

Legal framework

Nigeria's Federal Constitution prohibits discrimination on the basis of religion and guarantees freedom of thought, conscience, religion or belief to all citizens, including the right to change religion or belief. However, the adoption of the Shari'a penal code by 12 states from 2001 onwards effectively rendered Islam the state religion there in violation of the nation's secular constitution.

Nigeria is party to international agreements that guarantee freedom of religion or belief (FoRB) and non-discrimination, including the African Charter on Human and Peoples Rights (ACHPR). However, violations of the right to FoRB have occurred for several decades in the north, arising mainly from the marginalisation of minority faiths dating back to the colonial era. A longstanding impunity surrounding religion-related violence has created an enabling environment for the regular emergence of extremist religious sects with an antipathy to FoRB, including Jamā'at Ahl as-Sunnah lid-Da'wah wal-Jihād (JASDJ, Group of the Sunni People for the Calling and Jihad), also known as the Nigerian Taliban or Boko Haram. In addition, Nigeria's blasphemy law is incompatible with the country's national and international obligations.

Violence by armed non-state actors

Violence perpetrated by an irregular armed group comprising members of Fulani ethnicity (a Fulani militia) has been reported in predominantly Christian Plateau state since March 2010. Attacks on non-Muslim communities elsewhere in central Nigeria, also known as the Middlebelt, have been ongoing since 2011, but increased exponentially in 2015, as the increasingly well-armed militia targeted farming communities in Bauchi, Benue, Nasarawa, Plateau and Taraba states and the southern part of Kaduna state.

The militia have overrun communities, looting, burning, destroying property, and occupying ancestral lands. Tens of thousands have been killed and even more have been displaced, with some members of the international community raising concerns that the current violence bears the hallmarks of emerging atrocity crimes. In a region where ethnicity generally correlates with religion, several local observers have described these attacks as being a campaign of ethno-religious cleansing.

Inadequate official intervention to address the ongoing violence in central Nigeria, and a concomitant proliferation of small arms, has caused a general rise in lawlessness which terrorist factions based in the northeast increasingly exploit. Rural banditry that targets Hausa Muslim villagers in northern Kaduna State and the north-western states of Katsina, Kebbi, Niger, Sokoto and Zamfara, has evolved from cattle rustling into a relentless cycle of murder, rape, abduction and extortion by Fulani assailants, reminiscent of events in central Nigeria. Attacks are now occurring in the south of the country with increasing frequency.

There is evidence of links between terrorist factions in the northeast and armed groups operating in the northwest and centre, including reports of Boko Haram factions

relocating to forests in southern Kaduna. A government gazette published in January 2022 designated non-state actors operating in northwest Nigeria, who were previously described "armed bandits", as "terrorists", extending this designation to "other similar groups" operating "in any part of Nigeria, especially in the North-West and North-Central Regions."

A detailed briefing by CSW on violence by armed non-state actors in Nigeria is [available here](#).

Kidnapping for ransom

Kidnapping for ransom is the fastest growing criminal enterprise. While asserting, correctly, that not all kidnappers are Fulani, the Sultan of Sokoto recently acknowledged that seven or eight of every 10 arrested kidnappers are of Fulani ethnicity. Abductions for ransom are also perpetrated during militia attacks in central Nigeria, and particularly in Kaduna state, on an almost daily basis. Christian leaders, their families, and congregations are particularly targeted.

Since 2020 there has been a significant uptick in abductions of students and a significant and sustained increase in violence across Nigeria. CSW has documented 21 incidents between 24 August 2020 and 2 November 2021 in which at least 1307 students, 46 staff and three staff family members were abducted, and at least 11 students and four staff/security personnel were killed.

Denial of FoRB in Shari'a states

Non-Muslims in Shari'a states report being denied the rights, opportunities, provisions and protections Muslims enjoy, and to which they are constitutionally entitled. Members of Christian communities consistently report violations such as difficulty or outright denial of access to schools, social amenities and work in the security sector, among others, and the denial of promotions beyond a certain level.

