act 2015, Part 3 – Warrants](#), 2015

³³ [Police Act 2020](#), Part V1 – Powers of Police officers, Investigation and arrest, 2020

³⁴ [Anti-Torture Act 2017](#), Explanatory Memorandum, 2017

4.2.5 The USSD human rights report 2020 stated:

‘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 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.’³⁵

4.2.6 USSD also stated: ‘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...

‘Security personnel reportedly arbitrarily arrested numerous persons during the year, although the number remained unknown...’³⁶

4.2.7 The same USSD 2020 report noted

‘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,

³⁵ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section 1D), 30 March 2021

³⁶ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section 1C), 30 March 2021

Nasarawa, Ogun, Ondo, Osun, Oyo, Plateau, and Rivers) had adopted compliant legislation.’³⁷

[Back to Contents](#)

4.3 Death penalty

- 4.3.1 The AI Death Sentences and Executions report 2020 noted that Nigeria is a country that ‘retain[s] the death penalty for ordinary crimes’³⁸ and that ‘The death sentences recorded in Nigeria were imposed for crimes that included murder, armed robbery, rape, kidnapping and blasphemy...’³⁹ The same report noted that Nigeria there were over 58 death sentences imposed in 2020 and that over 2,700 were under the sentence of death at the end of 2020⁴⁰.
- 4.3.2 Amnesty International’s April 2021 report on human rights (AI’s April 2021 human rights report) and covering events from 2020 stated: ‘Courts continued to impose death sentences, but no executions were carried out. In August [2020], Yahaya Sharif-Aminu, a musician, was sentenced to death by hanging [An Appeal Panel ordered a retrial in January 2021⁴¹] for blasphemy by the Upper Shari’a Court in Kano.’⁴²

[Back to Contents](#)

Section 5 updated: 27 October 2021

5. Conditions of detention

- 5.1.1 The World Prison Brief, ‘hosted by the [Institute for Crime & Justice Policy Research](#) (ICPR), at [Birkbeck](#), University of London... ICPR hosts and updates the World Prison Brief as part of its World Prison Research Programme. This programme, which involves collaboration with research partners, civil society organisations and policy makers, aims to inform and promote debate and policy reform’⁴³ noted there were 240 prisons with an occupancy level of 146.8% with 71,522 prisoners, 74.8% of whom were pre-trial detainees as at July 2018⁴⁴.
- 5.1.2 The DFAT 2020 country information report presented different figures for prison populations and stated : ‘The Ministry of Internal Affairs has responsibility for prisons and detention centres, which are administered by the Nigerian Correctional Service. As of June 2020, Nigeria had a prison population total of 62,781 across 240 establishments nationwide, representing a 146.8 per cent occupancy level [an identical figure to that presented by the World Prison Brief above, so it is likely that the same original source has been used]; 72.9 per cent of the prison population were

³⁷ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section 1C), 30 March 2021

³⁸ AI, ‘[Death Sentences and Executions 2020](#)’, (page 58), April 2021

³⁹ AI, ‘[Death Sentences and Executions 2020](#)’, (page 52), April 2021

⁴⁰ AI, ‘[Death Sentences and Executions 2020](#)’, (page 52), April 2021

⁴¹ AI, ‘[Retrial ordered for singer on death row: Yahaya Sharif-Aminu](#)’, 29 January 2021

⁴² AI, Amnesty International: ‘[Nigeria 2020](#)’, 7 April 2021

⁴³ World Prison Brief, ‘[Home](#)’, no date

⁴⁴ World Prison Brief, ‘[Nigeria](#)’, no date

pre-trial detainees/remand prisoners. Female prisoners made up 1.8 per cent of the prison population, and juveniles 1.7 per cent.’⁴⁵

5.1.3 The DFAT 2020 country information report noted: International observers report conditions in prisons and detention centres are harsh and life threatening. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. Guards and prison officials reportedly extorted inmates or levied fees 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. Prisoners without money or family support may not have sufficient food, and poor inmates often rely on handouts from others to survive. Prison officials, police and other security force personnel often reportedly deny inmates food or medical treatment as punishment or to extort money. International observers report authorities sometimes hold female and male prisoners together, particularly in rural areas, and often hold juvenile suspects with adults. Most prisons do not have facilities to care for pregnant women or nursing mothers. Although the law prohibits the imprisonment of children, minors – many of whom were born in prison – live in prison. Prisons generally make few efforts to provide mental health services or other accommodations to prisoners with mental disabilities.’⁴⁶

5.1.4 The USSD human rights report 2020 stated in respect of military detention: ‘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... 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.

‘After multiple releases during the year..., 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...’⁴⁷

5.1.5 Similarly, the DFAT 2020 country information report noted: ‘In addition to the MIA-run facilities, several unofficial military prisons also hold persons suspected of association with Boko Haram, most notably the Giwa Barracks Facility in Maiduguri, Borno state. The overall number of detainees in such facilities is unclear. Human rights observers report these detainees are generally denied due process, and are subjected to arbitrary and indefinite detention in conditions that are harsh and life threatening. Those detained include women and children removed from, or allegedly associated with, Boko Haram, including women and girls who had been forcibly married to or sexually enslaved by the insurgents. After a September 2019 Human Rights

⁴⁵ DFAT, ‘[Country information report: Nigeria](#)’ (page 56), 3 December 2020

⁴⁶ DFAT, ‘[Country information report: Nigeria](#)’ (page 56), 3 December 2020

⁴⁷ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Prison and detention conditions), 30 March 2021

Watch (HRW) report documented the substandard conditions in which children were being held in Giwa Barracks, authorities released 25 detained children in October 2019.’⁴⁸

- 5.1.6 USSD also stated: ‘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.’⁴⁹
- 5.1.7 AI’s April 2021 human rights report, which might explain the dip in numbers between the World Prison Brief and USSD / DFAT reports stated: ‘Prisons remained chronically overcrowded and around 70% of inmates were in pre-trial detention, some for over five years. In April [2020], the federal government announced the release of 2,600 prisoners in an amnesty to reduce overcrowding and control the spread of COVID-19. On 31 March [2020], six inmates in Kaduna Correctional Centre were killed by prison guards following a protest sparked by fears of the spread of COVID-19.’⁵⁰
- 5.1.8 For further information on prison and detention conditions, including overcrowding, medical facilities and treatment by the security services see the USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Prison and detention conditions), 30 March 2021

[Back to Contents](#)

Section 6 updated: 27 October 2021

6. Capability of security forces

6.1 Effectiveness

- 6.1.1 The USIP special report of December 2018 similarly noted that:

‘... a significant percentage of [police officers]... are not available for routine police work because more than 150,000 are assigned to guard VIPs and others who ordinarily would not qualify for police protection. Other officials say that the real picture is even more bleak. The assistant inspector-general of police for Zone 5 in Benin City in southern Nigeria, Rasheed Akintunde, said that only 20 percent of police officers are engaged in the core duties of protecting lives and ensuring the peace. “The remaining 80 percent are just busy providing personal security to some ‘prominent people.’”...’⁵¹
- 6.1.2 Agnes Callamard, United Nations Special Rapporteur (SR) for Extrajudicial, Summary or Arbitrary Executions (Agnes Callamard, SR statement September 2019) stated in a statement of September 2019 following a visit to Nigeria that:

‘Country-wide patterns [of violence] include police and military excessive use of lethal force in violation of applicable international standards, the lack of effective investigations, the absence of meaningful prosecution, the militarisation of policing – all of which are compounded by the lack of

⁴⁸ DFAT, [Country information report: Nigeria](#) (page 56), 3 December 2020

⁴⁹ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Prison and detention conditions), 30 March 2021

⁵⁰ AI, Amnesty International: ‘[Nigeria 2020](#)’, 7 April 2021

⁵¹ USIP, ‘[Special report](#)’ (page 9), 19 December 2018

transparency and effective communication strategy over the vast majority of security issues, fuelling further distrust and break down of confidence in the security agencies.’⁵²

- 6.1.3 The USSD’s Overseas Security Advisory Council (OSAC) Crime and Safety Report for Lagos, updated in April 2020, and aimed at US travellers, noted with regard police response:

‘There is no reliable national emergency communication number...

‘Despite a visible police presence in large cities, police response is variable. Law enforcement authorities usually respond slowly or not at all and provide minimal investigative support to victims. The Rapid Response Squad’s policing capacity and emergency response capabilities continue to grow, but remain in a nascent state. A serious lack of resources (e.g. communications equipment, vehicles, skilled leadership, training) continues to undermine the effectiveness of the Nigeria Police Force (NPF). Usually, victims must maintain close contact with local police to move an investigation forward. Crime laboratories and facilities to process evidence are rare. A DNA forensic lab opened in late 2017.

‘Most Nigerians do not perceive the NPF as an effective law enforcement body and have little faith in the criminal justice system. A call to police for assistance may result in the solicitation of bribes. Criminal groups do not fear arrest or prosecution for their activities. Local police and neighborhood associations generally do not deter or disrupt crimes, and seldom apprehend or detain suspects.’⁵³

- 6.1.4 Similarly the USSD’s Overseas Security Advisory Council (OSAC) Crime and Safety Report for Abuja, updated in April 2020, and aimed at US travellers, noted with regard police response: ‘There is no reliable national emergency communication number...

