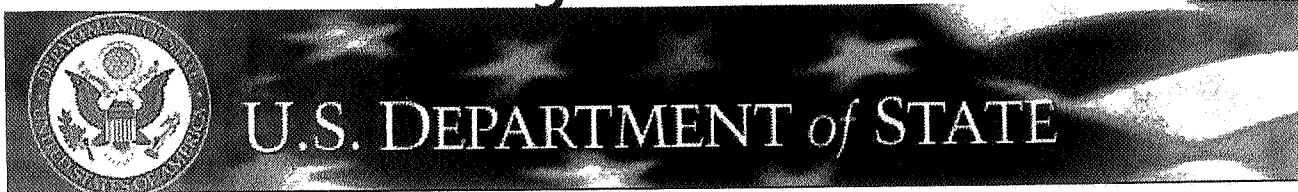


Nigeria (37)



Nigeria

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International Religious Freedom Report 2003

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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 in worship, teaching, practice, and observance, and while the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity in order to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects. The Federal Government has instituted a committee charged with drafting uniform Shari'a criminal and procedural laws that could be adopted by all states.

There was no change in the status of respect for religious freedom during the period covered by this report.

Interreligious tension between Christians and Muslims remained high in some areas of the country, and there were several violent ethno-religious conflicts during the period covered by this report. There was some societal discrimination against religious minorities.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total land area of 356,700 square miles, and its population is estimated at 120 million; however, there has not been an accurate census for more than 30 years, and many observers believe that the country's population exceeds this figure. Approximately half of the country's population practice Islam, over 40 percent practice Christianity, and the remainder practice traditional indigenous religions or no religion. Many persons combine elements of Christianity or Islam and elements of a traditional indigenous religion. The predominant form of Islam in the country is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of Evangelical and Pentecostal Christians. Catholics constitute the largest Christian denomination.

There is a strong correlation between religious differences and ethnic and regional diversity. The north, dominated by the large Hausa and Fulani ethnic groups, is predominantly Muslim; however, there are significant numbers of Christians in urban centers of the north. Both Muslims and Christians are found in large numbers in the Middle Belt. In the southwest, where the large Yoruba ethnic group is the majority, there is no dominant religion. Most Yorubas practice either Islam or Christianity, while others continue to practice the traditional Yoruba religion, which includes a belief in a supreme deity and the worship of lesser deities that serve as agents of the supreme deity in aspects of daily life. In the east, where the large Igbo ethnic group is dominant, Catholics and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies.

Christian missionaries operate in the country and include Jesuits, Dominicans, and members of the Church of Jesus Christ of Latter-day Saints (Mormons), the Church of Christ, and the Society for International Missions. Rough estimates put the number of foreign Christian missionaries at more than 1,000, with many residing in the area around Jos, in the Middle Belt's Plateau State. Many have resided in the country for a decade or longer. There reportedly are fewer foreign Muslim missionaries, and they stay in the country for shorter periods of time than their Christian counterparts. Foreign Muslim organizations often focus on training citizens in traditional centers.

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 in worship, teaching, practice, and observance, and while the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity in order to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as the de facto state religion of several northern states, citing the reintroduction of the criminal law aspects of Shari'a and the continued use of state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (Hajj). The Governor of Zamfara disbursed public funds to refurbish mosques. Some states also use government revenues to fund Christian pilgrimages to Jerusalem. In general states dominated by Christians or Muslims overtly favor the majority faith. There are 36 states in the country; governors have substantial autonomy in decision-making but derive the vast majority of their resources from the Federal Government. Both the federal and state governments are involved in religious matters, including the regulation of mandatory religious instruction in public schools.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts. Until the introduction of Shari'a for criminal law by Zamfara State in 2000, the jurisdiction of Shari'a courts, which are part of the regular court system, had been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims who consented to the courts' jurisdiction. However, the Constitution also states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. There are 12 northern states that have adopted parts of Shari'a law—Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to the Shari'a provisions is compulsory for Muslims in some states and optional in others. The criminal and procedural codes in Kaduna came into effect July 2002, and national human rights groups reported that the courts in Kaduna issued several sentences for minor offenses in September 2002. These sentences did not include corporal punishment. According to media reports, elements of the significant Muslim minority of Oyo State have called for the implementation of elements of civil Shari'a; however, the Government has not responded.

The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government has not yet established such courts. There were no cases involving Shari'a law that reached the federal appellate level during the period covered by this report.

