



Home Office

Country Policy and Information Note

Nigeria: Actors of protection

Version 1.0

March 2019

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 basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and 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 – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- 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
- Claims are 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 \(COI\)](#), dated 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, and is from generally reliable sources. 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, and
- whether the COI is consistent with and/or corroborated by other sources.

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

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, 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	5
1. Introduction.....	5
1.1 Basis of claim.....	5
1.2 Points to note.....	5
2. Consideration of issues.....	5
2.1 Credibility.....	5
2.2 Exclusion.....	5
2.3 Protection.....	5
Country information	7
3. Security apparatus.....	7
3.1 Overview.....	7
3.2 Police force.....	8
3.3 Intelligence agencies.....	9
3.4 Armed forces.....	9
4. Legal rights.....	11
4.1 Penal / criminal code.....	11
4.2 Arrest and detention legal rights.....	11
5. Capability of the security forces.....	12
5.1 Effectiveness.....	12
5.2 Corruption.....	14
5.3 Human rights abuses.....	15
5.4 Avenues of redress.....	17
6. Rule of law and the judiciary.....	18
6.1 Organisation.....	18
6.2 Fair trial/independence.....	19
6.3 Effectiveness.....	19
6.4 Alternative dispute resolution.....	20
7. Human rights and governance oversight.....	21
7.1 National Human Rights Commission.....	21
7.2 Public Complaints Commission – the Nigerian Ombudsman.....	23
Terms of Reference	25
Bibliography	26
Sources cited.....	26
Sources consulted but not cited:.....	30
Version control	31

Assessment

Updated: 28 March 2019

1. Introduction

1.1 Basis of claim

1.1.1 Whether, in general, a person at risk of persecution and/or serious harm from non-state actors and/or rogue state actors is able to obtain effective state protection.

1.2 Points to note

1.2.1 Where a claim by a male is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002, as India is listed as a designated state (see [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 information on assessing credibility, see the 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 also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

[Back to Contents](#)

2.3 Protection

2.3.1 Nigeria has a functioning criminal justice system composed of the security forces - the National Police Force, the military, civilian defence militias and the security services - and the judiciary, made-up of various federal and state courts, including Sharia courts in the north of the country (see [Security apparatus](#) and [Rule of law and the judiciary](#)).

- 2.3.2 The Nigerian Police Force (NPF) is the primary law enforcement agency with approximately 370,000 officers across the country. However, particularly in areas where there is a state of emergency or there is ongoing civil conflict, - including the north-east, the Niger Delta, and the so-called 'Middle Belt' - the military are used to provide community policing. The National Security Agencies collectively are responsible for preventing and detecting crime against the state of Nigeria inside and outside of the country (see [Security apparatus](#) and [country policy and information notes](#) on internal relocation and Boko Haram).
- 2.3.3 The judicial system is comprised of federal and state courts, the highest of which is the Supreme Court sitting above various subordinate courts in states and the Federal Capital Territory, including Sharia courts in the 12 northern states that have adopted Islamic law ([Rule of law and the judiciary](#)).
- 2.3.4 Extra-judicial oversight of human rights breaches and abuses of administrative procedure or law by the government are provided by 2 public bodies – the National Human Rights Commission (NHRC) and the Public Complaints Commission (see [Human rights and governance oversight](#)).
- 2.3.5 In addition, the Nigerian Police Council and Police Service Commission (PSC) oversee police conduct (see [Capability of the security forces](#)).
- 2.3.6 Although the NPF is one of the largest police forces in the world, the ratio of police officers to citizens is below the UN-recommended number. The police's effectiveness is undermined by a lack of suitable staff, funding, proper equipment and facilities, inadequate training, as well as poor pay and wide-spread corruption. Further, the NPF reportedly focuses its resources on protecting important persons, including politicians and wealthy individuals, rather than community policing. As a result the NPF is generally perceived to be corrupt and ineffective by the population, nonetheless people continue to approach it for assistance (see [Capability of the security forces](#)).
- 2.3.7 The security forces, particularly the military in conflict areas, are reported, amongst other things, to use excessive force to disperse protestors and apprehend criminals, commit extra-judicial killings, use torture to obtain confessions and mistreat people in order to extort money (see [Capability of the security forces](#) and the [country policy and information notes](#) on Internal relocation and Boko Haram).
- 2.3.8 While the NHRC and PSC have powers to investigate abuses, police officers responsible for misconduct and human rights violations are rarely held to account, fostering a culture of impunity (see [Capability of the the security forces](#) and [Human rights and governance oversight](#)).
- 2.3.9 The judiciary has some independence and achieved some professionalism, however it remains susceptible to pressure from federal and state governments. The courts' effectiveness is also undermined by a lack of proper equipment and training for its staff, while low levels of motivation are prevalent amongst officials because of poor pay. Corruption is reported to be a problem, particularly in the lower level courts. Access to the courts and legal redress is also hampered by the high costs of litigation and delays in the processing of cases through the courts, which has resulted in a large

backlog of pending cases and long periods of pre-trial detention (see [Rule of law and the judiciary](#)).

- 2.3.10 In general the state has taken steps to establish and operate a criminal justice system that punishes attacks by non-state actors thus showing a reasonable willingness and ability to provide protection, albeit its effectiveness is undermined by a number of significant weaknesses.
- 2.3.11 However effective protection is not likely to be available in areas where there is armed or civil conflict, including some parts of north-east Nigeria, the Niger Delta and the Middle Belt. Further, women, LGB persons and non-indegenes may face discrimination which prevents them from being able to access effective protection (see [country policy and information notes](#) on Women fearing gender-based harm or violence and Internal relocation).
- 2.3.12 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 – noting that a person's reluctance to seek protection does not necessarily mean that effective protection is not available. The onus is on the person to demonstrate why the state would not be willing and able to provide effective protection.
- 2.3.13 For an additional assessment of and information about particular groups, see the relevant [country policy and information notes](#).
- 2.3.14 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: 3 February 2019

3. Security apparatus

3.1 Overview

- 3.1.1 The Australian Department for Foreign Affairs and Trade (DFAT) described the key security forces 'Security and law enforcement in Nigeria is managed at the federal level through the Nigerian military, [the Department for State Services] DSS, [the National Police Force] NPF and periodically through newly established forces including the [Civilian Joint Task Force] C-JTF [a youth vigilante group which emerged in 2013 in northeast Nigeria with support from the Nigerian military and the NPF¹].²
- 3.1.2 The US State Department (USSD) noted that the Department for State Services 'is responsible for internal security and reports to the president through the national security adviser.'³

[Back to Contents](#)

¹ DFAT, Nigeria report (para 4.1), March 2018, [url](#).

² DFAT, Nigeria report (para 5.1), March 2018, [url](#)

³ USSD, Human rights report 2017 (section 1c), April 2018, [url](#).