‘A lack of basic resources (communications equipment, vehicles, and fuel) severely hampers effective police response. Investigative efforts suffer from similar resource constraints.’⁵⁴

- 6.1.5 The DFAT 2020 country information report stated: ‘In country sources report the NPF suffers from low capacity and insufficient training, while its operational efficiency is hampered by its centralised nature, which makes resource allocation and changes in operating procedure slow to implement in all states.’⁵⁵

- 6.1.6 DFAT also noted:

‘Capacity constraints have limited the NPF’s ability to control societal violence, particularly in areas under a state of emergency and in Middle Belt conflict zones between mostly Fulani herders, and Muslim and Christian farmers... As a result, the government routinely relies on the military to provide community policing in areas that experience high levels of violence. In 2019, the Nigerian military reportedly conducted active security operations

⁵² OHCHR, ‘[End of visit statement of the Special Rapporteur...](#)’ (paragraph 12), 2 September 2019

⁵³ OSAC, ‘[Crime and Safety Report: Lagos](#)’ updated 28 April 2020

⁵⁴ OSAC, ‘[Crime and Safety Report: Abuja](#)’, updated 28 April 2020

⁵⁵ DFAT, ‘[Country information report: Nigeria](#)’ (page 53), 3 December 2020

in almost all 36 states, effectively replacing policing operations in many areas.’⁵⁶

6.1.7 DFAT referring to the Boko Haram conflict in North East Nigeria stated: ‘The duration of the Boko Haram conflict and the NAF’s [Army, Navy and Airforce] failure to eliminate Boko Haram as a security threat has led to criticism, with some commentators contending the NAF is overstretched, understaffed, underequipped and underperforming. Corruption within the NAF has contributed to low morale at troop level: frontline soldiers have publicly complained about inadequate equipment and not receiving wages.’⁵⁷

6.1.8 The USSD human rights report 2020 noted ‘Civilian authorities did not always maintain effective over the security services.’⁵⁸

The same USSD report stated: ‘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.’⁵⁹

6.1.9 The same EASO report of June 2021, citing various sources, stated:

‘Nigeria is confronted by multiple security challenges... The ‘weakened, stretched, and demoralised security services’ are deployed in 35 of Nigeria’s 36 states, and are entering the second decade of their war against Boko Haram. The police and military have struggled to meet the multiple security missions across the country, including “participating in the Multinational Joint Task Force (MNJTF), countering terrorism, enforcing maritime security, countering narcotics trafficking and other criminal networks, and peacekeeping”, and the police force in particular has been considered “oppressive and ineffective”, underfunded, untrained, susceptible to endemic corruption, increasing the burden on the military to take on internal security operations. A regional action plan to “eradicate terrorism in West Africa” led by the Economic Community of West African States (ECOWAS) has made little progress after a year, despite a budget of USD 2.3 billion for its 2020-2024 action plan.’⁶⁰

6.1.10 See also Country policy information note: [Nigeria: Islamist extremist groups in North East Nigeria](#).

[Back to Contents](#)

6.2 Corruption

6.2.1 The UN Office for Drugs and Crime published a report on bribery and other forms of corruption in December 2019 which was based on a survey conducted in May and June 2019 covering more than 33,000 households across the country. The report stated that police bribery prevalence rates,

⁵⁶ DFAT, ‘[Country information report: Nigeria](#)’ (page 52), 3 December 2020

⁵⁷ DFAT, ‘[Country information report: Nigeria](#)’ (page 53), 3 December 2020

⁵⁸ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section Executive summary), 30 March 2021

⁵⁹ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section 1A), 30 March 2021

⁶⁰ EASO – European Asylum Support Office: ‘[Nigeria - Security situation](#)’ (page 59), June 2021

based on the share of people who paid a bribe to a police officer, were at 33%, a decrease from 46% in 2016⁶¹.

6.2.2 Based on people who used public services and from a survey conducted from September 2016 to September 2018 from a sample of 1,600, and correct as at July 2019, Transparency International's [Global Corruption Barometer for Africa - 2019](#) showed:

- Nigeria police has one of the highest bribery rates in Africa, with rates at 47% in 2019 compared to 45% in 2015
- 44% of public service users paid a bribe in the previous 12 months when surveyed (43% in 2015).
- 69% of people think that most or all people in the police are involved in corruption^{62 63}.

6.2.3 The DFAT 2020 country information report stated: 'As a result [low police salaries - USD400 a year], police officers are susceptible to corrupt practices to supplement their income and many Nigerians view the NPF as an endemically corrupt organisation... In November 2018, President Buhari approved legislation to increase police salaries in an effort to address corruption and lift performance.'⁶⁴ The Police Act 2020 stipulates that Police officers '...shall not be paid salary below what is payable to officers in other security agencies.'⁶⁵

6.2.4 The USSD human rights report 2020 noted:

'Police remained susceptible to corruption...

'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 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.'⁶⁶

6.2.5 The EASO June 2021 security situation report stated: 'Corruption within the authorities is considered as a main challenge for the peacebuilding process in the Niger Delta. Nigerian security agencies, especially the JTF [Joint Task Force] deployed in the Niger Delta, have reportedly been complicit in and benefitted from oil theft. There are reports of government officials also involved in cult groups in Edo state.'⁶⁷ (For more details of cult groups see Country Background Note Nigeria)

[Back to Contents](#)

⁶¹ UNODC, '[Corruption in Nigeria: Patterns and trends](#)' (page 7), December 2019

⁶² Transparency International, '[Global corruption barometer – Nigeria](#)', 2019

⁶³ Afrobarometer, '[Nigeria](#)', no date

⁶⁴ DFAT, '[Country information report: Nigeria](#)' (page 53), 3 December 2020

⁶⁵ [Police Act 2020](#), Part V (20) – General Administration, 2020

⁶⁶ USSD, 2020 Human Rights Report, '[Nigeria](#)' (Section 4), 30 March 2021

⁶⁷ EASO – European Asylum Support Office: '[Nigeria - Security situation](#)' (page 255), June 2021

6.3 Human rights violations

- 6.3.1 The DFAT 2020 country information report noted: ‘... , there have been numerous reports of human rights violations or other abuses of power committed by the security forces and other government officials or agents...’⁶⁸
- 6.3.2 The same DFAT report stated: ‘Local and international observers have reported numerous instances in which the NPF has used disproportionate force, including live ammunition, to neutralise unrest or protests...’⁶⁹
- 6.3.3 DFAT also stated: ‘Human rights observers have raised concerns on a number of occasions that the NAF has committed significant human rights abuses against civilians and suspected insurgents in the context of conducting operations against Boko Haram.’⁷⁰
- 6.3.4 DFAT also noted: ‘Observers have also reported numerous cases in which NPF officers have arbitrarily arrested and detained individuals, and abused criminal suspects and insurgents in custody...’⁷¹
- 6.3.5 Human Rights Watch in its annual world report 2021 (HRW 2021 world report) on the human rights situation in 2020 observed: ‘Security forces used excessive force when enforcing stay at home orders [during the COVID 19 lockdown], [killing at least 18 people](#) between March 30 and April 13 [2020], according to the National Human Rights Commission.’⁷²
- 6.3.6 AI’s April 2021 human rights report reporting on events in 2020 stated:
- ‘The security forces committed grave human rights violations, including torture and other ill-treatment, and the use of excessive force which resulted, on some occasions, in unlawful killings.
- ‘In January [2020], security agents shot and injured five IMN [Islamic Movement of Nigeria] members during a protest to demand the release of their leader, Sheikh Ibraheem El-Zakzaky, and his wife, Zeenah, in Abuja.
- ‘The authorities repressed human rights, including the rights to freedom of expression, peaceful assembly and freedom of movement. Such violations were prevalent in the context of enforcing COVID-19 measures: between 30 March and 13 April [2020], at least 18 people were killed by the Nigerian Correctional Service, the police and the military. The National Human Rights Commission documented 105 complaints of human rights violations between March and mid-April, including the use of excessive force perpetrated by security forces in 24 of the country’s 36 states and in the Federal Capital Territory Abuja.
- ‘On 23 August [2020], security forces opened fire on unarmed members of the separatist group the Indigenous People of Biafra (IPOB), who were holding a meeting at a school in Emene in Enugu state, killing at least four people. Witnesses said officers of the Department of State Services (DSS), police and military were at the scene, some of whom shot directly at IPOB

⁶⁸ DFAT, [Country information report: Nigeria](#) (page 52), 3 December 2020

⁶⁹ DFAT, [Country information report: Nigeria](#) (page 53), 3 December 2020

⁷⁰ DFAT, [Country information report: Nigeria](#) (page 53), 3 December 2020

⁷¹ DFAT, [Country information report: Nigeria](#) (page 53), 3 December 2020

⁷² HRW, [Human Rights Watch - World report 2021: Nigeria](#), 13 January 2021

members who were carrying stones and sticks. The authorities said two security force officers were also killed in the incident.

