

Introduction

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 in these states 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 decades in the north, arising mainly from the marginalisation of minority faiths dating back to the colonial era. A longstanding impunity in religion-related violence has created an enabling environment for the emergence of extremist religious sects with an antipathy to FoRB.

Violence by armed non-state actors

Violence perpetrated by an irregular armed group comprising members of the Fulani ethnic group (Fulani militia) has been reported in Plateau state since March 2010. Attacks on non-Muslim communities elsewhere in Central Nigeria have been ongoing since 2011, but increased exponentially in 2015, as the increasingly well-armed militia targeted farming communities in Bauchi, Benue, southern Kaduna, Nasarawa, Plateau and Taraba states. The militia is believed to have been responsible for more deaths since 2015 than Boko Haram as armed men have destroyed, overrun and seized property, displacing tens of thousands and occupying their land. In a region where ethnicity generally correlates with religion, ethnic minorities are invariably religious minorities also; thus 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 particularly targets Hausa Muslim villagers in northern Kaduna State, and in the north western states of Katsina, 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. On 3 January a Member of the House of Representatives, Shina Peller raised the alarm over incessant attacks by Fulani assailants on his constituents in Iganna, Iwajowa LGA, Oyo State.

Boko Haram/ISWAP

Terrorist factions operating in the north east continue their campaigns of murder, rape and abduction. On 19 February 2018, 110 girls were abducted from the Government Girls Science and Technical College in Dapchi, Yobe state by the Boko Haram breakaway faction, Islamic State West Africa Province (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 105 girls, warning townsfolk never to enrol their children in school again, or they would be seized permanently. Five had died en route to the terrorists' hideout. However, 17 year-old Leah Sharibu, the sole Christian among them, remains in captivity, declared a "slave for life" for her refusal to convert as a pre-condition for release.

On 14 April 2014, 276 female students were abducted from the Government Girls Secondary School in Chibok, Borno state by Abubakar Shekau's faction of Boko Haram. 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. 112 girls remain unaccounted for, although an unspecified number were reported to have escaped in January 2021.

Denial of FoRB

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, the construction of churches 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 imaginary infractions, or when land is seized by local authorities, ostensibly for development purposes.

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 they have converted and married willingly, or that they are in the custody of Muslim traditional rulers or Shari'a Commissions and have no desire to return. Local Islamic institutions and traditional rulers are often complicit in these abductions, and appeals to law enforcement agencies for assistance generally prove fruitless.

Intra-religious ForB violations

The leader of the Islamic Movement of Nigeria (IMN), Sheikh Ibrahim el Zakzaky, and his wife, Zeena Ibraheem, have been detained since December 2015, when Nigerian security forces launched two days of attacks on religious facilities and homes belonging to the IMN which left some 700 adherents dead, including three of the couple's sons. The Kaduna state government has charged the Zakzakys on eight counts in connection with the events in December 2015, including culpable homicide, unlawful assembly and disruption of the public peace. Peaceful protests by unarmed IMN members demanding the release of the couple, who are elderly and unwell, are regularly met with lethal violence from federal and state authorities.

Recent developments

Continued violence and abductions for ransom

2020 saw a significant and sustained uptick in violence across Nigeria. CSW received reports of attacks, primarily perpetrated by members of the Fulani militia, in Nigeria's central states, and particularly in Kaduna state on an almost daily basis. Hundreds of civilians have been killed and abducted for ransom, and thousands have been displaced, with some members of the international community raising concerns that the current violence bears the hallmarks of atrocity crimes.

Both factions of Boko Haram are also responsible for widespread abductions and killings in the northwest of the country, and there is growing evidence of links between the factions, the Fulani bandits terrorising the north west, and other armed non-state actors.

There has been a particular uptick in the abduction of children and students from schools in particular. In December 2020, over 300 boys were abducted by gunmen in Kankara in Katsina state. They were later released following government negotiations. Also in December 113 Quranic students from Mahuta in Katsina who were abducted as they returned from a religious ceremony, were rescued by local vigilantes.

On 24 January heavily armed gunmen abducted eight children and two adults from an orphanage in the

federal capital, Abuja, threatening to "waste" the children if a ransom of 10 million naira was not forthcoming. All were released on 31 January, allegedly following payment of a reduced ransom.