3.2 Police force

3.2.1 The USSD human rights report for 2017 noted:

'The National Police Force (NPF) is the country's largest law enforcement agency. An inspector general of police, appointed by and reporting directly to the president, commands the NPF. In addition to traditional police responsibilities of maintaining law and order in communities in each of the states and the FCT [Federal Capital Territory], the inspector general oversees law enforcement operations throughout the country involving border security, marine (navigation) matters, and counterterrorism. A state commissioner of police, nominated by the inspector general and approved by the state governor, commands NPF forces in each of the states and the FCT. Although administratively controlled by the inspector general, operationally the state commissioner reports to the governor.'⁴

3.2.2 DFAT noted that the NPF 'is the principal law enforcement agency in Nigeria. The Nigerian Constitution prohibits state and local governments from forming their own forces. The NPF is one of the largest police forces in the world, with 371,800 officers.'⁵

3.2.3 A Council on Foreign Relations (CFR) article of December 2018 noted:

'The police number some 370,000 with proposals for greatly expanding it... [t]o meet the UN recommended ratio of one policeman for 400 residents, the police force would need to add 155,000 officers. This implies a major recruitment and training effort, which the Inspector General proposes would take five years to implement... Furthermore, police salaries are low. Recruits make less than [US]\$400 a year (though they also receive allowances), forcing many police officers to engage in corrupt practices just to scrape by.'⁶

3.2.4 An Open Society Justice Initiative (OSJI) report of 2010 noted:

'...the NPF [Nigeria Police Force] is the largest institution in Nigeria and also the country's largest employer. The Police Act and the Police Regulations define the command and control structures of the NPF. This structure is headed by an IGP [Inspector General of Police]. Each of Nigeria's 36 states and the Federal Capital Territory (FCT) constitute a Police Command, headed by a police commissioner. The State Commands are in turn grouped into 12 Zonal Commands, each of which is headed by an assistant inspector-general (AIG) of police. Below the State Commands, each state is subdivided into Area Commands under the operational control of subordinate officers, and Area Commands are in turn further broken down into Divisional Commands. Each Divisional Command comprises a collection of contiguous police posts and stations.'⁷

3.2.5 The OSJI report also noted:

'By the end of 2008, the Nigeria police force comprised 5,515 police stations, 1,115 Police Divisions, 123 Area Commands, and 36 State Commands and one Federal Capital Territory Command. The force also houses some

⁴ USSD, Human rights report 2017 (section 1d), April 2018, [url](#).

⁵ DFAT, Nigeria report (p29), March 2018, [url](#)

⁶ CFR, 'Nigerian Police...', 7 December 2018 [url](#).

⁷ OSJI, 'Criminal Force Torture...' (ps39-40), 2010, [url](#).

specialized units such as the Border Patrol, Bombs Disposal Squad, Ports Authority Police, and the Special Anti-Robbery Squad (SARS).

‘Size and Distribution of Administrative Structure of NPF

‘Administrative Unit Quantity and Distribution Zonal Commands 12

‘State Commands (Including Federal Capital Territory, Abuja) 37

‘Area Commands 123

‘Police Divisions 1,115

‘Police Stations 5,515

‘Police Posts 5,000

‘The headquarters of the force is located in Abuja, in the Federal Capital Territory. Known as the Force Headquarters, this is also the operational and administrative base of the IGP. The Force Headquarters is also known as “Louis Edet House,”... The Force Headquarters is organized into six departments, each headed by a deputy inspector-general (DIG) of police.’⁸

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

[Back to Contents](#)

3.3 Intelligence agencies

3.3.1 The Nigerian National Security Agencies Act established the national security agencies:

- the Defence Intelligence Agency - to prevent and detect crimes of a military nature against the security of Nigeria
- the National Intelligence Agency - maintenance of the security of Nigeria outside of Nigeria not related to military issues
- the State Security Service - responsible for the prevention and detection of any crime against the internal security of the country^{9 10}

[Back to Contents](#)

3.4 Armed forces

3.4.1 The Nigerian Ministry of Defence website noted that ‘The Ministry of Defence was established on 1st October, 1958 with the statutory responsibility of overseeing the Defence profile of the country from the perspective of the Armed Forces. It, therefore, supervises the Defence Headquarters, the Services namely, Army, Navy and Air Force as well as Tri-Services Institutions/Parastatals.’¹¹

3.4.2 The DefenceWeb website noted that ‘Nigeria’s military is tasked with preserving the country’s territorial integrity, contributing to national emergencies and security, promoting security in Africa and furthering

⁸ OSJI, ‘Criminal Force Torture...’ (ps39-40), 2010, [url](#).

⁹ LawNigeria, ‘National Security Agencies Act’, June 1986, [url](#).

¹⁰ Nigerian Monitor, ‘5 Things You Need...’, 19 April 2017, [url](#).

¹¹ Nigeria Ministry of Defence, ‘About MOD’, undated, [url](#).

Nigerian foreign policy, and contributing to global security.’¹² The Global Firepower 2018 report noted that with 181,000 total military personnel - 124,000 active personnel and 57,000 reserve personnel - Nigeria ranked the 4th most ‘powerful’ in Africa and 43rd in the world¹³.

3.4.3 DFAT observed that:

‘Despite large investment by government in the military, observers note that it continues to suffer from extremely low capacity and high rates of desertion. Frontline soldiers publicly complain about not receiving wages and inadequate or no equipment. Local and international experts argue corruption explains the difference between the high rates of government spending and the low capacity of the forces.

‘The military, along with other security forces, has been accused of extra-judicially killing suspects, particularly suspected members of Boko Haram and persons considered to have harboured them, and of being responsible for many deaths in military custody...’¹⁴

3.4.4 DFAT also commented that ‘[t]he poor capacity of the NPF has limited its ability to control societal violence, particularly in relation to areas under a state of emergency and between Muslim farmers and Christian settlers in the middle belt states. As a result, the government continues to turn to the military to provide community policing given high levels of violence.’¹⁵ The USSD similarly noted:

‘Due to the inability of law enforcement agencies to control societal violence, the government increasingly turned to the armed forces to address internal security concerns. The constitution authorizes the use of the military to “[s]uppress insurrection and act in aid of civil authorities to restore order.” Armed forces were part of continuing joint security operations in the Niger Delta, Middle Belt, and Northwest [sic, Northeast].’¹⁶

3.4.5 A US Institute of Peace (USIP) special report of December 2018 observed ‘... as the military has sought or been assigned to fill the [security] gaps [left by the NPF], Nigerian society has effectively become accustomed to militarized security services and thus lost the habit of civilian-led security provision. Army Chief of Staff Lieutenant General Tukur Buratai has noted frequently that the military now is engaged in internal operations in almost all of Nigeria’s thirty-six states, seeking to quell not only the Boko Haram insurgency in the northeast, but also the militancy in the Niger Delta, as well as kidnapping, cattle rustling, and armed robbery.[...]’¹⁷

[Back to Contents](#)

Section 4 updated: 21 December 2018

¹² DefenceWeb, ‘Nigerian Armed Forces’, 7 October 2013, [url](#).

¹³ Global Firepower, ‘Nigeria Military Strength’, 2018, [url](#).

¹⁴ DFAT, Nigeria report (paras 5.3-5.4), March 2018, [url](#).

¹⁵ DFAT, Nigeria report (para 5.1), March 2018, [url](#).

¹⁶ USSD, Human rights report 2017 (section 1d), April 2018, [url](#).

¹⁷ USIP, Special report (p7), 19 December 2018, [url](#).

4. Legal rights

4.1 Penal / criminal code

- 4.1.1 Nigeria has established a code of criminal law through the Criminal Code Act, 1990¹⁸.

[Back to Contents](#)

4.2 Arrest and detention legal rights

- 4.2.1 The US State Department 2017 Human Rights Practices Report noted:

‘Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. 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 often demanded additional payment.’¹⁹

- 4.2.2 The Department of Foreign Affairs and Trade of Australia (DFAT) Nigeria Country Information Report noted:

‘The Nigerian Police Force (NPF) use a technique known as “parading” which involves walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often hurled taunts, food, and other objects.