'In October [2020], security forces used excessive force to disperse peaceful protests and assemblies, including the #EndSARS demonstrations, resulting in the deaths of 56 protesters, bystanders and members of the security forces. (SARS - the Special Anti-Robbery Squad - is a unit of the police tasked with fighting violent crime.)'⁷³

- 6.3.7 Amnesty International reported in August 2021 that 'Nigerian security forces have committed a catalogue of human rights violations and crimes under international law in their response to spiralling violence in Southeast Nigeria, carrying out a repressive campaign since January which has included sweeping mass arrests, excessive and unlawful force, and torture and other ill-treatment', further noting that 'Police said at least 21 personnel were killed in three months in Imo state; More than 500 arrested after police and military raids; Widespread allegations of torture and ill-treatment.'⁷⁴

[Back to Contents](#)

6.4 Arbitrary arrest and detention

- 6.4.1 DFAT reporting on arrests by the military stated:

'According to numerous reports, the military has arbitrarily arrested and detained thousands of persons in the context of the ongoing conflict against Boko Haram in the northeast, sometimes with the assistance of members of vigilante groups such as the CJTF. The US Department of State reports those detained are often held in unmonitored military detention facilities, many in poor and life-threatening conditions. The March 2017 military BOI [Board of inquiry] set up to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the northeast... reportedly did not find any evidence of arbitrary arrests. Human rights observers report security forces continue to arrest and detain for prolonged periods women and children removed from, or allegedly associated with, Boko Haram, including women and girls who had been forcibly married to or sexually enslaved by these groups. Authorities reportedly detain these women and children for screening and their perceived intelligence value. Media reports claimed authorities in Kaduna state arrested nine tribal elders in February 2019, reportedly by order of the Kaduna state governor in retaliation for their criticism of his administration. Eight of the elders were released in June and the ninth in August, after being held for months without charge.'⁷⁵

- 6.4.2 The USSD human rights report 2020 noted:

'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

⁷³ AI, Amnesty International: [Nigeria 2020](#), 7 April 2021

⁷⁴ AI, [Nigeria: At least 115 people killed by security forces in four months...](#), 5 August 2021

⁷⁵ DFAT, [Country information report: Nigeria](#) (page 53), 3 December 2020

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... 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...' ⁷⁶

6.4.3 USSD also stated: 'Security services detained journalists and demonstrators during the year...' ⁷⁷

6.4.4 The USSD human rights report 2021 covering events in 2020 noted: 'There were reports that members of the security forces committed human rights abuses... There were reports that the government or its agents committed arbitrary, unlawful, or extrajudicial killings...' ⁷⁸ Also that, 'Police... faced allegations of human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects...' ⁷⁹

6.4.5 Amnesty International's April 2021 report on human rights (AI's April 2021 human rights report) and covering events from 2020 stated:

'The military continued to detain thousands of people. They arbitrarily arrested and detained those suspected of links to Boko Haram. Detainees were denied access to their family members and lawyers and were not brought before courts. Children who fled Boko Haram-controlled areas were also arrested and held in military detention facilities, including Giwa barracks in Maiduguri and the Kainji military base in Niger state. In June [2020], 602 Boko Haram suspects were released to the Borno state government for resettlement.

'The military flouted an Abuja High Court order in July for the release of Martins Idakpini, an army officer who was detained in June [2020] after he publicly condemned the military's handling of the fight against Boko Haram insurgents.' ⁸⁰

6.4.6 The Immigration and Refugee Board of Canada, in a response to an information request and using a range of sources, stated in November 2019 with regards to arrest by proxy:

'Sources report that arrests in lieu, arrests in/by proxy or substitutional arrests take place in Nigeria ... Sources explain that these may happen when the police cannot find a suspect: they may then arrest a family member or friend instead of the suspect... The purpose of this is to use the person as enticement to convince the suspect to come forward... In a telephone interview with the Research Directorate, the Executive Director of the Rule of Law and Accountability Advocacy Centre (RULAAC) explained that "it is commonly known as 'hostage taking'. The police are trying to use the relative to draw out the person they are looking for. They may take a man's wife or children and keep them hostage until the man appears, or take a man as bait to draw out his wife"...

⁷⁶ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1C), 30 March 2021

⁷⁷ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1C), 30 March 2021

⁷⁸ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1A), 30 March 2021

⁷⁹ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 4), 30 March 2021

⁸⁰ AI, Amnesty International: [Nigeria 2020](#), 7 April 2021

According to the same source, it is a "very common practice" ... A journalistic report funded by the Premium Times Centre for Investigative Journalism (PTCIJ) and published on Sahara Reporters states that there may be "hundreds, and possibly thousands of cases of arrest in lieu" in Adamawa State alone... In correspondence with the Research Directorate, however, a representative of the CLEEN Foundation indicated that "a pocket of" or "several reports" suggest that police officers still make substitutional arrests in Nigeria...' ⁸¹

6.4.7 The same ICRB response stated with regard the Criminal Justice Act 2015:

'Sources indicate that the ACJA [Administration of Criminal Justice Act], which prohibits arrest by proxy, was passed in 2015... Section 7 of the ACJA 2015 provides that "[a] person shall not be arrested in place of a suspect"... According to the representative of the CLEEN Foundation, the ACJA represents a "significant redirection" of the criminal justice system in Nigeria...

According to Nigerian media sources, 11 states have domesticated the ACJA: Kaduna, Ondo, Ekiti, Lagos, Oyo, Rivers, Anambra, Enugu, Cross-River, Abuja and Akwa-Ibom... However, according to NGO Rule of Law and Empowerment Initiative, 25 out of 36 states had passed the ACJA as of 27 June 2019, including, in addition to the above-mentioned states, the states of Delta, Kogi, Ogun, Plateau, Osun, Kwara, Adamawa, Bayelsa, Kano, Nasarawa, Benue and Jigawa...' ⁸²

[Back to Contents](#)

6.5 Disappearance

6.5.1 The USSD human rights report 2020 noted: '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.' ⁸³

6.5.2 AI's April 2021 human rights report reporting on events in 2020 stated

'Throughout the year, security agencies, including police, military and DSS officers, arbitrarily detained and subjected people to enforced disappearance.

'Security agencies had not yet accounted for about 600 members of the IMN who went missing in 2015, following an incident in which at least 347 IMN members were killed by the military in Kaduna state.

'There was no news of Abubakar Idris (also known as Abu Hanifa Dadiyata), an activist and government critic, who was abducted in August 2019 by unidentified armed men from his home in Kaduna.' ⁸⁴

[Back to Contents](#)

⁸¹ IRBC, ['Whether the police in Nigeria detain family members...'](#), 20 November 2019

⁸² IRBC, ['Whether the police in Nigeria detain family members...'](#), 20 November 2019

⁸³ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1B), 30 March 2021

⁸⁴ AI, Amnesty International: [Nigeria 2020](#), 7 April 2021

6.6 Accountability and impunity

6.6.1 The DFAT 2020 country information report noted: 'While the government has taken some steps to investigate alleged abuses, there have been few public reports of prosecutions of officials who have committed violations and impunity remains widespread at all levels of government...' ⁸⁵

6.6.2 The same DFAT report stated: 'Three government agencies oversee the NPF:

- the Nigeria Police Council,
- the [Police Service Commission \(PSC\)](#) and;
- the Ministry of Police Affairs.

'In-country sources report inadequate resources and a lack of independence have hampered the ability of these organisations (and the NHRC)[National Human Rights Commission] to prevent and investigate instances of police abuses.' ⁸⁶

6.6.3 The [African Policing Oversight Forum](#) (APCOF), described themselves as a non-profit coalition of police oversight bodies and practitioners established in 2004, stated on their website:

'The Constitution provides two critical mechanisms of police oversight: the Police Council and the Police Service Commission. The Police Council is composed of the President, Governor of each state, Char [sic] of the Police Service Commission, and the Inspector General of Police, and is mandated to provide general supervision of the police, to oversee its organisation and administration, and to advise the President on the appointment of the Inspector-General of Police.

'The Police Service Commission is composed of a Chairperson and seven to nine members of the community, including a retired judge, senior police officer and representatives from the chamber of industry and commerce, media, women and human rights organisations, and is mandated to exercise disciplinary control over the police, which includes the power to dismiss police officials.

'In addition to the Police Council and Police Service Commission, Nigeria has a National Human Rights Commission (NHRC) which is empowered to investigate allegations of human rights violations. The powers of the NHRC are limited, however, in that its findings are only advisory and that it does not have any prosecutorial or quasi-judicial powers.

