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2009 Report on International Religious Freedom - Nigeria

[Covers the period from July 1, 2008, to June 30, 2009]

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 to adjudicate criminal and civil matters for Muslims and common law and customary law courts to adjudicate cases involving non-Muslims.

The Government generally respected religious freedom in practice, although local political actors stoked sectarian violence with impunity.

Violence, tension, and hostility between Christians and Muslims increased, particularly in the Middle Belt, exacerbated by indigene/settler laws, discriminatory employment practices, 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 149 million. While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent practitioners of indigenous religious beliefs, it is generally assumed that the proportions of citizens who practice Islam and citizens who practice Christianity are roughly equal and include a substantial number who practice indigenous religious beliefs alongside Christianity or Islam. The predominant form of Islam is Sunni; however, there is an emerging Shi'a minority. 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. Significant Christian communities have resided and intermarried with Muslims in the north for more than 50 years, however. 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 an estimated 1 percent of the population adhering to Islam. Members of the Ahmadiyya Movement maintain a presence in Lagos and Abuja.

Section II. Status of Government Respect for 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. The Constitution (Section 10) 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 national Government. State legislatures possess significant discretion to develop and promulgate legislation, although disagreements have arisen over the past several years about the limits to that autonomy.

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

The Constitution provides that states may establish courts based on the common law or customary law systems. Twelve northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) maintain Shari'a courts, which adjudicate both criminal and civil matters, alongside common law and customary law courts. Many Christians allege that having Shari'a courts amounts to the adoption of Islam as a state religion. In addition, the Nigerian Civil Liberties Organization contends that Zamfara State promotes Islam as a state religion through its establishment of a Commission for Religious Affairs.

While the Constitution specifically recognizes Shari'a courts for civil matters, it does not address the application of Shari'a to criminal matters. Aggrieved parties have the right to appeal judgments of the Shari'a courts in three levels of Shari'a appellate courts. Cases that reach the Shari'a Court of Appeal (the highest level of the Shari'a courts) can then theoretically be appealed to the Federal Court of Appeal before finally terminating at the Supreme Court. No case involving the Shari'a criminal code has reached the Federal Court of Appeal, however, and the court has not rendered a judgment on the issue of constitutionality of Shari'a court jurisdiction over criminal matters.

The Constitution (Sections 262.2 and 277.2) technically does not permit non-Muslims to consent to Shari'a legal jurisdiction, but in practice non-Muslims sometimes choose to have cases heard in Shari'a courts, which are typically faster and less expensive than common law courts.

In Zamfara State, a Shari'a court must hear all criminal cases involving Muslims. Other states that use the Shari'a legal system, including Niger and Kano, permit Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis (Shari'a court judges) 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.

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

There is a legal distinction between "indigenes," persons whose ethnic group is considered native to a location, and "settlers," persons who have ethnic roots in another part of the country, even though their ethnic group may have lived in a new location for several generations. Throughout the country, authorities grant indigenes certain privileges, including political positions, access to government employment, and lower school fees. To receive such privileges, a person must produce a certificate of indigeneship, granted by local government authorities. The concept of indigeneship is regularly exploited to discriminate against minority ethnic and religious groups, according to Human Rights Watch.

Several northern states used state funds for the construction of mosques, the training of Qadis, and subsidies for the annual pilgrimage to Mecca. Several other states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches. State governments generally made efforts to meet the religious needs expressed by the majority of their residents.

In April 2008 the National Hajj Commission announced it would not provide federal subsidies for pilgrimages to Mecca, and over the past few years there has been a gradual decrease in the amount of government-provided support; however, the subsidies have not been completely phased out. The commission is responsible for logistical arrangements for the country's 75,000 annual pilgrims.

The Government observes the following religious holidays as national holidays: Maulid al-Nabi, Good Friday, Easter Monday, Eid al-Fitr, Eid al-Adha, and Christmas.

The Nigerian Inter-Religious Council (NIREC), co-chaired by Christian Association of Nigeria President Archbishop John Onaiyekan and Jama'atul Nasril Islam President Sultan Muhammadu Abubakar, advises the Government on ways to mitigate violence among religious communities. NIREC, which is funded by the Federal Government, meets quarterly, rotating its meetings throughout the country.

The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission (CAC). In Bauchi and Kano states, state-level authorities reportedly denied building permits for new construction of Christian churches and for expansion and renovation of existing churches. Churches at times have applied for residential permits as an alternative. Officials closed or demolished churches and mosques that ignored registration requirements or violated other 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 northern schools or of teaching Islam in southern schools.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice, although local political actors stoked sectarian violence with impunity.

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 and in some cases reportedly demolished churches that had existed for up to a decade. Muslims in the predominantly Christian southern part of Kaduna State alleged that local government officials prevented the construction of mosques and Islamic schools. In the past, officials have denied discrimination, attributing application denials to zoning regulations in residential neighborhoods and the large backlog of applications.

Although the expanded jurisdiction of Shari'a technically does not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by 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.