In most Shari'a states, church construction continues to be severely restricted. Most congregations cannot purchase land for the construction of buildings, nor obtain certificates of ownership for land they have purchased for this purpose. When churches seek permission to build, they are generally told to wait, and the waiting becomes indefinite. Church buildings are demolished for real or fabricated infractions, or when land is seized by local authorities, ostensibly for development purposes. In October 2021 the Kaduna state government demolished 263 buildings in the predominantly Christian Gracelands community in Zaria, including six churches, a school complex, a small mosque and homes, despite a court ruling against demolition in at least one instance.

In addition, in many Shari'a states, and particularly in rural areas, the education of female minors from minority faith communities is frequently curtailed by abduction, forcible conversion and marriage without parental consent. Parents seeking the release of their daughters are generally informed erroneously they are of age, have converted and married willingly, or are in the custody of Muslim traditional rulers or Shari'a Commissions and have no desire to return,

and appeals to law enforcement agencies for assistance generally prove fruitless.

Current cases of concern

Leah Sharibu

On 19 February 2018 110 girls were abducted from the Government Girls Science and Technical College in Dapchi, Yobe state by ISWAP. Credible sources allege the security forces failed to act on warnings of an impending attack. On 21 March 2018, following negotiations with the government, ISWAP returned 104 girls, warning townsfolk never to enrol their children in school again, or they would be seized permanently. Five had died enroute to the terrorists' hideout. However, Leah Sharibu, aged 15 at the time and the sole Christian among them, remains in captivity, declared a "slave for life" for her refusal to convert as a pre-condition for release.

The Chibok Girls

At least 110 of the 276 female students abducted from the Government Girls Secondary School in Chibok, Borno state by the Shekau faction of Boko Haram on 14 April 2014 remain unaccounted for. 176 of these girls are from families belonging to the Ekklesiyar Yan'uwa a Nigeria (EYN, the Church of the Brethren in Nigeria). Some managed to escape. Others were released following negotiations, and allegedly in exchange for imprisoned key Boko Haram fighters and significant sums of money.

In May 2021 news emerged that Boko Haram leader Abubakar Shekau took his own life by detonating a suicide vest after the breakaway faction, Islamic State West Africa Province (ISWAP) overran Boko Haram's Sambisa Forest headquarters. Two more Chibok girls returned later that year, each with two children and alongside Boko Haram fighters purporting to be their 'husbands' who were among hundreds of sect members fleeing from ISWAP.

Mubarak Bala

The President of the Nigerian Humanist Association, Mubarak Bala has been detained arbitrarily since 28 March 2020, when he was arrested at his home in Kaduna state for allegedly insulting the Prophet Mohammed in Facebook posts. He was held incommunicado for the first 162 days of his detention, and is currently imprisoned without formal charge in Kano state. An order for Mr Bala's release issued by the Federal High Court of Abuja on 21 December 2020 continues to be ignored highlighting the seeming disregard of the current administration for the rule of law.

Yahaya Sharif-Aminu

On 10 August 2020 a Shari'a court in Kano state sentenced a member of the Tijjaniyya Sufi order and singer Yahaya Sharif-Aminu, then aged 22, to death by hanging for allegedly blaspheming in a song he shared via WhatsApp. On 21 January 2021 the appellate division of the Kano state High Court overturned the sentence, citing procedural irregularities, and ordered a retrial. In February 2022 the Kano state Court of Appeals postponed the retrial of Mr

Sharif-Aminu until 12 May, following a request by the Kano State government for more time to file its response to Mr Sharif-Aminu's appeal for an order quashing the High Court's order for a retrial, and nullifying the Kano State Sharia law under which he was had been charged and sentenced.

Du Merci Orphanages

In December 2019 armed police officers accompanied by agents of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) raided the Du Merci orphanages in Kano and Kaduna states and arrested the orphanage's co-founder, Professor Richard Solomon Musa Tarfa.

