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Nigeria

International Religious Freedom Report 2008

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The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief through worship, teaching, practice, and observance. Twelve northern states use Shari'a courts, alongside common law and customary law courts, to adjudicate criminal and civil matters for Muslims.

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

Hostility between Christians and Muslims remained acute in certain areas, exacerbated by discriminatory and unequal employment patterns and resource competition.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights and improve interreligious relations. The Ambassador and other U.S. mission staff assumed an active role in discussing and advocating these issues with government, religious, civil society, and traditional leaders.

Section I. Religious Demography

The country has an area of 356,700 square miles and a population of 144 million. While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent traditional indigenous, it is generally assumed that the proportion of citizens who practice Islam or Christianity are roughly equal and include a substantial number who practice traditional indigenous religious beliefs alongside Christianity or Islam. The predominant form of Islam is Sunni. Members of the Ahmadiyya Movement maintain a presence in Lagos and Abuja. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of evangelical and Pentecostal Christians and members of the Church of Jesus Christ of Latter-day Saints (Mormons).

The North, dominated by the Hausa-Fulani and Kanuri ethnic groups, is predominantly Muslim. However, significant Christian communities have resided and intermarried with Muslims in the North for more than 50 years. Both Muslims and Christians reside in large numbers in the Middle Belt, including the Federal Capital Territory (FCT). In the southwest, where the Yoruba ethnic group predominates, Christians and Muslims reside in equal numbers. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southern ethnic groups are predominantly Christian. In the east, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies in tandem with Christianity. In the oil-rich and restive Niger Delta region, where the Ogoni and Ijaw ethnic groups prevail, Christians are the majority, with 1 percent of the population adhering to Islam.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief through worship, teaching, practice, and observance. Chapter 1, Section 10 of the Constitution mandates that the Government "shall not adopt any religion as State Religion." The Government occasionally places limits on religious activity to address security and public safety concerns.

There are 36 states; state governors enjoy significant autonomy in decision-making and derive substantial resources subject to oversight from the Government. State legislatures possess significant discretion and autonomy to develop and promulgate legislation. Disagreements have arisen over the past several years between the Federal Government and state governments over the constitutionality of legislation unilaterally passed by state legislatures.

The Constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community.

In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara,

and Gombe) reintroduced criminal law aspects of the Shari'a legal system, which many Christians allege amounted to the adoption of a state religion. Moreover, the Nigerian Civil Liberties Organization contends that the establishment of a Commission for Religious Affairs in Zamfara State is tantamount to adopting Islam as a state religion.

Several northern states used state funds for the construction of mosques, teaching of Qadis (Shari'a court judges), and subsidies for the annual pilgrimage to Mecca. However, several other states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches. States, whether predominantly Christian or Muslim, generally responded to the religious needs expressed by the majority of their residents.

The question of the constitutionality of the Shari'a legal system, as adopted in 12 northern states, has been debated at the Supreme Court. However, the court has not rendered a judgment on this issue, in part because of the often volatile relationships between religious groups.

The Constitution provides that states may establish courts based on the common law or customary law systems. States in the north created Shari'a courts alongside common law and customary law courts. These courts adjudicate both criminal and civil matters. Shari'a appellate courts, which adjudicate civil matters only, are prevalent in Middle Belt states such as Plateau and Kwara.

While the Constitution (Sections 262.2 and 277.2) technically does not permit non-Muslims to consent to Shari'a legal jurisdiction, in practice non-Muslims have the option of submitting to such jurisdiction and have chosen to do so when the penalty is less severe. Aggrieved parties have the right to appeal judgments to Shari'a appellate courts. The highest appellate court for the Shari'a remains the Supreme Court, manned by common law judges who need not have, and do not usually possess, any formal training in Shari'a criminal law. No state criminalized apostasy or penalized individuals for converting to another religion.

In Zamfara State, a Shari'a court must hear all criminal cases involving Muslims. Other states, including Niger and Kano States, which utilize the Shari'a legal system, permit Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis apply harsher penalties in adultery and fornication cases against women than in commensurate cases against men and require stronger evidence to convict men than to convict women. The courts did not prosecute any known cases of adultery or fornication during the reporting period.

There are no laws that bar women or any groups from testifying in common law courts or give less weight to their testimony; however, Shari'a courts usually accord less weight to the testimony of women and non-Muslims.

The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the period covered by this report. Many nascent churches and mosques ignored the registration requirement, and a small number, most notably those in the FCT, had their places of worship closed or demolished when officials enforced zoning laws.

Both federal and state governments were involved in the regulation of mandatory religious instruction in public schools; however, as mandated by the Constitution (Section 38.2), students do not receive religious instruction in any religion other than their own. State officials claimed that students could request a teacher of their own religious beliefs to provide alternative instruction. Nonetheless, there were often no teachers capable of teaching Christianity in many northern schools or none capable of teaching Islam in many southern schools.

President Umaru Yar'Adua continued to support the Nigerian Inter-Religious Council (NIREC), cochaired by Christian Association of Nigeria President Archbishop John Onaiyekan and Jama'atul Nasril Islam President Sultan Muhammadu Abubakar, which advises the Government on ways to mitigate violence among religious communities. NIREC meets on a quarterly basis, rotating its meetings at locations throughout the country.

The Government encouraged the activities of nongovernmental organizations (NGOs) such as the Kano-based Inter-Ethnic Forum, the Kaduna-based Inter-Faith Mediation Center, and the Dialogue Forum. Traditional leaders throughout the country took steps to minimize conflict in their communities, albeit with limited results.

In April 2008 the National Hajj Commission, which previously earmarked federal funding for the annual pilgrimage to Mecca, announced that the Federal Government would withdraw its subsidies for future pilgrimages. The Commission is responsible for logistical arrangements for the country's 75,000 annual pilgrims.