‘The Federal Criminal Procedure Act 1990 authorises members of the NPF to arrest individuals without first obtaining a warrant where they have reasonable suspicion that the person has committed an offence. Police may detain suspects for 48 hours before charging them with an offence. The arresting officer is required to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow the suspect to obtain counsel and post bail.

¹⁸ Nigeria government, Criminal Code Act, 1990, [url](#).

¹⁹ USSD, Human rights report 2017 (section 1d), April 2018, [url](#).

Even under a state of emergency, detainees are legally required to be brought before a magistrate within 48 hours and have access to lawyers and family members.

‘Despite these legal protections, DFAT understands that the NPF routinely detains suspects without informing them of the charges or allowing access to counsel and family members. Police officers reportedly seek bribes from detainees to secure release or presentation before a court. Most citizens are not aware of their legal rights in these situations.’²⁰

[Back to Contents](#)

Section 5 updated: 3 February 2019

5. Capability of the security forces

5.1 Effectiveness

5.1.1 A number of sources referred to a lack of funding, suitable manpower, proper equipment, appropriate and adequate training, and welfare packages for the NPF^{21 22 23 24 25 26}.

5.1.2 An International Journal of Academic Research and Reflection (IJARR) 2014 report on the Nigerian police noted:

‘Police criticisms in Nigeria generally center on the quality of the police personnel, their ineffectiveness and inefficiency in carrying out their tasks especially in preventing and controlling crime, manpower shortages, poor police attitudes and response to citizens’ lack of essential police equipment and facilities and constant conflict and tension between the police and the citizenry. Another area which has also resulted in efficiency in the police ability to effectively carry out its primary assign duties of crime prevention and control and which has further alienated the agency from the citizenry is the amount of corruption that exist in the agency.’²⁷

5.1.3 The World Internal Security and Police Index (WISPI) noted Nigeria was:

‘... the worst performing country on the index... Nigeria had an average sized police force, and a relatively small military and private security sector. There are 219 police officers for every 100,000 Nigerians... There were an additional 71 private security workers per 100,000 people, which was one of the five lowest private security sector rates... Police and judicial system effectiveness is a serious issue in Nigeria. General corruption was high, according to the Control of Corruption indicator, and 81 per cent of Nigerian respondents to the Global Corruption Barometer admitted to paying a bribe to a police officer in the last year. Only 0.06 per cent of thefts were reported to police. Unsurprisingly, the Rule of Law index found that military and police

²⁰ DFAT, Nigeria report (paras 4.13-15), March 2018, [url](#).

²¹ Adegoke, N, ‘The Nigeria Police Force...’ (p 23), December 2014, [url](#).

²² NOI Polls, ‘The Nigeria Police has performed averagely...’, 18 February 2013, [url](#).

²³ Academic Journal of Interdisciplinary Studies, ‘Public Perception...’ (p68), March 2018, [url](#).

²⁴ Overseas Security Advisory Council (OSAC), ‘Nigeria report - Lagos – 2018, 20 August 2018, [url](#).

²⁵ Osayande, P.B.O., ‘Factors Inhibiting...’, August 2008, [url](#).

²⁶ Sahara Reporters, ‘The Conditions...’, 7 November 2011, [url](#).

²⁷ IJARR, ‘Nigeria Police Performance...’ (p82), 2014, [url](#).

officials are likely to use their public positions for private gain... Nigeria had an estimated homicide rate of 20 per 100,000 people, well above the Index average, and 19 per cent of Nigerian respondents to the Gallup World Poll stated that they had been assaulted or mugged in the last year.’²⁸

5.1.4 The USIP special report summarised the reasons undermining police performance:

‘The way forward for the police has been extensively mapped by three police reform panels that have done extensive work on what needs to be done to improve performance... All these initiatives reported the same core problems: too few personnel and too little funding for operations, poor training, dilapidated training institutions and barracks, limited firearms skills and related frequent shooting mishaps, and the obligation that officers pay for their own uniforms. Perhaps the most important factor is the deep culture of corruption that has resulted in salaries being unpaid because they are diverted elsewhere.’²⁹

5.1.5 Underfunding in particular was a phenomenon which dated back to the era of military rule in Nigeria (1960-1999)³⁰. The NPF’s centrally controlled nature led to resources and changes in operating procedures reaching all corners of the country slowly³¹.

5.1.6 The USSD Overseas Security Advisory Council (OSAC) report for Lagos observed

‘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 (communications equipment, vehicles, skilled leadership, and training) continues to undermine the effectiveness of the Nigeria Police Force (NPF). Usually, victims must maintain in close contact with local police to move an investigation forward. Crime laboratories and facilities to process evidence are rare. In 2017, the construction of a DNA forensic lab was complete and the lab opened in late 2017.

‘... 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. Vigilante justice is common. Perpetrators of crime may be injured by mobs before police arrive. Numerous NPF officers assigned to private security details for either businesses or individuals routinely ignore any requests for assistance not directly associated with their assignments.’³²

²⁸ International Police Science Association, WISPI 2016 (ps 3; 25), 2016, [url](#).

²⁹ USIP, Special report (p9), 19 December 2018, [url](#).

³⁰ Agbiboa, D. E., ‘Protectors or Predators?’ (p15), 10 December 2013, [url](#).

³¹ DFAT, Nigeria report (p29), March 2018, [url](#).

³² USSD OSAC, Lagos report 2018, 20 August 2018, [url](#).

- 5.1.7 The USSD OASC report for Abuja in 2018 commented ‘Police response to a crime is severely hampered by a lack of basic resources.... police investigators, while often well-intentioned, lack the training and resources to conduct effective investigations. As a result, criminals feel emboldened.’³³
- 5.1.8 Most Nigerians ‘do not perceive [the NPF] as an effective law enforcement body and have little faith in the criminal justice system.’³⁴ Although the USIP special report commented that despite its serious problems ‘the police retain a certain measure of trust among the citizenry. Nigerians still frequently call police not only to report crime, but also to settle quarrels and collect debts, for example.’³⁵
- 5.1.9 A Deutsche Welle article from February 2018 noted that ‘There are fewer than 400,000 police officers for Nigeria’s population of more than 180 million people. Almost half of them are responsible for protecting VIPs such as politicians, businessmen and other wealthy individuals. Critics have demanded that the police force be expanded and made more efficient.’³⁶ 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.’” [...].’³⁷

[Back to Contents](#)

5.2 Corruption

- 5.2.1 A 2017 study by the United Nations Office on Drugs and Crime (UNODC) noted that local police officers in Nigeria were the most commonly bribed public officials in the country, as well as one of the most frequently bribed ones. Bribes paid to avoid the payment of a fine constituted the second largest proportion of bribes in the country (18 %), and were a frequent request in citizens’ encounters with the police³⁸.
- 5.2.2 In 2016, there was a 46.4% prevalence rate of bribery in relation to police officers in the country. Police officers quoted in the report mention low and untimely salaries, the resulting inability to take care of families, poor funding, lack of cooperation by the public in investigations, or insecurity among the reasons for bribery³⁹. Police corruption usually occurred at police roadblocks

³³ USSD OSAC, Abuja report 2018, 20 August 2018, [url](#).

³⁴ USSD OSAC, Lagos report 2018, 20 August 2018, [url](#).

³⁵ USIP, Special report (p10), 19 December 2018, [url](#).

³⁶ Deutsche Welle, ‘Nigeria fails...’, 25 February 2018, [url](#).

³⁷ USIP, Special report (p9), 19 December 2018, [url](#).

³⁸ UNODC, ‘Corruption in Nigeria Bribery...’ (p7), July 2017, [url](#).