Twenty-seven children were seized during the two raids and placed in the government-run Nasarawa Children's home in Kano. Sixteen minors seized during the December 2019 raids have remained in the government-run children's home ever since, reportedly being prevented from attending school or church, as well as suffering mistreatment. In January 2021 the three youngest children from the orphanage were forcibly relocated to an orphanage in Gaya, and later joined by two more of the younger children.

In December 2021 CSW received credible information indicating that the five children appear thin and unkempt and are withdrawn and fearful. They have all been given Muslim names and can no longer remember their original ones. They no longer speak English, which used to be their first language, can only communicate in Hausa and could not recognise visitors they previously knew well. The children are also obliged to recite Arabic, study Islam and attend prayers in a mosque.

The Gaya orphanage is reportedly guarded by members of the Kano State Hisbah Corps (Shari'a Police), which has become notorious for its excesses. Its members are implicated in several cases involving the abduction, forced conversion and forcible marriage of Christian minors in remote areas of the state.

On 24 June 2021 Professor Tarfa was acquitted of abducting 19 children from their legal guardians and confining them in an unregistered orphanage by a High Court in Kano. Despite the professor's acquittal on these charges, the children are yet to be returned to the couple's custody. On 4 March 2022 the professor was convicted of forgery by a Kano state high court in a trial lacking in due process, and was sentenced to two years in prison, and either a fine of N50,000 (approximately GBP £90) or an additional year in jail.

Recommendations

To the government of Nigeria:

- Formulate a comprehensive strategy to address every source of violence in a swift, decisive and unbiased manner, seeking international assistance if required, and ensuring that every vulnerable community receives the protection it requires, regardless of the religion, belief or ethnicity of its inhabitants.
- Ensure the release and safe return of Leah Sharibu, Alice Ngaddah, the remaining Chibok Girls, and others held captive by violent non state actors.
- Ensure the release of abducted non-Muslim girls in Shari'a states who have been forcibly converted and forced to marry, ensuring all perpetrators are brought to justice.
- Fully implement the Safe Schools Initiative, extending it to vulnerable communities throughout the country, and formulate alternative educational arrangement for displaced children.
- Ensure that individual states respect FoRB in its entirety, including the right to own land and construct houses of worship.
- Ensure the swift return of all of the children seized during raids on the Du Merci orphanages.
- Facilitate the immediate release of Mubarak Bala in accordance with the Federal High Court ruling.

To the United Nations and Member States:

- Hold Nigeria to its obligations under international and regional human rights and humanitarian law, and ensure the concerns highlighted in this briefing are consistently raised in public and in private, including during high-level visits and other bilateral exchanges.
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to address the concerns raised in this briefing in their monitoring and reporting on Nigeria.
- Urge Nigeria to recalibrate military strategy and resource its armed forces as a matter of urgency, to ensure sufficient protection from terrorist factions to vulnerable communities regardless of the religion or ethnicity of their inhabitants, and to address the national security threat posed by the Fulani militia and armed banditry.
- Call on Nigeria to combat collusion, inaction or the targeting of members of victim communities by security elements and ensure the security forces conduct themselves in accordance with human rights and humanitarian norms.
- Condemn the abduction, forced conversion and forcible

marriage of non-Muslim girls in Shari'a states and call on Nigeria to facilitate their release and hold perpetrators to account.

- Support the implement the Safe Schools Initiative, ensuring it is extended it to vulnerable communities throughout the country.

To the European Union and Member States:

- At every level address the Nigerian government's failure to tackle the country's security vacuum, and offer greater support to remedy this.
- Consider imposing sanctions on individuals responsible for human rights violations, including members of state or federal governments who have shown serious and consistent discrimination and/or negligence in their response to militia violence.
- As elections loom, consider imposing sanctions on individuals and organisations involved in malpractice before, during and after the elections.

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