

Nigeria: Freedom of religion or belief

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Introduction

Nigeria's federal constitution guarantees freedom of thought, conscience, religion or belief to all citizens, including the right to change religion or belief. The constitution also prohibits discrimination on the basis of ethnicity, place of origin, gender, religion or political opinion. In addition, Nigeria is party to a number of international agreements that guarantee FoRB and non-discrimination. However, violations of the right to freedom of religion or belief have occurred for decades, and since 2015 the situation of indigenous ethno-religious minorities in central Nigeria has deteriorated significantly.

Marginalisation on the basis of religion

The rights contained within the constitution and in international legislation to which Nigeria is party are not always enjoyed by religious minorities in northern and central areas, particularly following the adoption of the shari'a penal code by 12 states, which effectively rendered Islam a state religion in violation of the nation's secular constitution. Non-Muslims in shari'a states continue to report being denied the rights, opportunities, provisions and protections afforded to Muslims, and to which they are constitutionally entitled.

Violations include the denial of access to jobs in the security sector, among others, and the denial of promotions once employment is secured, with junior and often less capable members of staff given priority and seniority on the basis of religion. Non-Muslims report inability to compete for certain political posts, and difficulties in accessing education or being able to study certain courses such as law and medicine.

Nigeria's education sector is notoriously under-funded. Even within this context, significantly less funding is allocated by state governments to the establishment or equipping of schools in predominantly non-Muslim areas; and informal schools created with the assistance of non-governmental organisations (NGOs) experience difficulty receiving official registration. In several instances non-Muslim communities have also experienced discrimination in the allocation of social amenities such as boreholes and solar power, which are supplied to nearby Muslim communities at government expense.

This underlying, systematic religious discrimination, and a concomitant longstanding impunity in religion-related violence, create an enabling environment for the emergence of extremist groups with an antipathy to FoRB.

Church building restrictions and demolitions

In most shari'a states construction of churches continues to be severely restricted. Many congregations cannot purchase land for the construction of buildings, or obtain certificates of

ownership for land. When churches seek permission to build they are either refused outright or told to wait, and the waiting becomes indefinite. Church buildings are demolished for real or imaginary infractions, or when land is seized by local authorities, purportedly for development purposes.

Churches are regularly destroyed during violence. For example, on 20 March 2015 two men on a motorcycle mounted an arson attack on a Living Faith Church in Giwa LGA, Kaduna State. On 1 April 2015 a Baptist church in Gidan Maso Village, Rogo LGA, Kano State, was torched, causing the daughter of Reverend Habila Garba to die from suffocation.

Extrajudicial killings following blasphemy accusations

Extrajudicial killings of individual Christians occur following unproven accusations of blasphemy. Often collective punishment is meted out during which other Christians are maimed or murdered, and their homes, churches and businesses are looted and destroyed. Survivors are rarely if ever compensated for personal or corporate losses, and, if arrested, perpetrators are rarely prosecuted.

For example, 74-year-old Mrs Bridget Agbahime, a trader and retired pastor's wife, was battered to death by a mob in Kofar Wambai market in Kano State on 2 June 2016 after being falsely accused of blasphemy by Dauda Ahmed, a rival trader who had harassed her on a number of occasions, and had been cautioned for doing so. He was arrested along with four other men; all were released and declared innocent in November 2016, despite overwhelming evidence.

Minority Muslim communities

Minority Muslim communities can also experience violations of their right to freedom of religion or belief. For example, in December 2015 two days of attacks on establishments in Kaduna State belonging to the Islamic Movement of Nigeria (IMN), the Shi'a minority, left at least 700 adherents dead and many detained incommunicado and without charge. Among those detained were IMN's founder leader Sheikh Ibrahim el Zakzaky and his wife, both of whom were injured in an assault on their home by the army in which three of their sons died. Since then, the authorities have ignored court rulings ordering his release. As rumours swirled in January 2018 of the sheikh's declining health and imminent death, the government allowed him to make his first public appearance in two years. During a controlled question and answer session with members of

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the press, Sheikh Zakzaky confirmed he had been ill but was improving after being able to see his own doctors. He remains in 'protective custody'. Around 50 Shi'a girls and women, whom the IMN allege were abducted by the army following the attack on Sheikh Zakzaky's residence, are still being held incommunicado.

In October 2016 the Kaduna state government declared the IMN an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. The governors of Kano, Katsina, Plateau, and Sokoto states, all members of the ruling All Peoples Congress (APC), also prohibited IMN Shi'a processions, including during Ashura festivities.