The Federal Government tacitly has acknowledged the ability of states to implement criminal Shari'a and has not intervened to amend any provisions that may be unconstitutional. However, the Federal Government has instituted a committee charged with the responsibility to draft uniform Shari'a criminal and procedural laws that could be adopted by all states; no progress has been made by the end of the period covered by this report. In March 2002, Justice Minister Kanu Agabi made public a letter to northern governors in which he stated that sentences given under Shari'a law should not be harsher than those imposed by general secular law; however, no action resulted from this letter. Defendants have the right to challenge the constitutionality of Shari'a criminal statutes through the courts; however, no challenges with adequate legal standing had made their way through the appellate system by the end of the period covered by this report.

Although many non-Muslims had feared that the implementation of Shari'a would change their way of life, there has been little or no change in the daily lives of most non-Muslims. While some state and local governments have interpreted the new Shari'a laws stringently, the majority of the states and local governments have interpreted and implemented their laws less stringently. There also is a trend developing among some sections of the Muslim community to shift focus from the criminal law aspects of Shari'a law to its tenets of social justice and charity for the poor. Islamic scholars and many Muslim lawyers have begun educating the poor and the less well informed about their procedural rights under Shari'a. Several lawyers offer free services to the indigent in cases with potentially severe punishments.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The law requires that such groups name a board of trustees, place a notice of the group's intent to organize in three nationwide newspapers, and send trustee information to the CAC. If no objections are received, the group can proceed with its meetings. This law was put into effect to stem the proliferation of new buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The CAC did not deny registration to any religious group during the period covered by this report; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number have had their places of worship shut down because of enforcement of zoning laws. Some persons claimed that enforcement of these laws was selective.

The Government remained a member of the Organization of the Islamic Conference (OIC) during the period covered by this report and continued to send representatives to the annual meeting in Cairo despite concerns of Christian citizens that this action undermined the concept of a secular state.

Each year the Government declares the following Islamic and Christian festival days as national holidays: Eid-el-Asha, Eid-el-Fitr, Good Friday, Easter Monday, Eid-el-Maulud, Christmas Day, and Boxing Day.

Some state governors actively have encouraged interfaith and interethnic discussions and have taken steps to prevent further violence and tension. The Government encourages the activities of nongovernmental organizations (NGOs) such as the Kaduna-based Inter-Faith Mediation Center and the Muslim/Christian Dialog Forum.

Restrictions on Religious Freedom

Throughout the year, the Government required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal authority to ban gatherings whose political, ethnic, or religious content might lead to violence. In 2000 and 2001 several northern state governments banned open-air preaching, public religious processions, and other processions, rallies, demonstrations, and meetings in public places. During the period covered by this report, state governments granted some permits on a case-by-case basis, and numerous political rallies were held throughout the country prior to general elections in April 2003. In the southern part of the country, large outdoor religious gatherings continued to be common.

Following nationwide religiously related violence in 2000, many northern states banned outdoor mass proselytizing, although proselytization is permitted by the Constitution. Unlike the period covered by the previous report, the Katsina and Plateau state governments did not maintain a ban on public proselytizing for security reasons. Some groups have been allowed to carry out activities despite the formal bans, which were enforced on a case-by-case basis. Some states allowed some outdoor mass proselytizing by both Christians and Muslims. Unlike the period covered by the previous report, there were no reports that missionaries were harassed when they proselytized outside of their designated zones. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize. Proselytizing did not appear to be restricted in the southern part of the country. Many missionary groups also have noted bureaucratic delays, obstruction, and attempts to extort money for the processing of necessary residence permits for foreigners; however, many foreign businesses and other nonreligious organizations also have encountered similar difficulties.

Although the expanded Shari'a laws technically do not apply to non-Muslims, the non-Muslim minority, especially in Zamfara State, has been affected by certain social provisions such as the separation of the sexes in public schools, and health and transportation services. Many of these laws also have traditional roots and were in practice before the states changed their laws. Consumption of alcohol by non-Muslims has not been criminalized; however, its sale and public consumption have been restricted throughout most of the north, except on Federal Government installations such as military and police barracks. In Zamfara State, Christian associations have arranged for private transportation services for Christians so that they are not forced to wait for gender-segregated transportation provided by the Zamfara State government. Sokoto State's transportation system is run completely by private operators, and Sokoto State governor Dalhatu Bafarawa said that the state cannot compel private operators to carry female passengers if doing so violates their religious convictions. There is a long tradition of separating schoolchildren by gender in the north; this practice was codified in Kebbi and Sokoto states in 2000. Although some form of segregation by gender occurred in many secondary schools in the North, it was enforced locally, rather than on a statewide basis.