Hisbah – private vigilante Shari'a enforcement groups funded by state governments in Zamfara, Niger, Kaduna, and Kano states – enforced some Shari'a statutes in their respective states. In Kano, Hisbah leaders cited prohibitions of alcohol and prostitution as the group's primary focus; however, overall they continued to serve primarily as traffic wardens and marketplace regulators.

In April 2009 the director-general of the Kano Hisbah Board threatened to enter a predominantly non-Muslim area of Kano city to confiscate alcohol and crack down on prostitution if hoteliers did not comply with an agreement to clean up "beer spots and brothels." Kano State maintains steep fines and prison sentences for the public consumption and distribution of alcohol, in compliance with its Shari'a statutes.

On March 28, 2009, the Ahmadu Bello University Teaching Hospital fired a nurse for wearing an elbow-length hijab. The hospital, owned by the federal Government, issued a statement that it terminated the nurse's employment for violating the hospital's dress code (which allows for a shorter, shoulder-length hijab) and not for religious reasons.

In January 2009 the Kano Hisbah Board reportedly ordered the Association of Divorcées, Widows, and Orphans to refrain from staging a rally in Kano city, calling the rally un-Islamic. The intent of the rally was to publicize legislation that would improve the lives of divorcées. Hisbah leadership claims it barred the rally as a precaution to prevent further conflicts following the November 2008 violence in Jos. The director-general said the board had made accommodations for the Association of Divorcées, Widows, and Orphans to host radio programs instead. According to Kano State law, the Hisbah have the authority to arrest individuals for violating Shari'a law, although they cannot prosecute them.

Abuses of Religious Freedom

State officials and police in Sokoto State allegedly continued to engage in a coordinated campaign of persecution of Shi'a Muslims that reportedly began in 2007, detaining large numbers of Shi'a and their religious leaders.

Nongovernmental organizations (NGOs) reported that Shi'ite homes and businesses were demolished, with little or no subsequent official investigation into the incidents. There were reports that government officials fired persons identified as Shi'a from state jobs; others quit under fear that their superiors would label them as Shi'a. Many Shi'a reportedly fled to neighboring states in response to the persecution.

There were continuing delays in the trial of 18 men who were arrested in August 2007 in Bauchi and who faced vagrancy and cross-dressing charges under the Bauchi State Shari'a Penal Code. The defendants remained free pending the outcome of the trial.

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

Forced Religious Conversion

There were some reports of Christians forced to convert to Islam; however, these reports could not be confirmed. There were no reports of forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

In many communities, Muslims or Christians who converted to another religion reportedly faced ostracism by members of their former religion. In some northern states, those wishing to convert to Islam applied to the Shari'a Council for a letter of

conversion to be sent to their families (thereby dissolving marriages to Christians) and to request Hisbah protection from reprisals by relatives.

Section III. Status of Societal Respect for Religious Freedom

Violence between Christian and Muslim communities increased, as political and socioeconomic conflicts often divided persons along religious lines and were expressed in the targeting of religious symbols and spaces. Acute sectarian violence in the Middle Belt served to heighten tensions between religious groups even in parts of the country that did not experience the violence.

Religious differences often paralleled and exacerbated differences between ethnic groups. Competition for scarce resources, in concert with livelihood differences and discriminatory employment practices, often underlay violence between different ethnoreligious communities. Local politicians and others continued to occasionally use religion as a catalyst for fomenting hostility between groups.

While the law prohibits religious discrimination in employment and other practices, some private businesses continued to discriminate on the basis of religion or ethnicity in their hiring practices. In nearly all states, rivalries between "indigenes" and "settlers" led to some societal discrimination against minority ethnic and religious groups.

On June 17, 2009, there were clashes between Christians and Muslims north of Suleja, Niger State, after police released a man accused of stealing a cell phone from a Muslim man in the village of Gauraka. A local pastor reportedly spoke provocatively about the Muslim man who had reported the theft to police. Muslims responded by attacking Christians, resulting in the pastor's death. Authorities responded to the spreading violence by closing schools and increasing security in the area.

On April 20, 2009, unverified reports claimed that Muslim rioters in Kano attacked Christians and burned cars in response to a Christian who allegedly wrote on a shop wall mocking the Prophet Muhammad.

On April 13, 2009, Muslims in Gwada, Niger State, reportedly burned down three churches, damaged property, and injured at least 20 Christians during an Easter procession. Press reports said riot police arrested 88 suspects. The violence spread to Minna, where Muslim youths allegedly injured five Christian youths, damaged several vehicles, and attempted to burn down the First Baptist Church. Police arrested approximately 20 suspects.