³⁹ UNODC, ‘Corruption in Nigeria Bribery...’ (p35-37), July 2017, [url](#).

and checkpoints, ostensibly placed to curb criminality on Nigerian roads, and instead becoming a source of illegal income⁴⁰.

- 5.2.3 A Premium Times article from March 2018 noted that police manpower in particular had been severely impacted by corruption: in March 2018, Nigeria's accountant general revealed he had identified over 80,000 ghost (or fake) workers in the Nigeria Police Force: over 20% of the total force⁴¹.
- 5.2.4 An Afrobarometer 2018 survey noted that 'More than 90% of Nigerians... say "some," "most," or "all" public officials are corrupt, with the police perceived as the most corrupt, and most citizens fear retaliation if they report corruption to the authorities. Nigerians are evenly split as to whether corruption has increased or decreased over the past year.'⁴²

[Back to Contents](#)

5.3 Human rights abuses

- 5.3.1 In December 2017 the National Assembly passed into law the Anti-Torture Act 2017, which criminalised torture and protected victims and witnesses of torture, thereby making police officers legally prosecutable for its potential use. Prior to this, there was no law in Nigeria with the objective of prohibiting and punishing such conduct⁴³, even though Nigeria had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 28 July 1988, and ratified it on 28 June 2001⁴⁴.
- 5.3.2 The USSD report for 2017 observed that
- 'The Administration of Criminal Justice Act (ACJA), passed in 2015, prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of November [2017] only the states of Anambra, Cross Rivers, Ekiti, Enugu, Lagos, Ondo, and Oyo had adopted ACJA-compliant legislation. In July both houses of the National Assembly passed an antitorture bill, which was waiting for the president's signature.
- 'The Ministry of Justice previously established a National Committee against Torture (NCAT). Lack of legal and operational independence and lack of funding, however, prevented NCAT from carrying out its work effectively.'⁴⁵
- 5.3.3 However, various sources observed that the NPF, army, and other security services using lethal and excessive force to disperse protesters, apprehend criminals and suspects, arbitrary arrests, committed extrajudicial killings, and

⁴⁰ Chatham House, 'Collective Action...' (p9), May 2017, [url](#).

⁴¹ Premium Times, 'Over 80,000 'ghost officers'...', 26 March 2018, [url](#).

⁴² Afrobarometer, 'Public perception...', 15 January 2018, [url](#).

⁴³ Vanguard, 'Anti-Torture Act 2017...', 31 May 2018, [url](#).

⁴⁴ United Nations, 'Treaty Collection...', 29 September 2018, [url](#).

⁴⁵ USSD, Human rights report 2017 (section 1c), April 2018, [url](#).

obtaining confessions through torture. Police were mentioned to repeatedly mistreat civilians in order to extort money^{46 47 48}.

5.3.4 Freedom House noted that ‘The military has been repeatedly criticized by local and international human rights groups for extrajudicial killings, torture, and other abuses, including during counterinsurgency efforts in the northeast and operations against separatist movements in the southeast.’⁴⁹ A November 2017 Premium Times article noted that ‘Despite receiving training on human rights of citizens, officers of the Nigeria Police Force have continued to unlawfully detain, torture, and harass members of the public, victims of police abuse told a human rights panel in Lagos.’⁵⁰

5.3.5 DFAT observed that

‘Local and international human rights groups have accused government security forces of carrying out extra-judicial killings, particularly in the middle belt and northeast states of Nigeria. Sources attribute the majority of extra-judicial killings to the Nigerian military, predominantly targeting suspected Boko Haram members. The Nigerian Police Force (NPF) has also admitted to extrajudicial executions of Boko Haram and criminal suspects. A youth vigilante group known as the Civilian Joint Task Force (C-JTF) emerged in 2013 in northeast Nigeria with support from the Nigerian military and Nigeria Police Force. Sources accuse the C-JTF of killing criminal suspects and Boko Haram members.

‘Human rights groups have accused the Special Anti-Robbery Squad (SARS), a special branch of the Nigeria police created to fight violent crime, mainly armed robbery and kidnapping, of brutal interrogation methods and extrajudicial killings.

‘Clashes between security forces and insurgents or criminals in the middle belt and northeast states have led to civilian injuries and deaths. Security forces have directly targeted civilians accused of harbouring suspects.... Historically, Nigeria’s legal system has not had a strong record of holding the Nigerian military, NPF and other security forces to account. State or federal panels of inquiry established to investigate extra-judicial killings rarely publish their reports.’⁵¹

5.3.6 DFAT also noted that

‘NGOs accuse security forces of responsibility for enforced disappearances of persons suspected of Boko Haram links in the north-east and the government is yet to investigate cases...

‘DFAT considers credible claims that the NPF continues to use torture to extract confessions from suspects held in police detention as an alternative to investigating and gathering evidence for use at trial. The government has taken some steps to address the incidence of torture in police custody and

⁴⁶ Amnesty International, ‘Nigeria 2017/18 Report, January 2018, [url](#).

⁴⁷ USSD, Human rights report 2017 (section 1c), April 2018, [url](#).

⁴⁸ EASO, Actors of protection report (section 3.3), November 2018, [url](#).

⁴⁹ Freedom House, Freedom in the World 2017 – Nigeria, January 2018, [url](#).

⁵⁰ Premium Times, ‘How Nigeria police officers...’, 1 November 2017, [url](#).

⁵¹ DFAT, Nigeria report (paras 4.1-4.4), March 2018, [url](#).

local NGOs report an overall decrease. Human rights officers are deployed in all police stations... and police trainees are required to undertake human rights training as part of their induction.⁵²

[Back to Contents](#)

5.4 Avenues of redress

5.4.1 The NPF was initially overseen by 3 government agencies:

- the Nigerian Police Council
- the Police Service Commission (PSC)
- the Ministry of Police Affairs⁵³.

5.4.2 However, the latter was scrapped, following the Buhari administration's re-organisation of the federal executive in 2015⁵⁴.

5.4.3 DFAT observed that

'The PSC is responsible for preventing and investigating police abuses. The PSC suffers from inadequate resources and a lack of independence. Without an effective internal investigation function, the judiciary is generally unable to prosecute police officers for abuse of authority. The National Human Rights Commission (NHRC) has not been an effective mechanism for investigating police misconduct. DFAT assesses that instances of police abuse are rarely investigated and perpetrators are infrequently held to account in Nigeria.'⁵⁵

5.4.4 In December 2017, the NPF launched Force Order 20, which addressed 'free legal services for arrested and/or detained persons in police formations' and institutionalised the Police Duty Solicitor Scheme (PDSS) as a countrywide mechanism for its delivery⁵⁶.

5.4.5 Complaints of police misconduct could be reported to the Public Complaint Rapid Response Unit of the National Human Rights Council, which indicated it was available 24/7 via telephonic and electronic channels⁵⁷.

5.4.6 The USSD report for 2017 similarly observed that 'The government took steps to investigate alleged abuses but fewer steps to prosecute officials who committed violations, whether in the security forces or elsewhere in the government. Impunity remained widespread at all levels of government. The government did not adequately investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power.'⁵⁸

5.4.7 DFAT noted that

'In January 2013, the NPF introduced a voluntary Code of Conduct in response to allegations of extrajudicial killings and other abuses. The Code

⁵² DFAT, Nigeria report (paras 4.5; 4.12), March 2018, [url](#).

⁵³ DFAT, Nigeria report (p 30), March 2018, [url](#).