The Government observes the following national holidays: Eid al-Adha, Eid al-Fitr, Good Friday, Easter Monday, the Birth of the Prophet Muhammad, Christmas, and Boxing Day.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for

religious freedom by the Government during the period covered by this report.

Although the Government did not generally restrict distribution of religious publications, it sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.

Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Muslims in the predominantly Christian southern part of Kaduna State alleged that local government officials prevented the construction of mosques and Islamic schools. Officials responded that many of the proposed new churches and mosques would be in residential neighborhoods not zoned for religious purposes, and that the certification boards dealt with a large backlog of cases for all applicants regardless of religious belief. Although there is no law requiring Muslims and Christians to live separately, in states such as Kano, Kaduna, Plateau, and Bauchi, cities are largely segregated on religious lines.

Although the expanded jurisdiction of the Shari'a does not technically apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by the Shari'a, such as the separation of the sexes in public schools, health care, and transportation services, have affected non-Muslim minorities in the North.

The Hisbah, funded by state governments in Zamfara, Niger, Kaduna, and Kano States, enforced some Shari'a statutes in their respective states; however, overall they continued to serve primarily as traffic wardens and marketplace regulators.

In January 2008 the Kano Hisbah Board reportedly entered a predominantly non-Muslim area of Kano city to confiscate alcohol and crack down on prostitution. The Legal Director of the Kano Hisbah Board sent a letter to the Hoteliers and Other Liquor License Holders Association of Kano affirming the Hisbah's authority to operate throughout the state. Kano State maintains steep fines and prison sentences for the public consumption and distribution of alcohol, in compliance with its Shari'a statutes.

Abuses of Religious Freedom

On August 8, 2007, police in Bauchi State arrested 18 men for alleged homosexual activity, which carries the death penalty under the Bauchi State Shari'a Penal Code. The court later amended the charges to include vagrancy and cross-dressing, which carry penalties of 1 year of confinement and 20 lashes.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States. In many communities, Muslims or Christians that converted to another faith reportedly faced ostracism.

Section III. Societal Abuses and Discrimination

Tension between Christians and Muslims remained acute in some areas, and conflicts of a seemingly socioeconomic or political nature often divided people along religious lines. Events, particularly of a religious tenor, occurring in other regions of the country or parts of the world, heightened tensions between religious groups.

Religious differences often exacerbated ethnic differences. Competition for scarce resources, in concert with unequal and discriminatory employment practices, provoked violence between individuals of different religious or ethnic communities. Religion was also often a catalyst for hostility, used by politicians and others to foment discord.

While the law prohibited religious discrimination in employment and other practices, private businesses occasionally discriminated on the basis of religion or ethnicity in their hiring practices. In nearly all states, rivalries between "indigene" groups (those whose ethnic group is considered native to a location) and "settlers" (people who have ethnic roots in another part of the country, even though they may have lived in a different location for several generations) led to some societal discrimination against minority ethnic and religious groups.

While religious organizations were banned from primary school campuses, violence between Christians and Muslims continued to escalate at secondary school and university campuses. A recent survey by Jama'atul Nasril Islam found that 80 percent of the interreligious conflicts that have occurred in the North over the past 10 years have taken place either at secondary schools or universities and were instigated by students in the majority of cases. Disagreements over the placement of mosques or churches in government secondary school premises or universities have often led aggrieved parties to violent protests.

On May 13, 2008, Muslims in Ningi, Bauchi State, destroyed six churches, allegedly to protest the rescuing of two Christian girls by local police.

On April 20, 2008, rioters in the city of Kano burned the shops and vehicles of Christian merchants after one merchant allegedly disparaged the Prophet Muhammad. The alleged perpetrator was held in protective custody while the police investigated the incident.

On February 8, 2008, violence between Christians and Muslims in Kano State erupted following a protest organized by Muslim secondary school students, who claimed that a fellow Christian student had made insulting remarks against Muslims and Islam. Muslim students reportedly demanded the authorities hand over the Christian student, who had sought refuge at a police station. A police officer was killed in the protest, after allegedly opening fire on the protesters and killing two.

On February 2, 2008, five churches were burned in Yana, 30 miles outside the capital of Bauchi State. A police station and barracks were also razed, as rioters protested the alleged defamation of the Qur'an by a female Christian student.

On December 11, 2007, violence broke out in Yelwa in northeastern Bauchi State following the demolition of a mosque, allegedly by individuals opposed to the mosque's construction at a government secondary school. In retaliation, Muslim youths reportedly destroyed churches, including the Pentecostal Redeemed Christian Church of Jos, and properties of Christian residents. Bauchi State Governor Isa Yuguda claimed the violence was politically motivated.

On October 5, 2007, nine Christians were killed and churches, shops and houses set ablaze in Tudun Dankande local government area, Kano State, allegedly over anger about a cartoon defaming the Prophet Muhammad that originated in Bangladesh.

On September 29, 2007, Christian and Muslim youths violently clashed in the Tudun Wada area of Kano State, 70 miles outside of Kano city, after a Christian teacher allegedly displayed an offensive caricature of the Prophet Muhammad in his classroom. Reportedly, nine persons were killed and churches were razed in the incident. Other reports of the same incident claimed that Muslims in Tudun Wada, reacting against negative statements by the Christian Association of Nigeria about Christians who had converted to Islam, indiscriminately destroyed Christian homes and businesses in the area.

Section IV. U.S. Government Policy

The U.S. Mission regularly raised religious freedom with various federal, state, and local government officials, and with civil society. The U.S. Embassy consistently made efforts to promote religious tolerance between Christians and Muslims. Embassy officers traveled extensively throughout the country to meet with religious leaders during the reporting period to further those efforts.

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