In February, young men from the Moslem Students of Nigeria organization invaded several primary and secondary schools in Ibadan in Oyo State, protesting that female students were not wearing the proper head coverings in the schools. Several people were harassed in two separate incidents that led to the arrests of more than 30 students for public disorderliness.

Laws proposed by Zamfara State including a dress code for women, mandatory closing of shops on Friday, and a ban on video rental clubs still were not enacted during the period covered by this report and no new laws were imposed.

All Muslims in states that expanded Shari'a to criminal matters are subject to the Shari'a criminal codes. In Zamfara State, all cases involving Muslims must be heard by a Shari'a court. Other states with Shari'a law still permit Muslims to choose common law courts for criminal cases; however, societal pressure forces most Muslims to use the Shari'a court system. There also were complaints that some Kadi judges did not implement Shari'a jurisprudence in adultery and fornication cases against women the same way as they did in cases against men.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually is accorded less weight in Shari'a courts. For example, if one woman testifies, a second woman also must provide testimony to equal the weight of the testimony of one man.

The law prohibits religious discrimination; however, government officials sometimes discriminated against persons practicing a religion different than their own, notably in hiring practices and in the awarding of state contracts. There were no reports of such discrimination by the end of the period covered by this report.

Christians in the predominantly Muslim northern states alleged that local government officials used zoning regulations to stop or slow the establishment of new Christian churches. Officials have responded that many of these new churches are being formed in traditionally residential neighborhoods that were not zoned for religious purposes. The Catholic Church in Zamfara State was unable to retake possessions of property confiscation in the 1970s during the period covered by this report. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims have complained that they were denied permission to build mosques in predominantly Christian southern states.

Religious belief or adherence is not required for membership in registered political parties, and unlike the period covered by the previous report, there were no reports that State Assembly members were suspended for religious reasons.

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce sporadically a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of religious (Christian) literature. There have been reports that state-owned radio stations have accepted commercials and paid advertisements containing religious content from the majority religion in that state while not accepting content from minority religions.

The Federal Government continued to enforce a ban on religious organizations on campuses of primary schools, although individual students retain the right to practice their religions in recognized places of worship. According to the Constitution, students are not required to receive instruction relating to a religion other than their own; however, public school students throughout the country were required to undergo either Islamic or Christian religious instruction. Islamic studies are mandatory in public schools in Zamfara and other northern states, often to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, there are no teachers of "Christian Religious Knowledge" in many northern schools. In the South, many Muslims believe that religious instruction in the schools is discriminantly pro-Christian. There are reports that in Enugu and Edo states, Muslim students cannot access "Islamic Religious Knowledge" in the public schools. Christian Association of Nigeria (CAN) leaders volunteered to place teachers of Christianity in Zamfara and Sokoto state schools, where students alleged that they were being forced to take courses in Islamic religious knowledge in order to graduate. Governors of both states accepted the offer of assistance and stated that they had not been aware of the problem; however, CAN did not provide any teachers in either state during the period covered by this report, stating that they lacked funding. Islamic courses still were unavailable for students from the University of Ibadan and Ibadan public schools in Oyo State at the end of the period covered by this report.

Abuses of Religious Freedom

The extension of Shari'a law in many northern states generated a public debate on whether Shari'a punishments such as amputation for theft, stoning for adultery, and caning for fornication and public drunkenness constituted "torture or ... inhuman or degrading treatment" as stipulated in the Constitution. Although several Shari'a courts, as well as other Nigerian courts, have sentenced persons to death, no sentences were implemented during the period covered by this report. The Constitution permits capital punishment; the first execution since the country's return to democracy in 1999 occurred in January 2002.

In March 2002, in Katsina State, Amina Lawal was sentenced to death by stoning after confessing to having a child while divorced. The court allowed Lawal to return to her own village at least until January 2004. The appeals court hearing was rescheduled for August.