⁵⁴ The Eagle Online, 'Buhari to name 25...', 10 November 2015, [url](#).

⁵⁵ DFAT, Nigeria report (p 30), March 2018, [url](#).

⁵⁶ Vanguard, 'As Nigeria launches...', 20 September 2017, [url](#).

⁵⁷ Vanguard, 'NHRC begins audit...', 14 June 2018, [url](#).

⁵⁸ USSD, Human rights report 2017 (Executive summary), April 2018, [url](#).

provides a set of guiding principles and standards of behaviour for police officers. The NFP has increased the number of women in the police force and introduced human rights officers at all police stations. However DFAT understands that the human rights officers are unable to prevent human rights abuses for various reasons, including a lack of authority at the local level.⁵⁹

[Back to Contents](#)

Section 6 updated: 21 December 2018

6. Rule of law and the judiciary

6.1 Organisation

- 6.1.1 A Law Nigeria article described the Nigerian legal system as ‘thirty six (36) separate, independent, interacting and geographically bound legal systems co-existing within a constitutional framework that also accommodates a set of federal laws applicable to all the States across board.’⁶⁰
- 6.1.2 The country’s apex court was the Supreme Court, consisting of the Chief Justice and 15 justices. Subordinate courts are: the courts of appeal (72 across the 6 geopolitical zones); the Federal High Court (1 in each state); the State High Courts in each state and the Federal Capital Territory; the Sharia Court of Appeal of the Federal Capital Territory, and the Customary Court of Appeal of the Federal Capital Territory. The state court system was similar in structure to the federal system⁶¹. Every state had its own high court, election tribunals and an election appeal tribunal. A Sharia court of appeal and a customary court of appeal were present in any state which required either of them⁶².
- 6.1.3 The Nigerian Constitution provided that states may establish courts based on Sharia or customary (traditional) law, in addition to common law courts. Sharia courts functioned in the 12 northern states which applied Islamic law and the FCT, whereas customary courts functioned in most of the 36 states⁶³.
- 6.1.4 State-level Sharia courts generally applied Islamic law in accordance with their rules of procedure. Defendants had the right to challenge the constitutionality of Sharia criminal statutes through civil law appellate courts. Federal appellate courts, particularly the Supreme Court, had not ruled on whether punishments prescribed by Sharia such as amputation and stoning violated the constitution, because no relevant cases had reached the federal level^{64 65}.

[Back to Contents](#)

⁵⁹ DFAT, Nigeria report (para 5.9), March 2018, [url](#).

⁶⁰ Law Nigeria, ‘Nigeria-Constitution...’, 7 March 2018, [url](#).

⁶¹ CIA World Factbook – Nigeria, last updated December 2018, [url](#).

⁶² Federal High Court Nigeria, ‘The Judiciary in Nigeria’, undated, [url](#).

⁶³ USSD, Human rights report 2017 (section 1e), April 2018, [url](#).

⁶⁴ DFAT, Nigeria report (p30), March 2018, [url](#).

⁶⁵ GlobaLex, ‘Guide to Nigerian Legal Information’, December 2015, [url](#).

6.2 Fair trial/independence

- 6.2.1 While the constitution and law provided for an independent judiciary, the US State Department noted that the judicial branch in 2017 remained ‘susceptible to pressure from the executive and legislative branches’, particularly at the state and local levels⁶⁶. The Australian Department of Foreign Affairs and Trade noted that there was also reportedly a common lack of proper equipment, training and motivation on part of the court officials, mainly due to inadequate compensation⁶⁷.
- 6.2.2 The Freedom House noted that ‘the judiciary has achieved some degree of independence and professionalism in practice, but political interference, corruption, and a lack of funding, equipment, and training remain important problems. In October 2017, the National Judicial Council, headed by the Chief Justice, announced that it was investigating 15 judges for alleged malfeasance.’⁶⁸
- 6.2.3 A Human Rights Watch (HRW) September 2018 noted:
‘Nigeria’s prosecution of suspected Boko Haram members has been characterized by serious legal shortcomings, and the authorities are failing to prioritize prosecution of those most responsible for the group’s atrocities, Human Rights Watch said today.
‘...The proceedings were very short, with some lasting less than 15 minutes, raising several fair trial and due process concerns. Most charges were couched in ambiguous and vague terms without the crucial information Nigerian law requires, like the specific date, place, and details of the alleged offense. Other procedural lapses included a lack of official interpreters and the use of untrained unofficial interpreters; reliance on alleged confessions; charging previously discharged defendants again for the same offenses; and unclear orders for rehabilitation for some defendants whose releases were ordered. All had public defenders, and some defendants told Human Rights Watch that they had not been able to consult with their lawyers until the day of trial.’⁶⁹

[Back to Contents](#)

6.3 Effectiveness

- 6.3.1 A 2017 study by the United Nations Office on Drugs and Crime (UNODC) noted that at a general level, access to the court system in Nigeria for many citizens was hindered by the high costs of taking a matter to court, next to a low level of trust in the functioning of the legal system⁷⁰.
- 6.3.2 The Australian Department of Foreign Affairs and Trade (DFAT) considered that it was difficult for citizens to obtain legal redress through the Nigerian court system. A lack of funding and low human resource capacity lead to a significant backlog of cases, which produced, amongst other things,

⁶⁶ USSD, Human rights report 2017 (section 1e), April 2018, [url](#).

⁶⁷ DFAT, Nigeria report (p30), March 2018, [url](#).

⁶⁸ Freedom House, Freedom in World 2018 – Nigeria, January 2018, [url](#).

⁶⁹ HRW, ‘Nigeria: Flawed Trials of Boko Haram Suspects’, 17 September 2018, [url](#).

⁷⁰ UNODC, ‘Corruption in Nigeria Bribery...’ (p68), July 2017, [url](#).

extremely long pre-trial detention periods⁷¹. In August 2015, there were reportedly over five million cases pending in Nigerian courts due to a 'hugely cumbersome and overbunded legal system.'⁷² In March 2018, the Chief Justice asked judges countrywide to expedite the hearing of their pending cases⁷³.

- 6.3.3 The effectiveness of courts was hampered by corruption, in particular of lower level ones. Citizens had reported facing long delays and alleged requests from judicial officials for bribes in order to expedite cases or to obtain favourable rulings. Judges reportedly pursued other sources of income, and as such often failed to appear in court⁷⁴ ⁷⁵. The UNODC reported in 2017 that judiciary officials represented the second most affected group of officials in terms of bribery risk, with 33% in case of prosecutors and 31.5% in case of judges and magistrates⁷⁶.
- 6.3.4 Specific accounts however mentioned over 22,000 cases pending in courts in Cross River State in late 2017, including motions, civil and criminal cases⁷⁷, and over 500 cases of financial crime pending before the high court of Lagos State in early 2018⁷⁸. As of 16 July 2018, of the total prison population (73 631), 68.1% were pre-trial detainees⁷⁹.

[Back to Contents](#)

6.4 Alternative dispute resolution

- 6.4.1 High lawyer fees and the amount of time it took to resolve a dispute at the court led people into using the service of Citizens Mediation Centres (CMCs). While originally established 'to provide free mediation and legal services for poor people, their performance, efficiency and rate of settlement has also endeared them to users with commercial disputes' and 'more commercial disputes are now being brought to the CMCs for resolution.' CMCs offered free legal assistance and mediation services and aside from an increasing number of complainants, they had also spread geographically, thereby increasing their accessibility. The quality of their services had also been improving⁸⁰.
- 6.4.2 Other places intended to fast-track the resolution of civil cases were Alternative Dispute Resolution (ADR) centres, known as Multi-Door Courthouses (MDCs), located in Lagos, Abuja and Kano States. One source indicates MDCs are independently run and managed, but attached to a specific court (in the case of Kano, Abuja and Lagos - the High Court of each respective state). Cases could be brought forward to an MDC either directly

⁷¹ DFAT, Nigeria report (p30), March 2018, [url](#).