'Finally, there are several non-governmental organisations in Nigeria that play a critical role in conducting external oversight of the police, including the [CLEEN Foundation](#), Constitutional Rights Project and the [Human Rights Monitor](#).' ⁸⁷

6.6.4 HRW 2021 world report reporting on events in 2020 observed: 'The report of the Presidential Judicial Panel set up in August 2017 to investigate the

⁸⁵ DFAT, [Country information report: Nigeria](#) (page 52), 3 December 2020

⁸⁶ DFAT, [Country information report: Nigeria](#) (page 54), 3 December 2020

⁸⁷ African Policing Oversight Forum, [website](#), no date

military's compliance with human rights obligations, allegations of war crimes, and other abuses has still not been made public despite repeated calls from civil society and international actors...' ⁸⁸

- 6.6.5 The USSD human rights report 2020 covering events in 2020 noted: '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.' ⁸⁹
- 6.6.6 The same USSD report stated: 'At times authorities sought to investigate, and when found culpable, held police, military, or other security force personnel accountable 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.' ⁹⁰
- 6.6.7 AI's April 2021 human rights report covering events in 2020 stated:
- 'The government failed to promptly, thoroughly and effectively investigate allegations of human rights violations and abuses or bring suspected perpetrators to justice. In particular, no genuine steps were taken to investigate or prosecute crimes under international law committed by Boko Haram or the Nigerian military in the context of the conflict in the north-east.
- 'The government had still not released its report on the findings of a presidential panel which had claimed to investigate the military's compliance with human rights obligations and the rules of engagement. In December, the ICC Prosecutor announced the closure of the court's preliminary examination and stated that she would request authorization from the judges of the Pre-Trial Chamber of the Court to open investigations.
- 'The authorities continually ignored court orders and undermined the rule of law. In March, the Attorney General defied an Abuja Federal High Court order to hand over the soldiers who were allegedly responsible for killing three policemen in Taraba state in August 2019.' ⁹¹
- 6.6.8 The website of the International Criminal Court (ICC) gave details of a statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria:
- 'On 11 December 2020 the ICC Prosecutor announced the completion of her preliminary examination of the situation in Nigeria, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity were committed...
- 'The Office has examined information regarding a wide range of alleged crimes committed on the territory of Nigeria since 2010. While the Office's preliminary examination has primarily focused on alleged crimes committed

⁸⁸ HRW, [Human Rights Watch - World report 2021: Nigeria](#), 13 January 2021

⁸⁹ USSD, 2020 Human Rights Report, [Nigeria](#) (Section Executive summary), 30 March 2021

⁹⁰ USSD, 2020 Human Rights Report, [Nigeria](#) (Section Executive summary), 30 March 2021

⁹¹ AI, Amnesty International: [Nigeria 2020](#), 7 April 2021

by Boko Haram since July 2009 and by the Nigerian Security Forces since the beginning of the non-international armed conflict between the Nigerian Security Forces and Boko Haram since June 2011, it has also examined alleged crimes falling outside the context of this conflict. Since 2015, the preliminary examination also focused on the existence and genuineness of national proceedings in relation to these crimes. The Office has found that the alleged crimes identified would currently be admissible, and thus there was a reasonable basis for investigation, subject to judicial authorisation.⁹²

- 6.6.9 The 2020 Foreign Commonwealth and Development Office report on Human Rights & Democracy noted that subsequent to the #ENDSARS protests in October 2020 and clashes between protesters and the Nigerian security services, resulting in the deaths of number of civilians, the Nigerian authorities established ‘... judicial panels of inquiry in many Nigerian states, including Lagos, to investigate alleged incidents of brutality by the security services, both historic incidents and those that occurred during the protests. In November [2020], the Minister for Africa also spoke to the President’s Chief of Staff, to emphasise the importance of the panels, and to the Governor of Lagos, Babajide Sanwo-Olu, to stress the importance of the police and military’s cooperation with the panels.’⁹³
- 6.6.10 The [Police Act 2020](#) aims to improve accountability, ‘The Act clearly set out the responsibilities for the police and provided for greater citizen protections.’⁹⁴ The Act aims to provide a ...’framework for the Police and ensure cooperation and partnership between the Police and host communities in maintaining peace, combatting crime, protecting liberties, life and property; and for related matters.’⁹⁵
- 6.6.11 Punch, a Nigerian media outlet stated in an article published online on 15 October 2021:
- ‘The National Economic Council has directed state governments to pay compensation to victims of police brutality across the country.
- ‘NEC also urged youths across the country not to go ahead with the memorial protests scheduled to hold in different parts of Nigeria to mark one year after the EndSARS nationwide protests in October 2020.
- ‘NEC, chaired by Vice-President Yemi Osinbajo, made the resolutions at the end of a meeting on Friday, according to a statement by the Vice-President’s spokesman, Laolu Akande.
- ‘The statement was titled, ‘NEC: States, FG To Pay Compensation To Victims Of EndSARS Protests & Prosecute Those Indicted’.
- ‘It said NEC received an update on the reports from 28 state judicial panels of inquiry into allegations of human rights violations against members of the Nigeria Police Force and other security agencies.
- ‘The 28 states that set up these panels are Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti,

⁹² ICC, [Preliminary examination Nigeria](#), Undated

⁹³ FCDO, ‘[Human Rights & Democracy 2020](#)’, (page 5), July 2021

⁹⁴ FCDO, ‘[Human Rights & Democracy 2020](#)’, (page 5), July 2021

⁹⁵ [Police Act 2020](#), 2020

Enugu, Gombe, Imo, Kaduna, Katsina, Kogi, Kwara, Lagos, Nasarawa, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, and Taraba.

'The NEC resolved as follows, "Each state, in collaboration with the Federal Government, shall establish modalities for the settlement of all monetary compensations awarded by the panels. Already, as resolved by NEC, a number of states have set up Victims Compensation Funds, from which several victims have already received payments of sums awarded to them by the panels...'⁹⁶

[Back to Contents](#)

Section 7 updated: 27 October 2021

7. Judiciary

7.1 Structure

7.1.1 The CIA factbook describes the legal system in Nigeria as a 'mixed legal system of English common law, Islamic law (in 12 northern states), and traditional law.'⁹⁷

7.1.2 CIA factbook state that the judicial branch of Nigeria is made up of

- 'Highest courts - [Supreme Court](#) – highest court (consists of the Chief Justice and 15 justices)...
- 'Subordinate Courts: Court of Appeal; Federal High Court; High Court of the Federal Capital Territory; Sharia Court of Appeal of the Federal Capital Territory; Customary Court of Appeal of the Federal Capital Territory; state court system similar in structure to federal system.'⁹⁸

7.1.3 The website of the Federal High Court Nigeria stated:

'**The Supreme Court** is] the highest court in Nigeria. It is the last stop on all appeal matters. It consists of the Chief Justice of the Federation and such number of Justices of the Supreme Court as may be prescribed by an Act of the National Assembly.

'**The Court of Appeal** consist of the President and the Justices of the Court of Appeal among which at least three must be learned in Islamic Law and three in Customary Law. It has exclusive jurisdiction to hear and determine appeals from the Federal High Court, High Court of the Federal Capital Territory, State High court, Sharia Court of Appeal, Customary Court of Appeal, National Industrial Court, a court-martial or other tribunals prescribed by an Act of the National Assembly...

'Every State has its own High Court headed by a Chief Judge and supported by such number of Judges as may be prescribed by a Law of the State. The High court has unlimited jurisdiction to hear and determine any civil and criminal proceedings under any law of the state.

'... There is a Sharia Court of Appeal and a Customary Court of Appeal for any State that requires any of them. In addition to the above, there are

⁹⁶ Punch, '[Pay compensation to #EndSARS victims, NEC directs states](#)', 15 October 2021

⁹⁷ CIA Factbook, [Nigeria: Government](#), last updated 15 June 2021

⁹⁸ CIA Factbook, [Nigeria: Government](#), last updated 15 June 2021

Election Tribunals and an Election Appeal Tribunal in each State of the Federation.’⁹⁹

7.1.4 The USSD human rights report 2020 covering events in 2020 noted

‘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 [Federal Capital Territory]. 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 hastily implemented, insufficiently codified, and constitutionally debatable in most of the states.’¹⁰⁰

7.1.5 The DFAT 2020 country information report noted: ‘The Constitution is silent on the use of sharia courts for criminal cases. In addition to civil matters, sharia courts also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the sharia penal code, including for hudud offences (serious criminal offences with punishments prescribed in the Quran) that provide for punishments such as caning, amputation, and death by stoning ... DFAT is not aware of any recent cases in which amputation or death by stoning sentences have been carried out. 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.’¹⁰¹

[Back to Contents](#)

7.2 Trial procedures

7.2.1 The DFAT 2020 country information report noted: ‘English is the official language of all courts in Nigeria, although translation services are available. Defendants have legal rights to the presumption of innocence, to receive a fair trial without undue delay, to communicate with defence counsel and to seek legal aid.’¹⁰²

7.2.2 The USSD human rights report 2020 covering events in 2020 noted:

‘Pursuant to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to:

- be informed promptly and in detail of charges (with free interpretation as necessary from the moment charged through all appeals);
- receive a fair and public trial without undue delay; be present at their trial;

⁹⁹ Federal High Court Nigeria, ‘[The Judiciary in Nigeria](#)’, undated,

¹⁰⁰ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1C), 30 March 2021

¹⁰¹ DFAT, [Country information report: Nigeria](#) (page 55), 3 December 2020

¹⁰² DFAT, [Country information report: Nigeria](#) (page 52), 3 December 2020

- 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.’¹⁰³

[Back to Contents](#)

7.3 Independence and effectiveness of the judiciary

7.3.1 Agnes Callamard in her SR statement September 2019 noted:

‘In his 2006 report, the then Special Rapporteur on extrajudicial killings pointed to “the remarkable inadequacies of almost all levels of the Nigerian criminal justice system” ...