According to media reports, in June 2002, a Shari'a court in Bauchi State convicted Yunusa Rafin Chiyawa of adultery and sentenced her to death by stoning. He was the first man to be convicted of adultery under Shari'a law. Aisha Haruna, the woman with whom he allegedly had an affair, was acquitted. The defendant did not appeal, but the State Ministry of Justice has formally requested the case be moved to a secular court. There was no resolution during the period covered by this report.

There are numerous cases pending appeal or implementation of sentence. Many of these cases have

been delayed continuously for various reasons. Some states have administered amputations and canings pursuant to expanded Shari'a law, but none during the period covered by this report. For example, in 2000 a Sokoto Shari'a court handed down a sentence of amputation for a thief; the sentence had not been carried out by the end of the period covered by this report. There is a pending cross-amputation (right hand, left leg) and stoning in Jigawa State, there are 12 pending cases for amputation or stoning in Bauchi State, 2 pending stoning cases in Niger State, 7 pending amputations in Kano State, and 7 pending wrist amputations in Zamfara State.

Other convicted Muslim criminals in Shari'a law states were subjected to public caning for various minor offenses, such as petty theft, public consumption of alcohol, and engaging in prostitution. Indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced.

Bariya Magazu's appeal for a caning conviction in 2001 for fornication and having a child out of wedlock was pending at year's end.

There was one report of the arrest and detention of a religious leader during the period covered by this report. In May an imam from the Kaduna central mosque was detained prior to President Obasanjo's inauguration. Despite a writ of habeas corpus issued by a court in Kaduna, the Government has not responded, nor produced the assumed detainee. The imam is assumed to still be in custody.

In March 2002, in Enugu State, police raided the site of a weekly crusade led by charismatic Catholic priest Father Ejike Mbaka and allegedly released a gas, causing a stampede; at least 14 persons were killed and several others were seriously injured. The police later detained Enugu Vicar General Reverend Obiora Ike, allegedly for criticizing the incident. The state government reportedly had warned Father Mbaka to stop publicly criticizing it.

On November 16, 2002, in Sagamu, Ogun State, police arrested six Pakistani nationals for alleged incitement of a religious crisis. The same six Pakistanis had been detained on September 23, 2002, on suspicion of immigration violations, and on November 18, 2002, the Immigration Services deported them.

In February, a Christian religious instructor in the Federal Capital Territory converted to Islam. There were no reports of any actions taken against him, and the school allowed him to teach a different subject.

There was no further action during the period covered by this report in the case of two men accused in April 2002 of converting from Islam to Christianity.

A number of state sanctioned private vigilante Shari'a enforcement groups (known as Hisbah) have formed in states with expanded Shari'a law; in some cases these groups have been vested with powers of arrest. Governor Saminu Turaki of Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. These groups were not very active during the period of this report; however, in Kano State, local police arrested the leader of a Hisbah group after reports of disturbances at a wedding. A protest by other members of the Hisbah group at the police station led to the arrests of more than 30 members on charges of public disorderliness.

There were no reports of religious prisoners or detainees.

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.

Section III. Societal Attitudes

Religious differences often correspond to regional and ethnic differences. For example, persons in the North, including part of the Middle Belt, overwhelmingly are Muslim, and the large Hausa and Fulani ethnic groups tend to dominate these areas. Many southern ethnic groups predominantly are Christian. In many areas of the Middle Belt, Muslim Fulani tend to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tend more toward farming or urban living. Consequently it often is difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Religious tensions underscored what predominantly were ethnic confrontations during the period covered by this report. It is not unusual for two different ethnic groups with a long history of conflict to adopt different religions, which adds a religious aspect to tensions that originally were ethnic.

There were significant ethno-religious clashes in Delta, Abia, Bauchi, Plateau, and Adamawa states during the period covered by this report. Numerous persons were killed, injured, or displaced as a result of ethno-

religious violence.

The most significant incident occurred on November 20, 2002, when protesters destroyed the Kaduna office of This Day newspaper after the paper published an editorial about the Miss World Pageant, claiming that the Prophet Mohammed would have endorsed the pageant. Many Muslims found the editorial offensive. Fueled by looters and persons with political motives, the demonstration spread throughout sections of the city. More than 200 were killed and thousands fled their homes seeking protection at government facilities, mainly military installations. Two Christian clerics died and several churches reportedly were burned. More than 100 persons were arrested. Sympathy riots occurred in Abuja and several persons were reported killed, along with numerous arrests. Despite widespread calls from elements of society, the responsible journalists were not jailed nor was the newspaper shut down. In December the Zamfara State Deputy Governor pronounced a "fatwah" death sentence against Isioma Daniels, the journalist responsible for the November This Day article. Most Muslim leaders and the Government strongly criticized Deputy Governor Shinkafi's statement saying that the fatwah was wrong and the Shinkafi did not have the legal or religious authority to order it.