⁷² Daily Trust, '5 m cases pending...', 18 August 2015, [url](#).

⁷³ Vanguard, 'Expedite hearing...', 7 March 2018, [url](#).

⁷⁴ DFAT, Nigeria report (p30), March 2018, [url](#).

⁷⁵ USSD, Human rights report 2017 (section 1e), April 2018, [url](#).

⁷⁶ UNODC, 'Corruption in Nigeria Bribery...' (p7), July 2017, [url](#)

⁷⁷ Daily Post, 'Over 22,000 cases...', 22 September 2017, [url](#).

⁷⁸ Sahara Reporters, '500 Financial Crimes...', 1 February 2018, [url](#).

⁷⁹ Institute for Criminal Policy Research, 'World Prison Brief', nd, [url](#).

⁸⁰ British Council, 'Justice For All...', October 2015, [url](#).

by the applicant, or referred to it by a judge of the high court (and occasionally magistrate courts)⁸¹.

- 6.4.3 Al Jazeera noted that, focusing on the Lagos MDC, ‘the average timeline of a court case is four to 10 years, and following the case through to the Supreme Court can take at least 20’, while ‘the average Lagos MDC case takes three to five months, and more than half of the cases that have been referred by magistrates take just a single morning to resolve’; faster also means cheaper, according to the source⁸².
- 6.4.4 Edo and Oyo states established MDCs for mediation and dispute resolution in 2017 and 2018, respectively^{83 84}.

[Back to Contents](#)

Section 7 updated: 21 December 2018

7. Human rights and governance oversight

7.1 National Human Rights Commission

7.1.1 The AccessFacility.org noted:

‘The National Human Rights Commission of Nigeria (“the NHRC”) was established by the National Human Rights Commission (Amendment) Act, 1995, as amended by the NHRC Act, 2010. The Commission serves as an extra-judicial mechanism which safeguards the human rights of the Nigerian population. Its establishment is aimed at the creation of an environment for the promotion, protection and enforcement of human rights. It also provides avenues for public enlightenment, research and dialogue in order to raise awareness on human rights issues.’⁸⁵

7.1.2 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.’⁸⁶

7.1.3 The NHRC website noted:

‘The Commission operates 6 zonal offices representing the six geo-political zones in Nigeria. These are as follows: North-West, North-East, North-Central, South-West, South-East and South-South. Each Zonal Office is headed by a Zonal Coordinator.

‘The NHRC presently has 24 state offices across the country. These include: Adamawa, Akwa Ibom, Anambra, Benue, Cross River, Edo, Ekiti, Gombe, Imo, Kaduna, Katsina, Kwara, Nassarawa, Niger, Ondo, Osun and, Sokoto,

⁸¹ British Council, ‘Justice For All...’, October 2015, [url](#).

⁸² Al Jazeera, ‘A new type of justice for Nigeria’, 8 October 2016, [url](#)

⁸³ Vanguard, ‘Gov. Obaseki inaugurates Multi-Door Courthouse in Benin’, 20 January 2017 [url](#).

⁸⁴ Vanguard, Nigeria-Oyo State, ‘Ajimobi inaugurates Multi-Door courthouse’, March 2018, [url](#).

⁸⁵ Access Facility, ‘National Human Rights Commission of Nigeria-...’, July 2015 [url](#),

⁸⁶ Nigeria National Human Rights Commission, ‘Website’, undated [url](#), accessed: 21 December 2018

Enugu, Kano, Lagos, Maiduguri, Port Harcourt, Jos and Abuja Metropolitan Office, FCT.

'The Commission plans to establish offices in the remaining 12 states in due course.'⁸⁷

7.1.4 The AccessFacility.org noted that:

'A claim can be submitted in writing and should be addressed to the Executive Secretary, National Human Rights Commission and sent to any of the NHRC offices. Complaints can also be forwarded by email and an online submission of claims can be performed via the NHRC website.

'A complaint can also be submitted orally to a representative of the Commission at the offices of the Commission. A complaint made orally must be transferred into writing by the officer or representative to whom it is made. It then needs to be signed or thumb-printed by the victim or his agent. In order for a claim to be admissible, the full information of the complaint, the facts in its support, as well as the relief sought must be included.

'A complaint must contain the full names and contact address of the complainant and the body or persons against whom the complaint is made. Full particulars of the complaint and the facts in its support must also be stated, as well as the relief sought.'⁸⁸

7.1.5 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 2018⁸⁹. The US State Department 2017 human rights report stated that in practice, despite its mandate, 'the commission served more of an advisory, training, and advocacy role' and 'there were no reports its investigations led to accountability.'⁹⁰

7.1.6 The USSD noted

'The NHRC is mandated to investigate allegations of human rights abuses and publishes periodic reports detailing its findings, including torture and poor prison conditions. In practice, however, the commission served more of an advisory, training, and advocacy role. During the reporting period [events in 2017], there were no reports its investigations led to accountability. The law provides for recognition and enforcement of NHRC awards and recommendations as court decisions, but it was unclear if this happened. Since December 2016 the NHRC has been without an executive secretary, significantly hampering its effectiveness.'⁹¹

7.1.7 The Department of Foreign Affairs Trade of Australia noted that the NHRC had not been an effective mechanism for investigating police misconduct,

⁸⁷ NHRC, 'Website', undated, [url](#)

⁸⁸ Access Facility, 'National Human Rights Commission of Nigeria...', July 2015, [url](#)

⁸⁹ NHRC, 'Annual Report 2017 (ps173-4)', 6 August 2018, [url](#).

⁹⁰ USSD, Human rights report 2017 (section 5), April 2018, [url](#).

⁹¹ USSD, Human rights report 2017 (section 5), April 2018, [url](#).

and instances of police abuse were rarely investigated and perpetrators infrequently held to account in Nigeria⁹².

- 7.1.8 DFAT also observed that ‘Although relatively independent, the NHRC suffers from low capacity and funding. Moreover, the government routinely denies or ignores NHRC findings. In response to allegations, both the military and Nigeria Police Force (NPF) have accused the NHRC of corruption and falsehood: the NPF questioned the NHRC Chair after it published a report alleging police involvement in extra-judicial killings.’⁹³

[Back to Contents](#)

7.2 Public Complaints Commission – the Nigerian Ombudsman

- 7.2.1 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 aims at promoting social justice for the individual citizen. It is also to 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 ... confidentiality.’⁹⁴

- 7.2.2 The PCC website noted that complaints could be lodged in writing (which must be signed by the complainant before a duplicate was submitted to the PCC), but also by post, email, via an online form or the PCC’s Facebook and Twitter accounts⁹⁵. For proximity reasons, the complaints were

⁹² DFAT, Nigeria report (para 2.34), March 2018, [url](#).

⁹³ DFAT, Nigeria report (para 2.34), March 2018, [url](#).

⁹⁴ PCC, ‘About’, undated, [url](#)

⁹⁵ PCC, ‘About’, undated, [url](#)

forwarded to the nearest state or area office where the action took place. The information provided in a complaint needed to include names and contact information of the parties involved, details of the complaint and relevant evidence⁹⁶.