On 26 February, 279 schoolgirls were abducted from their school in the north-western state of Zamfara, all of whom were released on 2 March. The abductions came just a week after at least 42 people, including 27 students, were kidnapped in Kagara, Niger state, who have also now been released.

October 2020 #EndSARS Protests

As well as failing to address ongoing and egregious human rights violations by non-state actors, the Nigerian authorities are also responsible for violations. Peaceful protests erupted across the country in October 2020 when a video emerged of a young man in Delta State being killed by the notorious police unit, the Special Armed Robbery Squad (SARS). These were ultimately met with an intense military crackdown in which unarmed and peaceful protesters were killed by the security forces at the Lekki Toll Gate in Lagos on 20 October.

Estimates of those killed range from nine to over 70. However, video footage has emerged which appears to confirm allegations by survivors that the military evacuated bodies from the scene in armoured vehicles. The military crackdown on protesters has met with widespread international condemnation.

Du Merci Orphanages

On 25 December 2019 armed police officers accompanied by agents of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) invaded the Du Merci orphanage in Kano state and arrested the orphanage's co-founder, Professor Richard Solomon Musa Tarfa. A second raid took place on another Du Merci orphanage in Kaduna state on 31 December.

27 children were seized during the two raids and were subsequently placed in the government-run Nasarawa Children's home in Kano. Professor Tarfa spent nearly a full year in pre-trial detention, facing repeated delays in his trial as the authorities demanded an exorbitant bail amount, before he was eventually released on bail on December 2020.

16 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, three of the youngest children from the orphanage were forcibly relocated to an unknown rural location and authorities delayed the trial of Professor Tarfa until 26

February. It is believed that the delay and the relocations may be part of an effort to pressure the children into testifying against Professor Tarfa. A ruling on the case is now expected on 1 April.

Blasphemy charges

On 10 August 2020 a Shari'a court in the Hausawa Filin Hockey area of Kano City found Umar Farouk, 13, guilty of using foul language against God during an argument with a friend. He was subsequently sentenced to ten years in prison with menial labour. On the same day, Yahaya Sharif-Aminu, 22, was sentenced to death by hanging after being found guilty of blaspheming in a song he had shared on WhatsApp in late February 2020, which his accusers claimed elevated Sheikh Ibrahim Nyass, a renowned scholar from the Tijjaniyya Sufi order, above the Prophet Mohammed.

On 21 January 2021 the appeal division of the High Court in Kano state overturned the sentence against Mr Farouk on the grounds he is a minor, and ordered a retrial of Mr Sharif-Aminu's case, claiming that initial proceedings at the lower court had been characterised by irregularities. While these are both welcome developments, they nonetheless highlight the continued misuse of Nigeria's blasphemy law, which is entirely incompatible with the country's national and international obligations.

On 28 March 2020 Mubarak Bala, 35, a chemical engineer and President of the Nigerian Humanist Association, was arrested at his home in Kaduna state for allegedly insulting the Prophet Mohammed in Facebook posts. Mr Bala has remained imprisoned without charge in Kano state ever since. He was held incommunicado for the first 162 days of his detention.

On 21 December 2020 the Federal High Court of Abuja ordered Mr Bala's release, deeming his lengthy incarceration illegal, and awarding him around \$500.

Recommendations

To the government of Nigeria:

- 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 or ethnicity of its inhabitants.
- Urgently address the abduction, forced conversion and forcible marriage of non-Muslim girls in Shari'a states, ensuring that individual states facilitate the

swift return of abductees and bring to justice individuals and organisations implicated in enforced disappearances.

- Ensure the release and safe return of Leah Sharibu, Alice Ngaddah, and the remaining Chibok Girls.
- Fully implement the Safe Schools Initiative, extending it to vulnerable communities throughout the country.
- Ensure that individual states respect FoRB in its entirety, including the right to own land and construct houses of worship.
- Fully compensate religious groups that have been deprived of places of worship through destruction during outbreaks of religious violence or seizure of land for development purposes, and facilitate reconstruction and/or access to viable alternative land.
- Allow all of the children seized during raids on the Du Merci orphanages in Kano and Kaduna states to return to their home.
- Ensure due process is followed in the trial of the release of Professor Richard Solomon Musa Tarfa.
- Discourage the use of blasphemy charges, which are incompatible with Nigeria's national and international obligations, and is also a driver of religious extremism.