In early June, a dispute in Numan, Adamawa State over the price of water between a Muslim man and a Christian woman led to eight deaths (including the woman) and the burning of a mosque and four churches.

In November 2001, police reportedly arrested and charged more than 200 persons in connection with a riot resulting in more than 100 deaths and the burning of several churches and 3 mosques occurring after a demonstration against a foreign government; according to the head of the police in Kano State, 150 persons were taken to court. There were no convictions; however, although some persons have been released, many are still in detention. No investigation of the police was conducted. On December 26, 2002, two churches were burned in Bauchi. In Aba, Abia State Seventeen Christians were arrested after attacks on the central mosque and several Muslim businesses on January 18 and 19.

In addition there were reports that in June 2002, extremist Islamic militants killed, injured, and displaced Christians in Jos, Berakin Ladi, Vom, and Miango. There also were reports that several churches were burned, shops and homes looted, and Christian property destroyed in Yelwa Shendam. One of the disputes appeared to have begun after a Muslim man proposed marriage to a Christian woman. The woman's brother beat her, and when her fiancé intervened, a fight broke out. What began as a family dispute quickly spread to other parts of the community and took on ethno-religious overtones because of existing tensions between Christians and Muslims in the area. In February, the Kaduna State government began court procedures to prosecute a prominent traditional ruler, the Sakin Numana, in Sanga Local Government Area (LGA), over the November 2001, religious riots in Sanga. Six other persons also were to be prosecuted for criminal conspiracy, unlawful assembly, rioting, and unlawful possession of dangerous weapons. During the riots, 11 persons were killed while several others were injured, and houses and crops were burnt.

In January, over 100 Muslims were detained in connection with alleged unlawful assembly and criminal conspiracy following communal disturbances at a village north of Jos in Plateau State.

In 2000 Gombe State governor Abubakar Hashidu set up a judicial commission of inquiry to investigate the causes of the religious violence that took place in Bamam in 2000. The 17-member committee includes both Christians and Muslims. The commission had not published its results by the end of the period covered by this report. There were fewer incidents during the period covered by this report than in the previous year.

No action was taken in incidents of interreligious violence from periods covered by previous reports.

The law prohibits religious discrimination in employment and other practices; however, private businesses frequently are guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between majority groups and minority "immigrants" lead to some societal discrimination against minority ethnic and religious groups.

Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued among some families in some parts of the North.

In many parts of the country, girls are discriminated against in their access to education for social and economic reasons; religious beliefs sometimes are a factor. Girls living in the more traditional rural areas, both in the predominantly Muslim north and the predominantly Christian south, are disadvantaged even more than their urban counterparts. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools.

Section IV. U.S. Government Policy

U.S. Embassy officials regularly discussed religious freedom issues with various federal, state, and local officials, and also prominent citizens. Embassy officials raised religious freedom issues with government officials in the context of the U.S. Government's overall dialog and policy of promoting human rights. The U.S. Government, through the U.S. Embassy and in statements from officials in Washington, sought to encourage a peaceful resolution of the question regarding Shari'a criminal penalties in a way that would be compatible with recognized international human rights norms and urged that human rights and religious freedom be respected in all instances.

The Office of Transition Initiatives created programs for conflict resolution training that the U.S. Agency for International Development continues to implement. The following programs target Muslim communities: the International Visitor Program, the American Speaker Program, the Fulbright Senior Scholar Program, the Humphrey Fellowship Program, and programs organized by the Office of Citizen Exchanges. The American Speaker Program particularly has been effective in promoting dialog and informing local audiences about religious freedom in the U.S. The Embassy also continued publishing its informational magazine in Hausa, the language of the predominantly Muslim north.

In December 2002, the Ambassador hosted a very successful Iftar dinner, which generated goodwill with leading Muslims.

In January, as part of the Embassy's efforts to engage Islamic opinion leaders, a forum initiated by the Emir of Kano brought together U.S. Embassy officials and five U.S. speakers with Muslim leaders (including four traditional rulers) to explore mutual perceptions of Islam, poverty alleviation, and other foreign policy issues.

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