- 7.2.3 A 2017 study which focused on the efficiency of the Nigerian Ombudsman in the 2010-2015 period, particularly in Anambra State, concluded that the PCC had failed to effectively address cases of violation of fundamental human rights of public servants, and that the Ombudsman was hampered in his/her activity by undue government interference⁹⁷.

[Back to Contents](#)

⁹⁶ PCC, 'About', undated, [url](#)

⁹⁷ IOSR Journal Of Humanities And Social Science, 'The Ombudsman... ', April 2017, [url](#).

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 ToRs, 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:

- Security apparatus
 - Police forces
 - Intelligence agencies
 - Armed Forces
- Arrest and detention
 - Legal rights
- Capability of security forces
 - Resources
 - Effectiveness
 - Corruption
 - Human rights abuses
 - Avenues of redress
- Rule of law and the judiciary
 - Organisation
 - Fair trial/independence
 - Effectiveness
 - Alternative dispute resolution
 - National Human Rights Commission
 - Public Complaints Commission – The Nigerian Ombudsman

[Back to Contents](#)

Bibliography

Sources cited

Academic Journal of Interdisciplinary Studies, 'Public Perception of the Role of the Nigeria Police Force in Curbing the Menace of Kidnapping in Benin Metropolis, Southern Nigeria: A Criminological Study', March 2018 (p.68)
<https://www.degruyter.com/downloadpdf/j/ajis.2018.7.issue-1/ajis-2018-0006/ajis-2018-0006.pdf>, accessed: 27 November 2018

Access Facility, 'National Human Rights Commission of Nigeria-National Human Rights Institution', July 2015 <http://accessfacility.org/national-human-rights-commission-nigeria>, accessed: 21 December 2018

Adegoke, N, 'The Nigeria Police Force and the Challenges of Security in Nigeria', December 2014 (p 23) https://www.arabianjbm.com/pdfs/RPAM_VOL_3_6/3.pdf, accessed: 26 November 2018

Afrobarometer, 'Public perception of Nigerian government's fight against corruption improves, study shows', 15 January 2018 <http://www.afrobarometer.org/press/public-perception-nigerian-governments-fight-against-corruption-improves-study-shows>, accessed: 3 December 2018

Al Jazeera, 'A new type of justice for Nigeria', 8 October 2016
<https://www.aljazeera.com/indepth/features/2016/09/type-justice-nigeria-160926093952307.html>, accessed: 21 December 2018

Amnesty International, 'Nigeria 2017/18 Report, 2018 <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, accessed: 11 December 2018

Australian government, Department of Foreign Affairs and Trade of Australia (DFAT), 'Nigeria Country Information Report', 9 March 2018
<https://dfat.gov.au/about-us/publications/Documents/country-information-report-nigeria.pdf>, accessed: 17 December 2018

BBC, 'What is Ashura?', 6 December 2011 <https://www.bbc.co.uk/news/world-middle-east-16047713>, accessed: 11 December 2018

British Council, Justice For All: Access to Mediation and Legal Assistance Services, October 2015 https://www.britishcouncil.org.ng/sites/default/files/cip_2.3.pdf, accessed: 21 December 2018

Chatham House, 'Collective Action on Corruption in Nigeria', May 2017 (page 9)
<https://www.chathamhouse.org/sites/default/files/publications/research/2017-05-17-corruption-nigeria-hoffmann-patel-final.pdf>, accessed: 11 December 2018

US Central Intelligence Agency, World Factbook – Nigeria, last updated December 2018 <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>, accessed: 21 December 2018

Council on Foreign Relations, 'Nigerian Police Are in Desperate Need of Reform', 7 December 2018 <https://www.cfr.org/blog/nigerian-police-are-desperate-need-reform>, accessed: 21 December 2018

Daily Post, 'Over 22,000 cases pending in Cross River courts', 22 September 2017
<http://dailypost.ng/2017/09/22/22-000-cases-pending-cross-river-courts/>, accessed: 17 December 2018

DefenceWeb, 'Nigerian Armed Forces', 7 October 2013
http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=32118:nigerian-armed-forces, accessed: 22 November 2018

Deutsche Welle, 'Nigeria fails to protect schools from Boko Haram's attacks', 25 February 2018 <https://www.dw.com/en/nigeria-fails-to-protect-schools-from-boko-harams-attacks/a-42737072>, accessed: 3 December 2018

The Eagle Online, Buhari to name 25 substantive ministers, scrap five ministries, 10 November 2015, <https://theeagleonline.com.ng/buhari-to-name-25-substantive-ministers-scrap-five-ministries/>. Last accessed: 12 December 2018

Federal High Court Nigeria, 'The Judiciary in Nigeria', undated <http://www.fhc-ng.com/judiciary.htm>, accessed: 12 December 2018

Freedom House, '2018 Freedom in the World Report: Nigeria, January 2018' <https://freedomhouse.org/report/freedom-world/2018/nigeria>, accessed: 12 December 2018

Global Firepower, 'Nigeria Military Strength', 2018
https://www.globalfirepower.com/country-military-strength-detail.asp?country_id=nigeria, accessed: 22 November 2018

GlobaLex, 'Guide to Nigerian Legal Information', December 2015
<http://www.nyulawglobal.org/globalex/Nigeria1.html>, accessed: 21 December 2018

Human Rights Watch, 'Nigeria: Flawed Trials of Boko Haram Suspects', 17 September 2018 <https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects>, accessed: 12 December 2018

Institute for Criminal Policy Research, 'World Prison Brief', not dated,
<http://www.prisonstudies.org/country/nigeria>, accessed: 17 December 2018

International Journal of Academic Research and Reflection, 'Nigeria Police Performance in Crime Prevention and Control: An Assessment', 2014 (p 86)
<https://www.idpublications.org/wp-content/uploads/2014/09/NIGERIA-POLICE-FORCE-PERFORMANCE-IN-CRIME-PREVENTION-AND-CONTROL-AN-ASSESSMENT-Paper.pdf>, accessed: 3 December 2018

IOSR Journal Of Humanities And Social Science, 'The Ombudsman And Administration Of Justice In Nigeria; A Study Of Anambra State - 2010-2015', April 2017 <http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2022%20Issue4/Version-5/F2204054057.pdf>, accessed: 21 December 2018

The International Police Science Association, 'World Internal Security and Police Index (WISPI)', 2016 (pages 3 and 25) <http://www.ipsa-police.org/Images/uploaded/Pdf%20file/WISPI%20Report.pdf>, accessed: 21 December 2018

LawNigeria, 'Nigeria-Constitution Development History and Legal Complex', 7 March 2018 <http://lawnigeria.com/2018/03/nigeria-constitution-development-history-and-legal-complex/>, accessed: 12 December 2018

Nigeria, Edo State Judiciary, Nigeria, Edo State Multidoor Court, Sensitization / Public Awareness Programme, [January 2018] <http://edojudiciary.gov.ng/news/edo-state-multidoor-court-sensitization-public-awareness-programme/>, accessed: 21 December 2018

Nigeria-Oyo State, 'Ajimobi inaugurates Multi-Door courthouse', March 2018
<https://oyostate.gov.ng/nigerian-judges-burdened-with-too-many-cases-ajimobi/>,
accessed: 21 December 2018

Nigeria government

Ministry of Defence, 'About MOD', undated
<http://defence.gov.ng/index.php/the-ministry/about-mod>, accessed: 22
November 2018

Crimina Code Act, 1990, [http://www.nigeria-
law.org/Criminal%20Code%20Act-PartI-II.htm#Part1](http://www.nigeria-law.org/Criminal%20Code%20Act-PartI-II.htm#Part1). Last accessed 8
February 2019.