Attacks by Fulani militia

There has been an escalation in attacks by increasingly well-armed Fulani herdsmen on farming communities in Bauchi, Benue, southern Kaduna, Nasarawa, Plateau and Taraba states. Local observers describe the rising attacks as a campaign of ethno-religious cleansing.

Although there has been a long history of disputes between nomadic herders and farming communities across the Sahel, current attacks are occurring with such frequency, organisation and asymmetry that references to 'farmer-herder clashes' no longer suffice. Armed with sophisticated weaponry, including AK-47s, and in some cases chemicals and even rocket launchers, the Fulani herder militia is believed to have murdered more people in 2015, 2016 and 2017 than Boko Haram; destroying, overrunning and seizing property and land, and displacing tens of thousands. Over 54 communities in Plateau State have been occupied and renamed, and around 11,833 victims displaced by these attacks are housed in about 17 camps in different parts of the state. The majority of these are children, the elderly and women, including pregnant women and nursing mothers.

During the first quarter of 2018 CSW documented at least 106 militia attacks on communities in central Nigeria that have claimed 1,061 lives. Moreover, during most of these well-planned attacks, cattle are nowhere in sight.¹ Underlining the asymmetry of these attacks, CSW also documented seven instances of violence – two of which occurred in the south of the country – targeting Fulani herders or communities within the four-month timeframe, in which 61 people lost their lives. In an illustration of how closely this violence correlates with religion, the local chapter of the Christian Association of Nigeria (CAN) recently revealed that herdsmen have destroyed over 500 churches in Benue state alone since 2011.

The attacks continue unabated, and the situation has been exacerbated by seeming government inaction, or inadequate

action, which in turn has entrenched impunity. Beyond intermittent verbal condemnations, little has been done to end this violence. No attacker has been brought to justice, let alone arrested, which has emboldened perpetrators even further. Attacks by herder militia have now spread to southern Nigeria, and have caused a growth in vigilantism and periodic retaliatory violence, as communities conclude they can no longer rely on government for protection or justice.

Collusion and violations

There are abiding concerns regarding the possible complicity of elements in Nigeria's armed forces in the militia attacks. Suspicions of complicity were given added credence on 24 March, when respected former Army Chief of Staff and Defence Minister Lt General Theophilus Y Danjuma (retired) stated that the armed forces were "not neutral - they collude" in the "ethnic cleansing" of riverine states by the Fulani militia. He insisted that villagers must defend themselves, because depending on the armed forces will result in them dying "one by one. The ethnic cleansing must stop...in all the states of Nigeria otherwise Somalia will be a child's play."²

Abduction and forced conversion

In most of Nigeria's shari'a states, and particularly although not exclusively in rural areas, the education of Christian schoolgirls is frequently curtailed by abduction, forcible conversion and marriage without parental consent. Parents seeking the release of their abducted daughters are generally informed they have converted and married, or are in the custody of Muslim traditional rulers or shari'a commissions, and have no desire to return home. Appeals to law enforcement agencies for assistance generally prove fruitless.

In August 2018, 16-year-old Zainab Boulus Bawa from Kugawa Anchau in Kubau Local Government Area, Kaduna state, regained her freedom four months after being kidnapped, forcibly converted and forced to marry her abductor. However, Habiba Isiyaku, kidnapped in Katsina state in 2016 aged 14, is among several girls who are still in the hands of their abductors.

Women and girls are still abducted by terrorist factions. Leah Sharibu, 15, was the only Christian among 110 girls abducted from their school in Dapchi, Yobe State by the al Barnawi faction of Boko Haram in February 2018. She is the only one still in captivity, after refusing to convert to secure her freedom. Reports indicate she is yet to renounce her faith. Towards the end of August a new photograph and audio recording was released in which she asked for "the government and people of goodwill to intervene" and "particularly the president" to assist her.

Female health workers working with UNICEF and the Red Cross Alice Loksha Ngaddah, a nurse and mother of two, and midwives Hauwa Mohammed Liman and Saifura Hussein Ahmed, have been held by the al Barnawi faction since 1 March. In a tearful audio recording released around the same

¹ Reverend Y S Nmadu, General Secretary of Evangelical Church Winning All (ECWA) and CEO of CSW Nigeria, April 2018

² YouTube, 'Danjuma speaks tough, accuses Nigerian Armed forces of colluding with Armed Bandits', 24 March 2018 www.youtube.com/watch?v=ZDZOKvFtIRk

time as Ms. Sharibu's, the women pleaded for assistance, stating the terrorists had given them "their last warning." In addition, 112 of the school girls abducted from their school in Chibok, Borno state by the terrorist faction led by Abubakar Shekau in April 2014, remain unaccounted for.