On February 20, 2009, a conflict over parking at a church in Bauchi before weekly Juma'at prayers at a nearby mosque sparked violence between Christians and Muslims. The violence, perpetrated principally by Hausa-Fulani "Sara Suka" groups (a Hausa term meaning those who slash and cut, referring to violent gangs of young men), resulted in at least 11 deaths, 100 persons injured, and 4,500 persons displaced. Rioters burned at least 200 properties, six churches, three mosques, and numerous vehicles; the Red Cross estimated that 85 percent of the damage was to Christian homes and businesses. The state government imposed a dusk-to-dawn curfew as military troops regained control of the city. Although police arrested several "Sara Suka" men following the violence, there were reports that virtually all were released at the behest of local politicians who occasionally employ them.

On January 6, 2009, Shi'a Muslim youth reportedly loyal to Sheikh Ibrahim El-zakzaky threw stones at the Emir of Zauzau's vehicle in Zaria, Kaduna State. Despite the Emir's immediate calls for his Sunni supporters to refrain from violence, Sunni Muslims in retaliation reportedly killed five persons, injured between 30 and 100 persons, and vandalized or burned houses presumed to belong to other Shi'a.

On November 27, 2008, ethnoreligious violence erupted in Jos following the Local Government Area (LGA) elections in Plateau State, with mob attacks continuing for

three days. At least 300 persons were killed, and some estimate that as many as 2,000 persons died in the violence. Hundreds of others were injured. It was widely reported that rioters razed churches, mosques, and numerous businesses and vehicles. The crisis displaced at least 10,000 persons, although most returned home within two weeks. The state governor implemented a curfew and directed security agents enforcing it to "shoot on sight," resulting in many of the fatalities. The curfew remained in effect at the end of the reporting period. Police arrested at least 500 persons, although no trials had commenced by the end of the reporting period.

The political divides in Plateau State fall along ethnic and religious lines; the ruling People's Democratic Party (PDP) is supported primarily by Christian tribes while the opposition All Nigeria People's Party is supported primarily by Hausa-Fulani Muslims. Christian tribes are generally considered "indigene" and receive accordant political and economic privileges, while Hausa-Fulani are considered "settlers," despite the large numbers who descend from Hausas who moved to the area in the early 20th century. Although the residents of Jos North LGA are predominately Muslim Hausa-Fulani, the Plateau State Independent Electoral Commission announced that the PDP won the November 27, 2008 elections in all of the 17 LGAs in the state. While it remained unclear who initiated the violence, in the past local elites were instrumental in exploiting tensions between the Muslim Hausa-Fulani in Jos North and surrounding Christian ethnic groups for political purposes.

On December 26, 2008, President Umaru Yar'Adua established an Administrative Panel of Inquiry to investigate the Jos violence. The governor filed an injunction with the Supreme Court to stop the federal investigation and established Plateau State's own Judicial Commission of Inquiry. In addition the House of Representatives formed an investigative committee. By the end of the reporting period, the House of Representatives' committee had submitted a report to the House, but neither of the other panels had reached a conclusion. The House attributed the violence to the Plateau State Government, political parties, the Plateau State Independent Electoral Commission, and religious leaders. Similar commissions established after violence in 2001 and 2004 failed to lead to prosecutions.

On August 31, 2008, Muslims reportedly burned Christ Apostolic Church in Ilorin, Kwara State, in protest over the church's location 500 yards from a mosque. The church's pastor reported that the arson followed June 2008 vandalism of the church's sanctuary. In September the chief of police said the incident was under investigation.

On August 14, 2008, Muslims in Ilorin, Kwara State, allegedly killed at least three Christians and attacked others because they believed Christian prayers caused the death of a local Muslim leader. In September the chief of police said that the incident was under investigation.

NGOs and traditional leaders throughout the country led conflict resolution efforts to reduce sectarian violence in their communities; however, these efforts lacked the scale, influence, or political support required to deter further violence.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

The U.S. Mission promoted religious pluralism at the three iftars it hosted (in Kano, Kaduna, and Abuja) during Ramadan.

The U.S. Government placed a full-time advisor at the Interfaith Mediation Center in Kaduna who implemented a capacity-building program to address ethnic and religious violence.

The U.S. Conflict Abatement through Local Mediation program operated in five states

(Delta, Kaduna, Kano, Plateau, and Rivers). The program promoted local conflict mitigation by educating community and opinion leaders, youth groups, and faith-based organizations about the benefits of peaceful coexistence. Through the program, the U.S. Mission also provided support to the Interfaith Mediation Center (IMC) and three Conflict Mitigation and Management Regional Councils (CMMRCs), made up of 37 Muslim and 30 Christian clerics in Kano, Kaduna, and Plateau states. The Mission provided training and technical assistance to IMC to enhance its capacity to develop and implement ethnic and interfaith activities. The Mission trained the CMMRCs to collect and disseminate early warning information and to respond directly and quickly to threats to peace, including ethnic and religious tensions.

The U.S. Mission regularly distributed information throughout the country on human rights topics, including religious freedom, to journalists, academics, business persons, civic organizations, teachers, students, government officials, the military, clergy, and traditional rulers through Information Resource Centers and American Corners.

The United States regularly sponsored speakers on the rule of law, religious tolerance, and democratic governance at major universities, think tanks, and American Corners in major cities.