‘Fifteen years later, similar patterns and allegations of similar practices were repeatedly brought to my attention, For instance, coroner’s laws in force in most Nigerian states, oblige the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths through an open, public inquiry. Section 6 of the law requires a District Coroner to investigate every death in custody. Yet, with a few anecdotal exceptions, the law is not implemented.

‘A large number of instances of repeated trials adjournments leaving people in legal limbo, and of people held without charge and without the possibility of bail for extensive periods of time, were also reported. These patterns were confirmed by lawyers. It has been further alleged that 70% of all inmates are awaiting trial, in a situation of overcrowded prisons and court congestions. I hope that the signing of the Prisons Act (Repeal and Enactment) Act (2018) by President Buhari will bring some reprieve to the situation.

‘Authorities themselves further undermine the institution of justice and the independence of the judiciary by not implementing court orders that relate to security agencies.’¹⁰⁴

7.3.2 A [UNODC](#) report released in December 2019 on bribery and corruption as experienced by the population, and presenting the findings from a survey conducted in May and June 2019, based on data collected from over 33,000 households across the country, reported that the share of people who had paid a bribe to a judges or magistrates in the 12 months prior to the report’s release had decreased from 31% in 2016 to 20%, bribes to prosecutors was down from 33% to 23%¹⁰⁵.

7.3.3 The DFAT 2020 country information report noted:

‘...while the judiciary seeks to operate professionally and independently, it can be susceptible to pressure from the executive and legislative branches and from political leaders, particularly at the state and local levels. The

¹⁰³ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1-Trial procedures), 30 March 2021

¹⁰⁴ OHCHR, ‘[End of visit statement of the Special Rapporteur...](#)’ (paragraph 69-72), 2 September 2019

¹⁰⁵ UNODC, [Corruption in Nigeria: Patterns and trends](#) (page 7), December 2019

courts' effectiveness may also be affected by a lack of equipment and training for staff, and by low levels of staff remuneration ... access to legal redress through the Nigerian court system is affected by high costs, delays in processing, and backlogs of pending cases, and hence it may not be an easily accessible means of resolving disputes for many Nigerians, and may result in pre-trial periods of detention being prolonged. In some cases, authorities have held defendants in prison awaiting trial for periods well beyond the terms allowed by law.

'Corruption is reported to be a problem in the lower level courts, with citizens reporting requests from judicial officials for bribes to expedite cases or obtain favourable judgements. There is a widespread public perception judges are easily bribed, and litigants cannot rely on courts to render impartial verdicts.'¹⁰⁶

7.3.4 The USSD human rights report 2020 covering events in 2020 noted:

'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.'¹⁰⁷

7.3.5 The same USSD report stated:

'Lengthy pretrial detention remained a serious problem. According to NCS [Nigerian Correctional Service] figures released in October [2020], 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.'¹⁰⁸

7.3.6 USSD continued:

¹⁰⁶ DFAT, [Country information report: Nigeria](#) (page 54), 3 December 2020

¹⁰⁷ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1E), 30 March 2021

¹⁰⁸ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1- Arrest procedures...), 30 March 2021

‘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...’

‘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.’¹⁰⁹

- 7.3.7 Freedom House annual report on political rights and civil liberties in 2020 (Freedom in the World 2021) stated:

‘Judicial independence is constitutionally and legally enshrined. The judiciary has achieved some degree of independence and professionalism in practice, but political interference, corruption, equipment, and training remain important problems...

Funding is also a problem for the judiciary. In May 2020, President Buhari signed an executive order ostensibly giving state-level judiciaries and legislatures financial autonomy. The country’s 36 state governors sued the federal government in September, alleging that it sought to avoid its financial responsibilities through the order.’¹¹⁰

- 7.3.8 The same report stated: ‘... Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail.’¹¹¹
- 7.3.9 The Guardian reported in May 2021 ‘A nationwide strike of court workers in Nigeria is paralysing the justice system, resulting in extended prison remands for those awaiting trial or sentencing and lengthy delays for everyone else.’¹¹²

[Back to Contents](#)

¹⁰⁹ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 1-Trial procedures), 30 March 2021

¹¹⁰ Freedom House, [Freedom in the world 2021: Nigeria](#), 3 March 2021

¹¹¹ Freedom House, [Freedom in the world 2021: Nigeria](#), 3 March 2021

¹¹² The Guardian, [‘Nigeria’s court strike paralyses underfunded justice system’](#), 26 May 2021

7.4 Legal aid and assistance

- 7.4.1 The DFAT 2020 country information report noted: 'The [Nigerian Legal Aid Council](#) is a body under the Federal Ministry of Justice that provides legal consultation, advice or representation in court. It is headquartered in Abuja and has branches in all 36 states. However, the Council does not have the resources to deal with the number of suspects who need legal advice.'¹¹³
- 7.4.2 DFAT also observed:
- 'The Ministry of Justice reportedly also provides some monitoring of prisons through its [Legal Aid Council](#). There is some limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross has access to police detention, NCS and some military detention facilities. The ACJA [Administration of Criminal Justice Act], 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.'¹¹⁴
- 7.4.3 The Austrian Federal Office for Immigration and Asylum's COI unit stated in a January 2021 report, based on a range of sources, on the situation of sexual minorities in Nigeria:
- 'There are special organisations and individual lawyers who deal with legal cases of vulnerable population groups (e.g., sexual minorities, prostitutes, female victims of violence). The NGOs Lawyers Alert and LEDAP [Legal Defence and Assistance Project] have formed the Coalition of Lawyers for Human Rights (COLAHR). This coalition is present in 23 federal states in Nigeria. During the 2015 FFM [Fact finding mission], a human rights lawyer added that there were still too few lawyers to cover the whole country...'¹¹⁵
- 7.4.4 The USSD human rights report 2020 noted: '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.'¹¹⁶
- 7.4.5 A Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria, published in March 2021 and citing various sources stated:
- 'Although several free legal aid schemes exist in Nigeria, they were not accessible to all suspects/detainees that needed them. There is a Legal Aid Council that offers free legal aid. According to Section 10 of the Legal Aid Act, 2011, only Nigerians who earn less than the national minimum wage (30,000 naira per month in 2020) are eligible for this aid... However, one confidential source described the Legal Aid Council as inefficient... In addition, the fees for a lawyer are often still too high for Nigerians who earn more than the minimum wage... For this group, there are several private

¹¹³ DFAT, [Country information report: Nigeria](#) (page 54), 3 December 2020

¹¹⁴ DFAT, [Country information report: Nigeria](#) (page 56), 3 December 2020

¹¹⁵ Austrian Federal Office for I&A, [Nigeria: On the situation of sexual minorities...](#), 29 January 2021

¹¹⁶ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 2B), 30 March 2021

schemes for free legal aid, such as law firms that work pro bono and NGOs that offer similar assistance...'¹¹⁷

[Back to Contents](#)

7.5 Alternative dispute resolutions

7.5.1 The US Commission on International Religious Freedom Northern Nigeria report on Sharia Criminal Law of December 2019 stated:

'Sulhu: Is an alternative dispute resolution in Islam. A sulh is a negotiated agreement, like a settlement, between the two parties with the assistance of a third party, like a Kadi, family leader, or community leaders...

'People frustrated with the conventional courts and the Shari'ah courts may turn to alternative dispute resolutions, including negotiation, mediation, and arbitration. The conventional legal process can be costly and drawn out, and perpetrators may receive a harsher punishment than in alternative mechanisms that avoid litigation. Alternative services are generally free of charge and are conducted in the local language, free of legal technicalities. Although these mechanisms allow disputing parties to have more control over the process and the resolution, third parties may or may not be involved. The overarching goals of these alternatives are to preserve social harmony and relationships. Borno, Kano, and Katsina created "Multi-Door Court Houses" (MDC) connected to the High Courts. These MDCs have trained mediators and dispute resolution specialists to assist with early neutral evaluation, mediation, and arbitration. The Ministry of Justice in Zamfara and Sokoto also operate alternative dispute resolution programs. In addition, traditional leaders, such as the emir, sultan, or palace-appointed community district and ward heads, will often hear disputes and provide alternative dispute resolutions. Women, in particular, are frequent users of alternative dispute resolutions especially for family matters. In the North, women often turn to sulh, which is an agreement between two parties that acts like a settlement negotiated between the parties with the assistance of a third party, either a kadi, family leader, or community leader. When a settlement cannot be reached, parties may be referred to a more senior traditional leader or to a formal legal court.'¹¹⁸

7.5.2 The EASO June 2021 security situation report stated: 'In 2017, Edo state established Multi-Door Courthouses (MDCs) as an alternative mediation and dispute resolution mechanism.'¹¹⁹

[Back to Contents](#)

7.6 Lawyers

7.6.1 The [Nigerian Bar Association](#) website stated in an undated entry:

'The Nigerian Bar Association (NBA) is the non-profit, umbrella professional association of all lawyers admitted to the Bar in Nigeria and a member of all statutory bodies that regulate the Nigerian Bar and Bench.