'National Security Agencies Act', June 1986
<http://www.lawnigeria.com/LFN/N/National-Securities-Agencies-Act.php>,
accessed: 22 November 2018

Nigerian Monitor, '5 Things You Need To Know About Nigeria's Equivalent Of CIA,
The National Intelligence Agency', 19 April 2017 [http://www.nigerianmonitor.com/5-
things-to-know-about-national-intelligence-agencynational-intelligence-agencynia/](http://www.nigerianmonitor.com/5-things-to-know-about-national-intelligence-agencynational-intelligence-agencynia/),
accessed: 22 November 2018

National Human Rights Commission of Nigeria,

'Annual Report 2017, 6 August 2018'
[https://www.nigeriarights.gov.ng/downloads/NHRC%202017%20Annual%20R
eport.pdf](https://www.nigeriarights.gov.ng/downloads/NHRC%202017%20Annual%20Report.pdf), accessed: 21 December 2018

'About', undated <https://www.nigeriarights.gov.ng/Activities.php>, accessed: 21
December 2018

Nigeria Police Watch, 'Police to deploy surveillance technology in major cities', 26
July 2012 [http://www.nigeriapolicewatch.com/2012/07/police-to-deploy-surveillance-
technology-in-major-cities/](http://www.nigeriapolicewatch.com/2012/07/police-to-deploy-surveillance-technology-in-major-cities/), accessed: 26 November 2018

NOI Polls, 'The Nigeria Police has performed averagely since the current IGP took
over office', 18 February 2013 [http://www.noi-polls.com
/root/index.php?pid=95&parentid=12&ptid=1](http://www.noi-polls.com/root/index.php?pid=95&parentid=12&ptid=1), accessed: 27 November 2018

Open Society Justice Initiative, 'Criminal Force Torture, Abuse, and Extrajudicial
Killings by the Nigeria Police Force', 2010 (pages 39 and 40)
[https://www.opensocietyfoundations.org/sites/default/files/criminal-force-
20100519.pdf](https://www.opensocietyfoundations.org/sites/default/files/criminal-force-20100519.pdf), accessed: 22 November 2018

Osayande, P.B.O., 'Factors Inhibiting Police Performance in Nigeria', August 2008
<http://psc.gov.ng/wp-content/uploads/2017/11/Chairmans-Paper.pdf>, accessed: 27
November 2018

Premium Times,

'How Nigeria police officers tortured, extorted, harassed us – Victims', 1
November 2017 [https://www.premiumtimesng.com/news/headlines/248017-
nigeria-police-officers-tortured-extorted-harassed-us-victims.html](https://www.premiumtimesng.com/news/headlines/248017-nigeria-police-officers-tortured-extorted-harassed-us-victims.html), accessed:
11 December 2018

'Over 80,000 'ghost officers' uncovered in Nigerian Police', 26 March 2018
[https://www.premiumtimesng.com/news/headlines/263052-over-80000-ghost-
officers-uncovered-in-nigerian-police.html](https://www.premiumtimesng.com/news/headlines/263052-over-80000-ghost-officers-uncovered-in-nigerian-police.html), accessed: 11 December 2018

Public Complaints Commission- Nigeria, 'Website', undated
<http://www.pcc.gov.ng/index.php/about>, accessed: 21 December 2018

Punch, 'Nigeria-where nobody is in charge', 25 November 2018
<https://punchng.com/nigeria-where-nobody-is-in-charge/>, accessed: 26 November 2018
<http://saharareporters.com/2018/04/10/insecurity-inspector-general-police-donates-surveillance-helicopter-taraba>, accessed: 26 November 2018

Sahara Reporters,

“‘Arrow’ And Ex-Policeman — Two ‘Key’ Offa Bank Robbers Arrested By Police’, 21 May 2018
<http://saharareporters.com/2018/05/21/%E2%80%99arrow%E2%80%99-and-ex-policeman-%E2%80%94-two-%E2%80%99key%E2%80%99-offa-bank-robbers-arrested-police>, accessed: 3 December 2018

'500 Financial Crimes Cases Pending In Lagos Courts, Says Lagos State Chief Judge', 1 February 2018 <http://saharareporters.com/2018/02/01/500-financial-crimes-cases-pending-lagos-courts-says-lagos-state-chief-judge>, accessed: 17 December 2018

'Insecurity: Inspector General of Police Donates Surveillance Helicopter To Taraba', 10 April 2018 <http://saharareporters.com/2018/04/10/insecurity-inspector-general-police-donates-surveillance-helicopter-taraba>, accessed: 21 December 2018

'The Conditions Of Nigeria's Police Force', 7 November 2011
<http://saharareporters.com/2011/11/07/conditions-nigerias-police-force-0>, accessed: 27 November 2018

United Nations Office on Drugs and Crime (UNODC), 'Corruption in Nigeria Bribery: public experience and response', July 2017, https://www.unodc.org/documents/data-and-analysis/Crime-statistics/Nigeria/Corruption_Nigeria_2017_07_31_web.pdf, accessed: 17 December 2017

United Nations, 'Treaty Collection, Chapter IV: Human Rights - 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', 29 September 2018, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en, accessed: 12 December 2018

United States Institute of Peace, 'Civilian-Led Governance and Security in Nigeria After Boko Haram', 19 December 2018,
<https://www.usip.org/publications/2018/12/civilian-led-governance-and-security-nigeria-after-boko-haram>. Last accessed: 3 February 2019.

US State Department,

'2017 Human Rights Practices Report', 20 April 2018
<https://www.state.gov/documents/organization/277277.pdf>, accessed: 21 December 2018

Overseas Security Advisory Council, 'Nigeria 2018 Crime & Safety Report: Abuja', 20 August 2018,
<https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=24631>. Last accessed: 5 February 2019.

Overseas Security Advisory Council, 'Nigeria 2018 Crime & Safety Report:

Abuja', 20 August 2018,
<https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=24630>. Last
accessed: 5 February 2019.

Vanguard,

'Anti-Torture Act 2017: Issues, implications for police officers', 31 May 2018
<https://www.vanguardngr.com/2018/05/anti-torture-act-2017-issues-implication-police-officers/>, accessed: 12 December 2018

'As Nigeria launches the Police Duty Solicitor Scheme: Looking back, looking forward', 20 September 2017 <https://www.vanguardngr.com/2017/09/nigeria-launches-police-duty-solicitor-scheme-looking-back-looking-forward/>,
accessed: 12 December 2018

'Expedite hearing of all pending cases, CJN tells judges', 7 March 2018
<https://www.vanguardngr.com/2018/03/951800/>, accessed: 17 December 2018

'Gov. Obaseki inaugurates Multi-Door Courthouse in Benin', 20 January 2017
<https://www.vanguardngr.com/2017/01/gov-obaseki-inaugurates-multi-door-courthouse-benin/>, accessed: 21 December 2018

'NHRC begins audit of police detention cells in Nigeria', 14 June 2018
<https://www.vanguardngr.com/2018/06/nhrc-begins-audit-police-detention-cells-nigeria/>, accessed: 12 December 2018

[Back to Contents](#)

Sources consulted but not cited:

European Asylum Support Office, Nigeria Actors of Protection, November 2018,
<https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>. Last accessed: 3 February 2019.

[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **3 April 2019**

Changes from last version of this note

New CPIN on actors of protection only (formerly protection and internal relocation).

[Back to Contents](#)