Threats to freedom of expression

Restrictions on freedom of expression and of the press appear are on the increase. Particularly in, although not limited to, Kaduna state, several reporters who have attempted to highlight killings by the Fulani militia in southern Kaduna have been prosecuted for hate speech by the state government, even though 'hate speech' is not defined under Nigerian law.

For example, after several articles accurately depicting events in southern Kaduna, journalist Luka Binniyat was remanded in custody for 96 days, despite ill health, for an article based on information from a previously trustworthy source that proved erroneous. He had attempted unsuccessfully to pull this article prior to publication, and had apologised publicly for it. His case was repeatedly adjourned and he was subjected to bail conditions that far exceeded those required for his alleged crime. Mr Binniyat was released when these conditions were finally reviewed, but his trial is yet to be dismissed.

The arrest and judicial harassment of journalists and bloggers for expressing views critical of officials appear to be part of a wider effort to curtail civil society. In May 2016 a draconian Bill for an Act to Prohibit Frivolous Petitions and Other Matters Connected Therewith, which is generally viewed as an attempt to gag the press and curtail freedom of expression, was thrown out by the Senate following a sustained public outcry.

In August 2017 the federal government, through the National Broadcasting Commission, issued a restrictive new broadcasting code for media houses. However, an NGO Regulatory Bill (HB585), which critics said would endanger constitutional guarantees of freedom of conscience and religion, 'licence unconstitutional discrimination' and is 'a distraction, a threat to...democracy and a disincentive to investment',³ failed to pass.

Recommendations

- Encourage the government of Nigeria to recognise and promote the concept of equality of citizenship, and to consider the creation of an Equity Commission with a mandate to promote FoRB and respect for differing religious identities. Nigeria should also be encouraged to consider initiating civic

3 *Premium Times*, 'NGO regulation bill threatens Nigeria's hard-won democracy, academics, experts, others warn', 7 September 2017 www.premiumtimesng.com/news/headlines/242640-ngo-regulation-bill-threatens-nigerias-hard-won-democracy-academics-experts-others-warn.html

education programmes promoting FoRB, unity, and pluralism, and human rights and equality training for local officials.

- Urge the government of Nigeria to ensure that individual states respect FoRB in its entirety, including the right to own land and construct houses of worship.
- Encourage the government of Nigeria to fully compensate religious groups that have been deprived of places of worship, facilitating access to viable alternative land.
- Urge the government of Nigeria to erode the impunity currently surrounding religion-related crimes, by ensuring perpetrators are brought to justice, including any arrested in connection with the murders of Bridget Agbahime in Kano.
- Call on the government of Nigeria to recalibrate security arrangements and resource its forces as a matter of urgency, in order to offer sufficient protection from terrorist factions to vulnerable communities, and to address the national security threat posed by the Fulani militia.
- Encourage governments of affected states to provide for the burgeoning number of IDPs caused by militia attacks within their respective territories. The government of Kaduna state in particular must be encouraged to create and resource an official IDP camp.
- Call on the federal government of Nigeria to address concerns regarding collusion or inaction on the part of military elements, and to ensure that security forces conduct themselves in accordance with human rights and humanitarian norms.
- Federal and state governments must also be urged to prioritise the unbiased enforcement of the rule of law.
- Urge the government of Nigeria to combat the proliferation of small arms, by disarming herdsman and prohibiting the possession and use of such weapons by civilians who have not complied with the criteria outlined in Article 14 of the ECOWAS Convention on Small Arms and Light Weapons.
- Urge the government of Nigeria to urgently address abduction, forced conversion and forcible marriage of non-Muslim girls, ensuring that individual shari'a states facilitate the swift return of abductees and bring to justice individuals and organisations implicated in disappearances.
- Call for the release and safe return of Leah Sharibu, and encourage and support efforts by the Nigerian authorities to bring about the safe return of the humanitarian workers and the 112 Christian schoolgirls who remain unaccounted for;
- Urge the Nigerian government to respect freedom of expression, protect press freedom, end malicious arrests and prosecutions of journalists, and respect peaceably expressed dissenting views.
- Urge the government of Nigeria to formulate legislation on the Hate Speech Bill that protects minorities in line with the Rabat Plan of Action and UN Human Rights Council (HRC) Resolution 16/18.

As Christians, we stand with everyone facing injustice because of their religion or belief.