¹¹⁷ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), March 2021

¹¹⁸ USCIRF, [Shari'ah Criminal Law in Northern Nigeria](#), (pages 47 and 49), December 2019

¹¹⁹ EASO – European Asylum Support Office: [Nigeria - Security situation](#) (page 255), June 2021

‘The NBA is Nigeria’s foremost and oldest professional membership organisation and Africa’s most influential network of legal practitioners, with over 120,000 lawyers on its roll in 125 active branches across the 36 States and the Federal Capital Territory of Nigeria. It is organised into three practise Sections, eleven Fora, and two Institutes, all supported by one National Secretariat.

‘The NBA is engaged in the promotion and protection of human rights, the rule of law and good governance in Nigeria. It has an observer status with the African Commission on Human and People’s Rights, and a working partnership with many national and international governmental and non-governmental organisations concerned with human rights, the rule of law and good governance in Nigeria and across the world.

‘The NBA offers a unique National platform that is not available to any other Civil or professional organization in Nigeria.’¹²⁰

‘The NBA renews its leadership every two years when it elects a new President and other officials. The tenure of elected officials of the NBA runs for two years and is non-renewable.

7.6.2 The same NBA website also stated:

‘All Nigerian Lawyers in legal practice or employment must comply with the Nigerian Bar Association’s Mandatory Continuing Legal Education (MCLE) Programme.

‘Lawyers are required to take mandatory continuing legal education (MCLE) courses in order to qualify to practice law within our jurisdiction.

‘The Nigerian Bar Association Institute of Continuing Legal Education (ICLE) serves as the CLE regulatory authority for the NBA—and the profession—by providing standards and scope for the MCLE programme. ICLE is overseen by the Board of MCLE and works closely with NBA Sections and the various local branches at large in developing programs on MCLE.’¹²¹

[Back to Contents](#)

Section 8 updated: 27 October 2021

8. Access to protection for women

8.1.1 OECDs Social Institutions and Gender Index report for 2019 (OECD SIGI), based on a range of sources published up to the end of 2018, noted that:

‘To date, there is no specific law addressing violence against women, however there is existing legislation that provides general protections against violence for all citizens...

‘Alongside these laws, the government has also made other efforts to protect victims. In particular, the Federal Ministry of Women Affairs and Social has established safe houses and temporary shelters for women victims of violence to support the rehabilitation and re-integration of victims as well as allocated funding towards projects and programmes that aim at reducing violence against women from the yearly budgetary allocation. It is unclear on

¹²⁰ Nigerian Bar Association, [website: ICLE](#), no date

¹²¹ Nigerian Bar Association, [website: About us](#), no date

the amount and regularity that the budget is provided on a year to year basis.

‘Despite these national efforts, violence against women is endemic in Nigeria (Centre for Reproductive Rights, 2016). The discriminatory attitudes against women and girls in Nigerian society contribute to the increase in violence against women as well as harmful practices such as child marriages, FGM, widowhood rites.’¹²²

- 8.1.2 The Immigration and Refugee Board of Canada, Nigeria in a response to information request and using a range of sources, dated November 2019 stated with regard the police protection available to victims of domestic violence stated:

‘Sources indicate that victims of domestic violence do not turn to the police as their primary option for assistance... According to the 2018 NDHS [Nigeria Demographic and Health Survey], 1 percent of women who experienced physical or sexual violence sought help from the police..., sources report that victims of domestic violence are turned away by police officers who consider domestic violence a private or family matter... The WRAHP [Women’s rights and health project] Executive Director stated that the police station is where most cases end and that the seriousness with which a case is considered depends on the family support, the education of the victim and the individual police officer ... Some sources further report that police officers sometimes blame the victim for provoking abuse... or further abuse them... The CLEEN Foundation representative reported that the “[w]orst scenarios are ... cases where [the] investigating police officer requests victims to recount the entire tortuous process” and indicates that “[v]ictims do not always want to report to the police as a result of these instances”... The WRAHP Executive Director similarly stated that “[p]olice retraumatize” victims and that “if both the victim (female) and the perpetrator (male) are present, the police will 90% of the time believe the man over the woman”... US Country Reports 2018 states that “[i]n 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” ... However, in Lagos, according to the Executive Director of SDI [Safehaven Development Initiative], since the police have been trained about domestic violence, they will now “openly” arrest the perpetrators and protect the victims; when a case is reported to the police gender desk, it is recorded and the abuser is sent to be picked up to hear his or her version of the facts... The same source also indicated that in Lagos, the police generally take the case to court...

‘Sources indicate that the police have “gender desk[s]” or units... to receive complaints from victims of domestic violence... According to the CLEEN Foundation representative, they are available in most state commands, but “their effectiveness is hampered by [a] lack of funds to operate”... The same source further stated that there have been “modest reforms to truly reform police action on domestic violence through capacity building for the right skills [and] the use of alternative dispute resolution mechanisms,” and reported that “there have been positive instances of the police supporting survivors through following up cases even to the courts of law (until such

¹²² OECD, [‘Social Institutions and Gender Index – Nigeria Profile](#), 2019

cases face judicial deaths due to pressures from victim's family) [and] filling [out] paperwork, etc." ... The WRAHP Executive Director indicated that the government tried to put mechanisms in place to reform the police, but that, because of corruption, the issues persist...¹²³

- 8.1.3 The Bertelsmann Stiftung Transformation Index (BTI) Nigeria Country Report 2020 stated:

'As far as women and girls are concerned, in particular those of lower status, the state still lacked the capacity to protect them from violence, rape, spousal abuse, female circumcision and abuse according to customary law. However, the rights of women have improved, indicated by the fact that women can take their husbands to court for criminal assault. Equally, rape is a serious crime anywhere in Nigeria. In 2018, courts handed down harsh verdicts to two men for committing rape.'¹²⁴

- 8.1.4 The DFAT report December 2020 stated: 'Nigeria remains a patriarchal society in many respects. For example, the testimony of women reportedly carries less weight than that of men in many criminal courts, and women can arrange but not post bail at most police detention facilities.'¹²⁵

- 8.1.5 The USSD human rights report 2020 covering events in 2020 noted:

'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 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.'¹²⁶

- 8.1.6 The USSD report also stated:

'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,

¹²³ IRBC, '[Nigeria: Domestic violence, including legislation: protection....](#)', 4 November 2019

¹²⁴ Bertelsmann Stiftung: '[BTI 2020 Country Report Nigeria](#)', 29 April 2020

¹²⁵ DFAT, '[Country information report: Nigeria](#)' (paragraph 3.78) 3 December 2020

¹²⁶ USSD, 2020 Human Rights Report, '[Nigeria](#)' (Section 1-Trial procedures), 30 March 2021

Plateau, and Bauchi) and the FCT had adopted the act, meaning that most Nigerians were not yet protected by the law.’¹²⁷

- 8.1.7 The UK Foreign, Commonwealth & Development Office (FCDO) report 'UK National Action Plan on Women, Peace and Security 2018-2022: Annual Report to Parliament 2020' stated:

‘Important legislation such as the proposed Gender and Equal Opportunity Bill and Violence Against Persons Prohibition Act (VAPP) could reduce discrimination and violence against women. While religious-based opposition in northern Nigeria have historically blocked the Act's implementation, this is changing...

‘Through FCDO's [Foreign Commonwealth and Development Office] £16 million protection programme (ProSPINE+) in the conflict-affected North-East, we supported domestication of the 2015 Criminal Justice Act in Yobe State in January 2020. This legislation allows women to stand as surety and ends gender discrimination in the bail process.

‘Through the CSSF [Conflict, security and stability fund] Security and Justice Reform Programme we also supported the rollout of gender desks within the Nigerian Police and provided technical support to develop with Nigeria a gender-responsive 2020 Police Act. This resulted in increased public support for women's participation in safety and security processes and better legislative protections and rights for women, both as police officers and victims of crime.

‘In the wake of #EndSARS, the UK in Nigeria will be prioritising pushing for reform within the security and justice sector that responds to women's needs and priorities. This includes potential support for the implementation of gender provisions within the recently passed Police Reform Act 2020, and supporting women-led civil society actors to hold the government to account on police reform and conduct.’¹²⁸

- 8.1.8 The Police Act 2020, prohibits the Police discriminating against any person on the basis of gender:

‘135. The Police Force or other persons shall not, in the performance of his or its function under this Act, regulations or standing orders made under to this Act, discriminate against any person on the basis of gender as provided under section 42 of the Constitution of the Federal Republic of Nigeria, 1999.’¹²⁹

- 8.1.9 For information on conflict-related sexual violence see CPINs [Islamist extremist groups in North East Nigeria](#) and [Internal relocation](#)

- [Conflict-related sexual violence: Report of the Secretary-General \(June 2020\) \[Nigeria excerpt\]](#), 3 June 2020
- [Amnesty international - Nigeria: 'They took our husbands and forced us to be their girlfriends' - Women in north-east Nigeria starved and raped by those claiming to rescue them](#)

¹²⁷ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 6), 30 March 2021

¹²⁸ FCDO, [UK National Action Plan on Women, Peace and Security...](#) (page 19), 20 April 2021

¹²⁹ [Police Act 2020](#), Part XVII – Miscellaneous provisions, 2020

- 8.1.10 For further information and guidance see also see [country policy and information notes](#) on Sexual orientation and gender identity or expression, Female genital Mutilation and Trafficking of women.

[Back to Contents](#)

Section 9 updated: 27 October 2021

9. Human rights and governance oversight

9.1 National Human Rights Commission

- 9.1.1 The National Human Rights Commission (NHRC) report 2018, '[The State of Human Rights in Nigeria](#)' provides details of selected complaints received in 2018 by the NHRC by thematic area, including Right to fair hearing, Right to dignity of the human person and Right to life. The complaints contained within the report were all admitted for investigation to the NHRC and exposes the patterns and trends of human rights complaints received, it does not demonstrate the outcome of the complaints¹³⁰.

- 9.1.2 The November 2018 EASO report, Nigeria: State Actors of Protection stated with regard the capacity of the NHRC and citing various sources:

'According to the NHRC's budget proposal for 2018, the commission annually receives a minimum of one million complaints of human rights violations, and a total of not less than five billion Naira would be needed to investigate and treat these. For 2018, the NHRC has been appropriated with 3 billion Naira, in contrast to 1.2 billion Naira in 2017. The commission's justification for a proposed budget increase suggests a severe lack of capacity and resources to effectively address the high amount of complaints received annually...

'According to its annual report, in 2017 the NHRC successfully investigated and concluded 576 742 complaints out of a total number of 1 081 126 admissible complaints received within that year, while being unable to conclude 504 384 complaints by the year's end. These were carried over to 2018...

'...most complaints in 2017 concerned women/gender rights, rights of the child, civil and political rights, and economic, social, and cultural rights.'¹³¹

- 9.1.3 The DFAT 2020 country information report noted: '

'The National Human Rights Commission Act (1995) established the National Human Rights Commission (NHRC) to investigate and monitor human rights violations, to make recommendations to government in relation to any such violations, and to seek remedies for victims. An amendment to the Act in 2010 granted the NHRC operational and financial independence, and enhanced its investigative and enforcement powers. The High Court enforces NHRC decisions. Refusal to comply with NHRC enquiries, summons, directives, recommendations or awards is a punishable offence.

'The Government increased the NHRC's budget following its UPR second cycle in 2013 – it is currently around USD8 million. The NHRC has offices in

¹³⁰ NHRC, [The State of Human Rights in Nigeria](#) 2018

¹³¹ EASO, [Nigeria: State Actors of Protection](#) (Pages 42 to 43), November 2018

all 36 states, opening 13 new state offices in 2018. According to its most recent annual report (2016), the NHRC received 1,099,919 complaints, of which 489,219 were concluded. This represented a significant increase in complaints over the 433,865 received in 2015, which the NHRC attributed to its increased field presence throughout the country, increased human rights awareness, and responses to a public enquiry into an oil spill that occurred in southern Nigeria in 2016. Excluding environmental complaints related to the oil spill, the most common complaints related to land rights, religious freedoms and discrimination, denial of access to children and children's development rights.

'The Global Alliance for National Human Rights Institutions last accredited Nigeria's NHRC in November 2016 as being fully compliant with the UN Paris Principles for protecting and promoting human rights.'¹³²

- 9.1.4 DFAT also stated with regard detention: 'The NHRC is empowered to conduct prison audits but has not publicly released an audit report since 2012.'¹³³
- 9.1.5 Agnes Callamard in her statement as UN Special Rapporteur of September 2019 noted: 'The National Human Rights Commission has become over time a strong institution that has delivered important work.'¹³⁴
- 9.1.6 The [National Human Rights Commission \(NHRC\)](#) website noted that 'There has been a high level of compliance with the decisions of the commission by alleged violators of human rights since its establishment in 1995. The NHRC (Amendment) Act, 2010 has however conferred on the commission express powers to enforce her decisions. Under this provision, decisions of the commission's Governing Council are registrable as decisions of the High Court.'¹³⁵
- 9.1.7 The USSD human rights report 2020 covering events in 2020 noted: '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.'¹³⁶
- 9.1.8 AI's April 2021 human rights report stated: 'The National Human Rights Commission documented 105 complaints of human rights violations between March and mid-April [2020], including the use of excessive force perpetrated

¹³² DFAT, [Country information report: Nigeria](#) (page 18), 3 December 2020

¹³³ DFAT, [Country information report: Nigeria](#) (page 56), 3 December 2020

¹³⁴ OHCHR, '[End of visit statement of the Special Rapporteur...](#)' (paragraph 22), 2 September 2019

¹³⁵ Nigeria National Human Rights Commission, '[About: Strategic objectives](#)', no date

¹³⁶ USSD, 2020 Human Rights Report, [Nigeria](#) (Section 5), 30 March 2021

by security forces in 24 of the country's 36 states and in the Federal Capital Territory Abuja.¹³⁷

[Back to Contents](#)

9.2 Public Complaints Commission

9.2.1 The Public Complaints Commission (PCC) website noted:

'The Public Complaints Commission is the machinery for the control of administrative excesses (non- adherence to procedures or abuse of law). It is an organ of the government set up to redress complaints lodged by aggrieved citizens or residents in Nigeria against administrative injustice.

'The Commission aim at promoting social justice for the individual citizen. It is also an institution that provide a viable option for Nigerians or anyone resident in Nigeria seeking redress against injustice arising from administrative bureaucratic errors, omission or abuse by officials of government, or limited liability companies in Nigeria.

'The Commission also has the role of improving public administration in the laws, procedures, practices, rules and regulations and standard behavior of officials. These are provided for in the ACT, CAP 37 LFN 2004.

'The primary function of the Public Complaints Commission is to provide impartial investigation on behalf of the complainants who feel aggrieved by the action or inaction of the government or local government or private companies...

'The Commission is independent of government bureaucracy and at the same time has extensive powers regarding confidentiality and access to all government information including the production of documents which can aid the Commission's investigation. The Commission is empowered to enforce compliance in order to obtain the necessary information. This power is vital to the Commission in facilitating impartial investigation in order to arrive at a fair and equitable decision. Investigation of all complaints are provided at no cost to both the complainant and respondent i.e. citizen and non citizen resident in the country and their complaints are treated with the confidentiality they deserve. The commission has enabled it's staff to handle all complaints speedily.'¹³⁸

9.2.2 The November 2018 EASO report, Nigeria: State Actors of Protection stated with regard the capacity and integrity of the PCC and citing various sources:

'A 2017 study which focuses on the efficiency of the Nigerian Ombudsman in the 2010-2015 period, particularly in Anambra State, concluded that the PCC has failed to effectively address cases of violation of fundamental human rights of public servants, and that the Ombudsman is hampered in his/her activity by undue government interference... In October 2016, the PCC's offices nationwide were closed because of its inability to pay full salaries to its workers, after struggling with neglect on part of the government for nearly a year...

¹³⁷ AI, Amnesty International: [Nigeria 2020](#), 7 April 2021

¹³⁸ PCC, '[About](#)', undated

‘In June 2018, the PCC agreed to cooperate on the dissemination of its activities with the Federal Radio Corporation of Nigeria... The new PCC Commissioner of Anambra State, Prince Sam Nwosu, met with the Director of the Department of State Services – Nigeria’s primary intelligence agency – Yusuf Ishaku and the Speaker of the Anambra State House of Assembly, Rita Maduwagu, in order to ‘facilitate a strategic partnership that would help the commission discharge its functions smoothly’, receiving assurances from their side in this regard...

‘On 9 August 2018, the PCC Chief Commissioner stated that due to the lack of funds, investigation and resolution of cases in 2018 is being hindered, and that a lack of vehicles causes issues with mobility... A day later, the 36 immediate past state commissioners of the PCC promised to support the ombudsman ‘with their expertise to ensure its development’... The same month, the Niger State PCC announced that since its beginning in 1999, it has received 23 425 cases, of which it had been able to treat 23 146. About 277 were ongoing...’¹³⁹

EASO also stated in the same report: ‘In February 2018, the PCC was queried by the House of Representatives Public Accounts Committee over expenses incurred in 2013 and 2014 totalling 27.3 million Naira. The panel called the spent amount ‘unjustifiable’ as ‘two companies hired to carry out separate contracts by the commission were paid 22 million Naira, although there was no evidence to prove that the contracts were done.’¹⁴⁰

[Back to contents](#)

9.3 Other complaint mechanisms

- 9.3.1 DFAT referring to disciplinary action in the National Armed Forces (NAF) stated: ‘The Armed Forces Act (2004) dictates that disciplinary action in the NAF is determined by a soldier’s commanding officer, with the decision subject to review by the chain of command. The NAF has a human rights desk to investigate complaints of human rights violations brought by civilians, and a standing general court martial in Maiduguri. The court martial in Maiduguri has convicted soldiers for rape, murder and abduction of civilians. The human rights desk in Maiduguri coordinates with the NHRC and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside major population centres remains limited. According to international observers, many credible accusations of abuses remain uninvestigated.’¹⁴¹

[Back to Contents](#)

¹³⁹ EASO, [Nigeria: State Actors of Protection](#) (Page 46), November 2018

¹⁴⁰ EASO, [Nigeria: State Actors of Protection](#) (Page 46), November 2018

¹⁴¹ DFAT, [‘Country information report: Nigeria’](#) (page 53), 3 December 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Legal framework** - relevant laws and policies that:
 - protect individuals and groups from treatment that may amount to persecution in the constitution, and penal and criminal procedural codes;
 - regulate the operation and function of security/protection forces and judiciary, including arrest and detention rights
 - any discriminatory laws, policies or programmes applicable to protection
- **Organisations responsible for law enforcement** - usually police but may include other agencies such as armed forces, intelligence services or civilian militias:
 - structure and size (and number of security officers as a ratio of the wider population)
 - resourcing, pay, equipment and training
 - numbers of investigations, arrests (and types of crimes) and prosecutions
 - occurrence of corruption, misconduct and human rights violations
 - accessibility – existence (or lack of) barriers to obtaining protection for particular groups, by location or other factors.
 - application – discrimination in enforcement of law against particular groups, by location or other factors
 - reform – ongoing or planned reform
- **Oversight bodies of security forces**
 - size, structure, remit and powers of units within enforcement agencies, the courts and independent organisations including national human rights institutions
 - process for raising complaints
 - numbers of investigations and outcomes, including any evidence of investigations and punishment for corruption, misconduct and human rights violations
 - application – discrimination against particular groups, by location or other factors
- **Judiciary**
 - structure, size and composition, including juvenile, family and military courts
 - selection process for magistrates/judges

- resourcing, pay, equipment and training
- independence from executive or other state bodies – government influence on court composition and judgements
- fair trial – availability to legal aid and representation; witness protection programmes and their effectiveness; open and public trial; rights of appeal to higher courts
- accessibility - existence (or lack) of barriers to accessing the judicial process for particular groups, by location (different provinces or rural/urban) or other factors
- occurrence of corruption, misconduct and human rights violations
- numbers of cases, outcomes including convictions and acquittals
- informal justice systems, types of case and effectiveness.

[Back to Contents](#)

Bibliography

Sources cited

[Administration of Criminal Justice Act 2015, Part 3 – Warrants](#), 2015. Last accessed: 14 October 2021

Afrobarometer, '[Nigeria](#)', no date. Last accessed: 24 June 2021

Amnesty International, AI,

['Nigeria 2020'](#), 7 April 2021. Last accessed: 24 June 2021

['Death Sentences and Executions 2020'](#), April 2021. Last accessed: 28 July 2021

['Nigeria: At least 115 people killed by security forces in four months in country's Southeast'](#), 5 August 2021. Last accessed: 1 September 2021

['Retrial ordered for singer on death row: Yahaya Sharif-Aminu'](#), 29 January 2021. Last accessed: 14 October 2021

[Anti-Torture Act 2017](#), Explanatory Memorandum, 2017. Last accessed: 14 October 2021

Australian Government – Department of Foreign Affairs and Trade, DFAT, '[Country information report: Nigeria](#)', 3 December 2020. Last accessed: 24 June 2021

Bertelsmann Stiftung: '[BTI 2020 Country Report Nigeria](#)', 29 April 2020. Last accessed: 24 June 2021

[Constitution of the Federal Republic of Nigeria \[Nigeria\], Act No. 24](#), 5 May 1999. Last accessed 14 October 2021

[1999 Consitution of the Federal Republic of Nigeria](#), 1999. Last accessed: 14 October 2021

Department of State Services, '[About DSS](#)', no date. Last accessed: 14 October 2021

Council on Foreign Relations, CFR, '[Nigeria Launches Community Policing Initiative](#)', 15 September 2020. Last accessed: 24 June 2021

EASO – European Asylum Support Office,

['Nigeria - Security situation'](#), June 2021. Last accessed: 24 June 2021

['Nigeria: State Actors of Protection'](#), November 2018. Last accessed: 26 July 2021

Foreign, Commonwealth & Development Office (FCDO)

['UK National Action Plan on Women, Peace and Security 2018-2022: Annual Report to Parliament 2020'](#), 20 April 2021. Last accessed: 24 June 2021

['Human Rights & Democracy 2020'](#), (page 5), July 2021. Last accessed: 14 October 2021

Freedom House, '[Freedom in the world 2021: Nigeria](#)', 3 March 2021. Last accessed: 24 June 2021

Human Rights Watch, '[Human Rights Watch: World Report 2021 - Nigeria](#)', 13 January 2021. Last accessed: 24 June 2021

Immigration Refugee Board of Canada, IRBC,

['Whether the police in Nigeria detain family members of wanted these persons, including sexual and gender minorities; the manner in which persons these persons are treated; legal recourse available to them \(2016-November 2019\)](#), 20 November 2019. Last accessed: 26 July 2021

['Nigeria: Domestic violence, including legislation; protection and support services offered to victims \(2016-November 2019\)'](#), 4 November 2019. Last accessed: 26 July 2021

Netherlands – Ministry of Foreign Affairs, '[COI report Nigeria](#)', March 2021. Last accessed: 27 July 2021

Nigerian Bar Association, '[website: About us](#)' no date. Last accessed: 24 June 2021

Nigeria government, '[Criminal Code Act](#)', 1990.

Nigeria National Human Rights Commission, '[About: Strategic objectives](#)', no date

Nigeria: [Police Act \[Nigeria\], Cap P19 LFN 2004](#), 1 April 1943, Last accessed 14 October 2021

Organisation for Economic Co-operation and Development, OECD, '[Social Institutions and Gender Index 2019](#)' December 2018. Last accessed: 28 July 2021

Public Complaints Commission, PCC, '[About](#)', undated. Last accessed: 24 June 2021. Last accessed: 24 June 2021

Punch, '[Pay compensation to #EndSARS victims, NEC directs states](#)', 15 October 2021. Last accessed: 27 October 2021

Trading Economics, '[Nigeria living wage individual](#)', updated July 2021. Last accessed: 26 July 2021

Transparency International, '[Global corruption barometer – Nigeria](#)', 2019. Last accessed: 24 June 2021

United Nations Office on Drugs and Crime, UNODC, '[Corruption in Nigeria: Patterns and trends](#)', December 2019. Last accessed: 24 June 2021

United Nations - Human Rights Office of the High Commissioner (OHCHR), '[End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria](#)', 2 September 2019. Last accessed: 22 June 2021

United States Commission on International Religious Freedom: '[Shari'ah Criminal Law in Northern Nigeria](#)', December 2019. Last accessed: 24 June 2021

United States Institute of Peace, '[Special report](#)', 19 December 2018

United States State Department, USSD, 2020 Human Rights Report, '[Nigeria](#)', 30 March 2021. Last accessed: 14 July 2021

United States Overseas Security Advisory Council, OSAC,

['Crime and Safety Report: Lagos](#)', updated 28 April 2020. Last accessed: 24 June 2021

[‘Crime and Safety Report: Abuja’](#), updated 28 April 2020. Last accessed: 26 July 2021

World Bank, [‘GDP \(current US\\$\) Nigeria’](#), 2020, Last accessed: 28 July 2021

World Prison Brief, [‘Nigeria’](#), no date. Last accessed: 24 June 2021

[XE Currency Converter](#), no date. Last accessed: 15 July 2021

[Back to Contents](#)

Sources consulted but not cited

Austrian Federal Office for Immigration and Asylum, COI unit, BFA
Staatendokumentation, Research Paper Staatendokumentation: [‘Nigeria: On the situation of sexual minorities, with additional information from FFM Nigeria 2019, update of the analysis of sexual minorities of 30.9.2016’](#), 29 January 2021. Last accessed: 24 June 2021

The Conversation,

[‘Why Buhari's government is losing the anti-corruption war,’](#) 7 March 2021, Last accessed: 26 July 2021

[‘How Ghana and Nigeria police handle domestic violence cases’](#), 7 December 2021. Last accessed: 26 July 2021

Deutsche Welle, [‘Nigeria fails to protect schools from Boko Haram attacks’](#), 25 February 2018. Last accessed: 14 July 2021

[Nigeria Police Force | Home \(npf.gov.ng\)](#). Last accessed: 24 June 2021

[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version 2.0
- valid from **29 October 2021**

Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

Updated country information

[Back to Contents](#)